

BRANDY HILL & SEAHAM ACTION (BHSA)

A SUB COMMITTEE OF V.O.W.W.

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24th November 2016

The Director,

Resource Assessments,

Department of Planning and Environment,

PO Box 39, Sydney NSW 2001.

Dear Mr. Reed,

Martins Creek Quarry Project (SSD 6612) (“the Project”)

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1. Executive Summary

We strongly object to this development on many grounds. There were few complaints about the quarry prior to Buttai Gravel (Daracon) becoming the operator. Our objections are about the past and proposed increases in road haulage and operating hours by Daracon. The EIS completely ignores any detriment to amenity, health, wellbeing and existing employment within the affected communities, and also ignores any cumulative impact from other quarry developments. It offers no mitigation measures, other than intersection “improvements” that would speed the flow of their trucks, but would cripple Paterson and destroy incomes and lifestyles along truck routes. The economic analysis is flawed.

Unlike Daracon, BHSA will provide detail on what the adverse impacts would be and a long list of restrictions that would avoid or mitigate the consequences of the proposed development.

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2. What is Brandy Hill and Seaham Action (BHSA)?

BHSA was formed in 2013 to represent the community affected by Hanson's proposed expansion of their Brandy Hill quarry to 1.5 million tonnes per annum (mtpa). The almost simultaneous explosion of truck traffic through our area from the Martins Creek Quarry (MCQ) under Daracon's operation, and MCQ's application to also increase to 1.5 mtpa is a double blow to our residential area. BHSA committee members also participate in VOWW and MCQAG meetings because we have many common objectives and concerns.

BHSA arranged a community meeting in Seaham School when the Brandy Hill Quarry expansion was announced. We had members sit on the Community Consultative Committees (CCC) for both quarry expansions. We have tried to keep our community informed by letter box drops and our website www.brandyhillaction.org, and to fully understand and rank the concerns that people have regarding the Brandy Hill quarry expansion in particular, and to identify and rank any mitigation measures that may be appropriate, via online and letterbox surveys. The results of these surveys are equally applicable to the traffic generated by the MCQ expansion.

BHSA operates under the Voice of Wallalong and Woodville (VOWW), which is an incorporated community association formed to express, in particular, the concerns of residents of the villages of Wallalong and Woodville and nearby villages including Seaham, Hinton and Morpeth.

The residential community of Brandy Hill comprises 233 homes which either front Brandy Hill Drive or are on 7 side streets, all are no through roads. There are about 40 additional homes along Seaham and Clarencetown Roads in close proximity to haul route 2. Approximately 12 school buses use this route both morning and afternoon, when truck traffic can be greatest. The nearest village is Seaham, about 5km away. It has a preschool and a primary school, church, general store, chemist, fire station and sporting fields, all of which are used regularly by Brandy Hill residents. There is a preschool and child minding centre on Seaham Road, 400 metres from Brandy Hill Drive. Seaham residents and the population beyond use the Seaham Road section of haul route-2 to access the main shopping, employment and education centres of Raymond Terrace, Newcastle and Nelsons Bay.

Both quarry expansions are major concerns for these communities.

3. Why is BHSA concerned by the MCQ expansion?

When State Rail operated MCQ, few truck loads emanated from that quarry, with a negligible number using roads in our area. The rail line was used to a much greater extent. The licence from Dungog Shire Council (DSC) had a limit of 30% by road with the remainder by rail on an extraction limit of 600,000tpa to our understanding, so the limit was approximately 24 full trucks per day. In practice, this number of trucks was very rarely reached. The population has lived and amicably coexisted with this quarry for decades. But after having suffered the onslaught of Daracon sending 300 full trucks per day from MCQ, in apparent contravention of the previous licence and despite DSC attempts to enforce it, that amicable coexistence ended. From more intense blasting shocks to the convoys of trucks early in the morning, Daracon's operations have the population incensed. Everyone is angry that worse than this could become the norm if the expansion is approved. Daracon have not paid any levy to any of the three councils, so the chopped up roads have had to be patched using council funds and grants of taxpayer money.

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- BHSA is justifiably concerned that MCQ will have similar disregard for any future licence and continue to do as they want.

