

NSW Planning and Development

Submission: EIS Exhibition, Martins Creek Quarry Project, SSD 14_6612

I am a resident of Dungog Shire and live somewhat near the Martins Creek Quarry Site. This is my submission in relation to the EIS exhibition. It is my personal view and is made in good faith. I do not have association with any political party or community lobby group.

I allege that the EIS lodged on behalf of Buttai Gravel P/L (Daracon) is misleading, without proper foundation and does not represent a fair and reasonable appraisal of the effects to the total environment (including infrastructure, people, facilities and amenity) should the proposal for increased development and extraction proceed.

I believe that the key points that materially operate against the proposal are:

1. The Development Approval by Dungog Shire Council for the then operator (RailCorp) specifically referred to conditions:

- a. No more than 30% of output was to be transported by road, the rest by rail.
- b. The main purpose of extraction of material was for rail ballast.
- c. A limited allotment (portion of total lots) only was to be used for extraction purposes.

The obvious reason for these consent conditions was to limit the total extraction from the quarry to a level which minimised total environmental impact (whilst providing the operators with meaningful returns) on:

- a. Surrounding residents and those people who reside along the road infrastructure.
- b. The road infrastructure itself.
- c. Non quarry people using the road infrastructure.
- d. People using the facilities of villages like Paterson.

2. Daracon underwent a significant Due Diligence process before entering into leasing arrangements to operate the quarry. It would have been very clear to Daracon that the Development Approval Conditions were not being met by the previous operators RailCorp. Notwithstanding this, Daracon entered into the leasing arrangements and developed a business model based upon an operation which was not valid at law (i.e. the Development Approval Conditions not being met). Further, Daracon significantly developed the quarry into adjacent lots and ramped up extraction activities to a high level never seen before. Almost all of this increase in activity was and still is transported by road.

3. Since at least 2005 Dungog Shire Council has been aware of development conditions not being adhered to. No successful interventions were taken. Currently Class 4 proceedings are under way

against Daracon. It is clear from the very slow progress of this matter (which has been negatively commented upon by the judiciary), that Daracon does not want those proceedings to determine the outcome of their mode of quarry operation and so is now relying on the application before NSW Government.

4. Since 2005, the following is evident:

- a. Population has increased in Martins Creek, Paterson and in all areas affected by Quarry operations, including these along transport routes.
- b. Shopping facilities in Paterson have increased markedly, attracting many more people to the village.
- c. Tourism has significantly increased.
- d. The number of cars has increased significantly along all transport routes. The public transport options are very poor.
- e. The road infrastructure has either not changed or has deteriorated. The roads throughout the area affected are single lane each way.

5. Daracon is proposing that this EIS addresses community concerns but it does not in any way address the real issues. The only things that have changed since 2005 are substantial increases in quarry operations that are outside of Development Approval Conditions and significant increases in truck movements. At the same time, the total environment has become more sensitive and infrastructure has not improved.

6. The Daracon EIS relies on putting nothing more than an ambit case to the Government for an unrealistic increase to operations. Then, with no logical reasoning, discounts that increase by an arbitrary amount, which appears made to justify a “reasonable” position. All this does, in my opinion, is to weaken any argument they have for increased operations. Their final submitted position, in great detail, is not justified in plain objective terms, having regard to total environmental factors. Substance not detail should not determine the outcome.

7. The proposed remedies to counteract environmental factors are grossly inadequate. Example being widening intersections at Duke Street Paterson. This is an extremely minor proposal that will have no effect to the single lane each way through a busy village. The impact to village centre amenity and safety will remain extremely significant. There are no significant and impactful proposals in the entire EIS that will alleviate the huge increase in trucking movements proposed.

My submission is that the Daracon EIS is a nonsense ambit claim without proper foundation and should be rejected until the above factors are accounted for in accord with the actual facts and law.