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Attn: Mr Howard Reid

23 Nov 2016

Dear Howard,

Martins Creek Quarry – Environmental Impact Statement (EIS)
Proponent – Buttai Gravel Pty Ltd (Daracon)
Application No SSD-16-6612

I write to you in my capacity as President of Paterson Progress Association (PPA), to lodge the supplementary information to support our objection to the above application.

I apologise for the delay brought about by the complexity of the EIS and the number of issues it either fails to address or addresses inadequately in our view.

PPA oppose the proposed expansion to MCQ for the following reasons:

1. The proponent uses base levels of operation to support their “modest” expansion which are disputed by the community and Dungog Council (DSC). Hence the current court proceedings in play between DSC and the proponent. The impact of the expansion cannot be assessed correctly until the legitimate base level of operation has been established.
2. The current and proposed truck numbers and operating hours have unacceptable social and environmental impacts upon our village and the immediate surrounds.
3. Since their acquisition of the MCQ lease in late 2012, the proponent has done little to obtain a social license to operate. The proponent is well aware of the community concerns around their existing operations. The only acknowledgement in the EIS of these concerns is to propose conditions of consent which would exacerbate the current concerns of residents.

Existing Operations

The EIS attempts to use existing operations of 900-950kT/annum as the base on which to justify the proposed expansion to 1.5mT/annum.

In summary, our understanding of the existing consents as they relate to Paterson are as follows:

- The 1991 consents allowed ARTC to produce 300kT/annum of primarily rail ballast of which only 30% was permitted to be transported by road.

- In 1997 ARTC were clearly exceeding these levels of production and applied to EPA to change the band of their EPA licence from up to 500kT/annum to the next band, 500kT-2mkT/annum. This was approved without consultation with DSC who subsequently took ARTC to the Land & Environment Court in 2009. It is our understanding that the EPA license does not confer the right to extract these levels product but relates to the environmental conditions & constraints the operator must adhere to.
- In 2009, DSC and ARTC reached an out of court settlement, the conditions of which were commercial in confidence. The community believe the outcome was a voluntary cap to production of 750kT/annum and a levy on road transport of \$0.03/T/km of DSC roads travelled. To support this contention, in the last quarter of the 2011-2012 financial year, the quarry almost ceased operating between April 2012 & Jun 2012 as they had reached their annual cap. 3 years of levy amounted to approximately \$900,000 which paid for the substantial upgrade to Duke St & King St in 2012. In support of point 3 above, since acquiring the lease the proponent has neither adhered to the cap of 750,000kT/annum or paid a cent to DSC for road upgrade and maintenance. As a consequence, the majority of residents close to the main road have the problem of truck noise seriously exacerbated by a pathetically inadequate road surface which to date DSC have not been able to afford to upgrade.
- As of Dec 2012 when the proponent acquired the MCQ lease they have effectively operated at whatever level their market dictated, peaking in the 2013-14 financial year at >1.1mT/annum. Much of that production was transported through our community over the months of Feb14-Apr14.

As you can no doubt appreciate, until the legitimate base levels of operation are established (300T/450T/750T/950T), it is not feasible to measure the direct impact of an increase to 1.5mT/annum. This means many of the comparisons used in the current EIS are meaningless.

Truck Numbers & Operating Hours

For the community of Paterson and its immediate surrounds, the crux of this issue is truck numbers and flow rates. We cannot claim to be impacted by blasting, operational noise or air quality issues arising from quarry operations. While the community has had an uneasy co-existence with the quarry for many years, the proponent demonstrated in Feb-Apr 2014 exactly what their proposed expansion would look like to our community were their application approved. The issues include

- Operating hours and sleep disruption due to truck noise. Currently we are subjected to a 6 days per week 5.45 a.m. "alarm" call from convoys of quarry trucks making their way to MCQ. The proponent proposes to bring this forward by at least 30 minutes to 5.15 a.m. This "time limit" is part of a voluntary code and is completely un-enforceable. It is not unusual to witness trucks quarry trucks parked south of the village currently, well before 5.45a.m., to avoid the "curfew", meaning they have travelled through other impacted communities much earlier. The proponent's dismissal of the impact of these trucks during this shoulder period (prior to 7.00am according to RMS), is insulting to the residents who have to endure this daily assault to their senses.
- During the peak period of Feb-Apr 2014, we regularly experienced up to 60 truck movements per hour. Needless to say this was not a steady flow of one per minute, but resulted in convoys of trucks and flow rates in excess of 7-8/minute. The proponent says they will "limit" truck dispatches to 40 loaded per hour meaning (in their own words), this could result in 80-90 trucks per hour passing through our

village. This is a rate 50% higher than the rates which provoked community outrage in 2014. Where was this community concern noted in the current EIS?