Haul route 2 in the MCQ EIS (the EIS) specifies Clarence Town Road, Brandy Hill Drive and Seaham Road, which are main access roads for our residents and traffic passing through our community. At times, depending on MCQ contracts, the majority of MCQ's output has and would use this route, in conjunction with 100% of Brandy Hill Quarry's output. The EIS claims that on average 25.1% of MCQ output would use this route, which to put in context, is another 25.1% on top of Hanson's proposal, and is a 54% increase over Hanson's current licenced output. These are very big increases and neither quarry has been prepared to quantify or address the cumulative impact of these increases, particularly on the amenity, safety and health of residents or other road users.

The health and wellbeing of residents living along the haulage corridors must be considered a serious issue and is not addressed in the EIS. It has been widely documented that constant road noise is a contributing factor to anxiety, stress, depression, high blood pressure and other cardio-vascular conditions. Aggression has been attributed to sleep deprivation for shift workers and those who are impacted by noise during their normal night time sleep hours.

BHSA is extremely concerned about the loss of amenity and safety from large increases in quarry trucks, which are in addition to the already high numbers, as well as the impact on mental and physical wellbeing of residents living along the haul roads.

In addition to the expected volumes of truck traffic, the proposed earlier starting time of 5:30am for dispatch from MCQ, which is about 30 minutes by road from our community, will result in full trucks travelling through our community from 6am, and worse, empty trucks travelling toward MCQ from before 5am!

- The increased disruption of sleep and rest times will be grave, when it is considered that our roads are otherwise very quiet from 7pm and 7am.

Brandy Hill Drive does not have a footpath. Truck traffic has taken away our ability to walk and cycle on the road as we once did with reasonable safety. A footpath is needed to restore our ability to walk and cycle along this thoroughfare that services our community. While some sections have verges that are level, even and mown by the residents and are thus somewhat suitable for pedestrians in dry conditions, much of the verge along Brandy Hill Drive is sloping, uneven, overgrown or a drain, leaving only the road available to walk on, particularly through two cuttings and across two causeways over creek culverts. And then, many road sections are without any shoulders so that pedestrians and cyclists must use the traffic lanes. Though Port Stephens Council's (PSC) cycleway strategy includes a pathway along Brandy Hill drive, nothing has eventuated to date and there is no mention of anything in the 2017 capital works programme, or beyond. The council just does not have the funds.

Once, when traffic was much lighter, residents could walk to the bus stops and visit neighbours or cycle on the roads to get to work, school or for exercise, or ride horses along the verges. The increased quarry truck traffic, particularly from MCQ, have already made the above activities difficult and unsafe, and any further increases will exacerbate the problem of adults and children getting around our suburb without having to use a car. On

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Seaham Road, 400 metres from the intersection with Brandy Hill Drive, a large preschool offers day and after hours care and it is quite unsafe to turn in or out of the car park when trucks are at their peak.

These photos illustrates the issues along Brandy Hill Drive:



In the background:

A narrow cutting with a crest. The truck spans the full width of the traffic lane with its left side wheels on the shoulder line. There is almost no shoulder for cyclists, beside a steep, rough table drain.

In the foreground:

An elevated causeway over a creek culvert with narrow road shoulders. Mothers with prams must use this to take their young school children to the bus stop near the photographer.

There is no pathway, though there is room of the roadway for one.



Centre: This is the only formed off road bus stop along 4.5km of Brandy Hill drive, which is all a residential area with 233 homes. There are 8 properties and driveways and one side street along the section shown.

Foreground: Another section of narrow shoulder, also immediately beside a steep and deep rough overgrown table drain, making it very difficult for cyclists in an 80Km zone.

PSC's cycle way plan includes Brandy Hill Drive, but it has no funds to build it.

Residents do need to walk and cycle to the bus stops, and to visit neighbours and the nearby preschool on Seaham Rd and the sports and baseball field and tennis courts at Brandon Park near Seaham.

The amenity of being able to do so safely is being taken away by quarry truck traffic.

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Brandy Hill Drive: This is one of many examples of local road pavement that is not able to cope with the truck traffic from two quarries.

There are already patches upon patches, and clearly more patching is needed

(Photo taken the day of issue of this document)

The subsidence and resulting deep sharp potholes not only damage car tyres and suspensions, the debris is a danger to cyclists and the noise from rumbling full and rattling empty trucks jangles nerves and disturbs sleep.

Previous extraction limits for both quarries were increased with the licences issued by the respective councils. PSC had the wherewithal to include a road maintenance levy, but due to the lack of community consultation and council foresight, no levy was imposed to mitigate the loss of amenity for pedestrians and cyclists or to improve the safety of bus stops in the affected community. Dungog council did levy ARTC for road haulage, but Daracon have not been paying any levy to any of the three councils. Any future consent for these quarry expansions is an opportunity to rectify these past shortcomings.

BHSA received minuted commitments from Hanson at their CCC meetings and also privately with senior management and their senior driver, of their agreement regarding the need for a pathway along Brandy Hill Drive and much better bus stops, and expressed their willingness to contribute significantly toward the cost of constructing these items. Hanson has demonstrated generosity to local community sporting clubs and schools. In addition to this ongoing community support, the huge donation of free and discounted gravel, delivered free on Hanson's trucks to residents (which was estimated to have cost Hanson more than \$0.5M) for rebuilding private driveways and other infrastructure after the April 2014 "superstorm", meant that we took those offers as genuine. In comparison, Daracon do not support the local community in any ongoing way, and rejected all requests to offer even discounted gravel to help local homes and businesses that were affected by the superstorm. Daracon might operate the quarry in the community, but unlike Hanson, do not act as a citizen of the community.

- Daracon have not addressed the loss of amenity along its haul routes, particularly through residential areas. Daracon should have offered funding to enable councils to provide off road paths and bus stops, sound barriers and any other infrastructure required to mitigate the impact they will have on residents

Lastly, people in our community also use the facilities in Paterson - shops, hotels, B&B/café, river side parks, golf course and sporting fields. We drive on the roads to that village, park in the streets and use the facilities, but now do so amid the noise and fumes of relentless quarry trucks, and have the prospect of that getting worse if further expansion is approved. Getting out of the car in front of a shop in Paterson is already problem when a truck passes by on the same side of the road. Paterson has no off street parking with only parallel parking beside the kerb in front of the shops, and no room to open a car door as there is under 500mm clearance to the shoulder line of the traffic lane (which trucks have to cross when passing another truck). Sitting outside at the café becomes distressing with the relentless truck noise and conversation is impossible.

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The proposed barriers and median strips at the main intersection in Paterson may address some issues, but will create more problems than they solve. The street is just not wide enough to accommodate the proposed number of trucks, while providing parking for the elderly and others outside the post office, takeaway shop and B&B/café. Access to the petrol station will also be blocked. The proposed barriers appear to preclude long loads such as low loaders, B-Doubles and over length special vehicles, which travel through the village, and there is no reasonable detour or bypass. Why else would the quarry trucks use this route?

- The issues above have already had a significant detrimental impact on Paterson's businesses and property values, and also along Quarry haulage routes. The proposed barriers will exacerbate the parking and access problems. The loss of accessibility to Paterson's businesses (supermarket, butcher, B&B/café, hotel, chemist, petrol station), or worse, the closure of any of the businesses, would have a devastating impact local employment and the amenity of that area, and the desire for people from far afield to continue using that village as a destination and for its services. The shops provide much of the only employment for young people in the area. It should be noted that Paterson has several new housing developments which increase the need for the town's services.

Summary of Concerns.

BHSA is very concerned by the Daracon's demonstrated lack of respect of previous operating licence conditions and lack of community involvement and support. It has demonstrated a complete lack of empathy for the loss of amenity that the people in the villages and along the haul routes have already suffered from the vast expansion of truck traffic, and will suffer more as a result of the increase sought in this EIS. The concerns from above are as follows:

- 1) The huge number of trucks.
- 2) The very early 5:30am starting time which will cause a huge increase of empty and full trucks using our roads before 7am, which are otherwise very quiet.
The cumulative impacts of these matters with Brandy Hill Quarry expansion have not been addressed at all.
- 3) The EIS completely lacks any offers to mitigate the negative impact on amenity from their previous and proposed expansions. There is no appreciation of the taking away of our ability to safely walk, cycle, ride, catch busses and drive within our community. The EIS has no offers to fund footpaths, bus stops and sound screens near homes.
- 4) The proposal to change the main intersection in Paterson will have more detrimental consequences for Paterson than benefits. The loss of parking and access to shops, the service station and particularly the Post Office, will reduce patronage and probably lead to the closure of many of the businesses, which will be a huge loss of employment and a devastating blow to the amenity of the people who use them.