- Apart from noise, high levels of truck flow rates through our community have had and will continue to have the following real impacts on residents and visitors alike:
 - Dust & diesel fumes. Diesel fumes are a well-recognised source of carcinogenic particulate matter. During previous peak flow rates, haul route residents noted a black grime appearing throughout their properties and could frequently smell diesel fumes both outside and inside their properties. Daracon's air quality consultant dismissed these concerns with a flippant "close your windows and buy an air conditioner" comment at one CCC meeting. Again the EIS makes no effort to address this genuine concern. It was noted with interest this week that several major cities throughout the world intend to ban diesel powered vehicles by 2025 based on their threat to health
 - Much of the product transported for construction purposes has been mixed with other materials e.g. lime, fly ash, asphalt etc. This is being transported in open trucks loosely covered. The health impacts of dust from these materials has not been assessed anywhere in the EIS.
 - Rock falling from moving trucks was an issue especially during peak flow periods. Many residents reported windscreens being cracked and the author had personal experience of a melon sized rock falling from a truck outside his residence.
 - Road safety issues. Quarry truck combinations are typically approx. 20m in length and laden are approximately 48-50T. Our village is approximately one kilometre in length. It is not unusual to have 10-14 quarry truck within the confines of our village at any one time. Spaced at 10m this means 30-40% of our village can be dominated by these vehicles during peak flow rates. Our village is a vibrant community servicing locals, visitors and tourists accessing the Barringtons. Who wants to contend with this volume of truck traffic whilst trying to park and access local businesses?
Our children attending senior school all travel by bus. There are no defined pull-offs for buses either within the village or even more worryingly on Gresford Road, north of the village, where buses have to stop within the 80-100kph limit. Actual and predicted peak flow rates coincide with school pick up times.
There are few footpaths in Paterson adding to the dangers to children and elderly residents especially walking around the village.
We note the EIS deems it unnecessary to make provision for either pedestrians or cyclists as there is "little demand". Could it be a case of chicken and egg here?
Our elderly residents and new drivers are intimidated by trucks even where their drivers demonstrate exemplary behaviour which is not always the case. Voluntary codes policed by the proponent do not necessarily control third party owned vehicles.
- Impact on local business. Paterson is thriving community serviced by a number of local businesses which cater to locals and tourists alike. They employ considerably more local people than the quarry and are the lifeblood of our community. Enduring up to 90 quarry trucks per hour, 6 days a week is not conducive to business.
- Impact on heritage. No attempt has been made to assess the impact of vibration on the many heritage listed properties which line the haul route through Paterson. Many of the owners reported cracking/subsidence during the 2014 period. These heritage

listed properties form a large part of the character of our village and preserving them is expensive.

Social License

If it is assumed DSC and ARTC had reached compromise in there 2009 out of court settlement on a production cap and a levy per tonne, then clearly the proponent on acquiring these “existing use rights” has chosen to ignore them. 4 years of levy alone would mean DSC should have received \$1.3m since 2012 towards road upgrades and maintenance.

The Hexham project period of intense operations was imposed on the community with no notice and there was a lack of any contrition when the community pointed out to the proponent this was totally unacceptable.

The Dept mandated Community Consultative Committee meetings during preparation of the EIS which the proponent organised. During these meetings the community groups made very clear that truck numbers were the major concern to the residents of Paterson and surrounds (confirmed by a professionally organised and privately funded community survey). Asked at one meeting if they would in fact run 600 trucks per day through the village again, the answer was “Yes”. The EIS proposes truck flow rates 50% higher than they achieved at peak in 2014, clearly ignoring community concerns.

The proposed “upgrade” to the Duke St/King St junction will have serious negative consequences for the village. Apart from looking like it was designed and drawn by a 10 year old and assumes the acquisition of privately owned land, these are:

- Removes access and parking from several key businesses in the village namely the Post Office, Service Station and Country Café.
- Will make crossing the road for pedestrians more difficult than currently
- Will have a detrimental visual impact on the village
- Is detrimental to the heritage value of the surrounding buildings

Whilst the quarry has been in existence for a long time, the proponent has failed to establish the necessity for its continued operation. There are several hard rock quarries in the Hunter region much closer to main highways, that can operate with much less impact on their local communities. We have also had sight of a report questioning the claimed resource levels, estimating 14mT versus the claimed 38mT.

As a consequence of submitting this additional information later than the 24th Nov, the author has had sight of the 647 submissions already lodged. It is interesting to note that all but a handful of the submissions in support of the proposal (2 I could count), live nowhere near the quarry and would suffer no direct impact from its existing or proposed operations.

Summary

On behalf of the community, Paterson Progress Association strongly objects to this proposal. We contend the following:

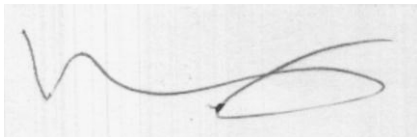
- Consideration of this proposal should be deferred until the outcome of the proceedings currently in the Land & Environment Court to determine lawful operations.
- Notwithstanding the need to address many of the deficiencies in the EIS, the proponent should be required to undertake a comprehensive community consultation

- Conditions of approval should PAC decide in the proponent's favour should include:
 - A retrospective payment to council of all levies due under the ARTC agreement to date.
 - Truck access to the quarry restricted to 7.30 am – 5.30 pm 5 days per week
 - A dispatch limit of 15 loaded trucks per hour restricted to one every 4 mins from the weigh bridge
 - Upgrade of the Princes St – William Street section of Tocal Road to a similar standard to the 2012 Duke St upgrade.
 - Consideration of truck speed restrictions to 50-60kph on the Paterson to Gostwyck Bridge section at a minimum during school pick up and drop off times.
 - Restricting the quarry to “appointment only” operation to avoid issues caused by “ex-bin sales” whereby anyone can turn up at any time.
- PPA fully supports any submissions made on behalf of the Martins Creek Quarry Action Group (MCQAG)

The proposal as stands will destroy the community of Paterson. We trust the above comments will demonstrate the wishes of the majority of impacted residents to co-exist with the quarry but not on Daracon's terms.

We have not made reportable political donations

Yours sincerely



John McNally

President of Paterson Progress Association

Cc Zoltan Lyall Secretary & Treasurer