In short, we have many concerns with this project, and because the EIS offers no reasonable mitigation of any of them.

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4. False, Misleading and Omitted Information in the EIS

4.1 Road conditions and Traffic

The report is either about different roads from the ones we use, or the consultant employed used “rose coloured glasses” and data filters. The suitability of the road pavement, the width of shoulders and suitability of bridges and intersections is grossly overstated, and focused solely on improving the flow of their trucks.

- No mention is made of the fact that cyclists also use all of these roads.
A flippant comment was made in section 4.6 *“The development is not considered to be a major attractor for pedestrians or cyclists. Local access is available via the existing road network as appropriate. No changes are proposed”*. The TIA (2.4.4) maintains that the absence of footpaths and cyclist’s facilities reflects the *low traffic flows and demands by pedestrians or cyclists*. But the overlooked fact is that most pedestrians and cyclists have avoided Brandy Hill Drive and other Roads in recent years because of the dangers presented by the heavy quarry traffic. Traffic was much less prior to Daracon operating the Quarry, and could give cyclists a wide berth by crossing over the centre line in the absence of oncoming traffic. That is no longer possible, despite new legislation requiring a 1.5m clearance at >80kph. Also note that most of the Roads covered by the TIA do not have any shoulders and where they do exist, they are narrow and often very uneven or broken and very unsuitable for cyclists, a fact entirely overlooked in the EIS.
- There is also no mention of a number of intersections where trucks cannot stay within their lane/side of the road, forcing other traffic to stop or use the shoulder.
 - The T-intersection right-angle turn from Tocal Rd onto Paterson Rd and onto the old iron Paterson River bridge which is barely wide enough for cars to pass and is only wide enough for one truck..
 - The right angle T-intersection into Duns Ck Rd.
 - The right angle T-Intersection into Butterwick Rd.
- Already mentioned is what seems to be a hastily put together plan for the main intersection in Paterson. The plan for barriers and median strips will have a devastating impact on access and parking for the town businesses, and Daracon offers nothing to compensate the community for this further loss of amenity. It also does not appear to cater for the occasional long and wide loads that must travel through the village.
- The TIA seems to understate the number of trucks bringing materials to MCQ, carrying:
 - Fly ash
 - Cement
 - Lime
 - AsphaltGiven the Daracon claim that 85% of the product shipped is blended with the materials above, the number of incoming trucks is understated, which means that the number of total truck movements is also understated.
- There is no offer to build soundproof screens/fences (as often seen along highways) beside residential houses that are within metres of haul route roadways.

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- The absence of any analysis or mitigation measures for the cumulative impact of trucks from two quarry expansions using the haul routes shows no respect for your Department let alone residents. Little guesswork is required to understand that 100% of the proposed 1.5mtpa of Brandy Hill quarry's output will go by road. Little guesswork is needed to assume that 80+% will go via Brandy Hill Dr with the balance going via Clarencetown road to Bolwarra and East Maitland. Little guesswork is required to estimate the number of truckloads required to move the respective tonnages. It will average about 30t per truck. They could use their own weighbridge data to get a more quantitative figure. Maitland City Council (MCC) concerns about MCQ trucks queuing at the Melbourne St lights will be multiplied when Brandy Hill contracts direct up to all their output along that route also used by the majority of MCQ trucks.
- There is no firm offer of a VPA to fund road, bridge and intersection improvements and maintenance. The estimates of the required road funding in Figure 21, grossly understate the rebuilding, and reconstruction that the roads and intersections require. The offered funding per tonne carried of \$0.07144, \$0.00607 and \$0.09479 for DSC, MCC and PSC roads respectively, all grossly under the commonly applied rate of 4 cents per tonne per kilometre. Using that rule, the rates per tonne based on the distances involved should be \$0.5288, \$0.6224 and \$0.9164 respectively. Another case of Daracon NOT being a corporate citizen.

4.2 Existing Consents.

DSC is taking Daracon to court over non-compliance with the existing consent. Daracon is using "current" operations as the baseline for seeking further expansion of tonnage and operating hours.

Surely the court case must be resolved to determine existing consents before your department can rule on this project. And surely an injunction must be placed on Daracon to cease or curtail its operations until both are resolved.

4.3 Consultation.

The MCQ CCC was a sham. Do not believe that there was any meaningful two-way consultation.

- Daracon did not answer any of the important questions put to it by the community groups.
- No representatives from MCC or PSC ever attended. A DSC representative attended some meetings, but due to the ongoing legal action, that stopped.
- Common answers from Daracon were "commercial in confidence" and "no comment due to legal proceedings".
- Daracon changed nothing in their EIS based on community input. The only concessional offers are very hollow:
To limit dispatches to 40 trucks/hr, which is still greater than the rates during the "Trucking Hell" already inflicted on Paterson, is understood to be about the throughput limit of a single weighbridge anyway. Also the offer to limit dispatches to 230/day, is hollow in the light of the exceptions being sought for major projects etc. It is neither a real limit nor one that could be independently monitored. Without repercussions, there is no incentive to comply with either of these "limits".

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- Daracon saw the huge public attendances at meetings in Paterson, and have not taken people's concerns seriously.

4.4 Other

- We understand that the 30mt of hard rock reserves claimed in the EIS, has been reviewed by an expert using the drilling core sample data. The conclusion was that the reserves are more likely to be in the order of only 14mt. If this is the case, then the economic analysis and the supposed benefits to the state and community are grossly exaggerated.

5. BHSA Requests and Recommendations.

The following pleas are made to the Department of Planning, and the Planning Assessment Commission, as applicable regarding the EIS.

- A. With consideration to the adverse impact on the amenity of Paterson in particular, but also on all the communities like ours that suffer and will suffer even more from the cumulative impact of the volume of trucks from two quarry expansions, please either:
 - a. Significantly reduce the extraction limit to well below 1.5mtpa, or
 - b. Carry the limit on road transport forward from the previous licence conditions.
i.e. a maximum of 30% of the extraction limit by road, with any balance by rail, or
 - c. Apply a limit to full trucks through Paterson of no more than 80/day, with a limit of 10/hr.
- B. With regard to the loss of amenity due to truck noise at night (7pm to 7 am), impose a start time limit of 7am for dispatching. Also restrict empty trucks travelling through Brandy Hill and other residential communities before 7am.

Note that Daracon could readily comply with the requirements of A. and B. by sending run of mine material to a processing site by rail, for crushing and blending to market requirements, as other quarry operators do.

- C. With regard to the poor state of the roads and ongoing road maintenance, and given the distances involved in road haulage to major arterial routes and the many intersections that Daracon agree need attention, plus the ones they don't mention that also need rebuilding, impose a much higher than the "standard" 4 cents per tonne per km levy for road rebuilding and maintenance. There is a huge backlog of maintenance needed, as we understand that Daracon have not paid any VPA levies on MCQ to date, to any of the three councils. The added cost of road haulage will simply get added to the end product price, and will also provide Daracon with an additional incentive to make more use of rail.
- D. With regard to the loss of the ability for cyclists, pedestrians and bus users to safely use the road corridors through residential areas like Brandy Hill, please impose an additional levy to fund the construction and maintenance of off-road pathways and bus stops for the communities that need them. It is assumed that the road levy will include an allowance for the upgrading of roads outside of residential areas, so that they have a reasonable shoulder for cyclists to use.

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6. CONCLUSION

BHSA respectfully requests that this submission receives favourable consideration. We have outlined our valid concerns, and importantly, have provided a number of recommendations that will provide effective avoidance or mitigation of those concerns.

While BHSA recognizes the need for a balanced approach to this Project, the claimed economic benefits, which are grossly overstated for the life of the Project, will never outweigh the significant and severely adverse social, health and economic impacts that will be inflicted on our and other communities.

Yours faithfully,

Neil Ritchie, BHSA Committee

(on behalf of)

John Redman, President

Voice of Wallalong and Woodville

This organisation has not made a reportable political donation.