

16th December 2016

The Minister for Planning
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Martins Creek Quarry Expansion – Application No SSD-14_6612

Dear Minister

1. Martins Creek Quarry Action Group is an incorporated community organization formed to represent members and the community who are impacted by the current operations and proposed State Significant development expansion plans (the Proposal) of Martins Creek Quarry at Station Street, Martins Creek (the Site). Our members reside in Martins Creek Village, Vacy Village, Paterson Village, Paterson Valley Estate, Duns Creek, Woodville, Butterwick, Brandy Hill, Wallalong, Bolwarra Heights, Bolwarra, Lorn and East Maitland.
2. We understand the Proposal seeks approval to expand the existing extraction area, including clearing 37.8 hectares of vegetation, extracting up to 1.5 million tonnes of hard rock material per annum increasing the hours of operation from 4:30am to 10pm, transport of processed material to market by road trucks (with peak output of 80 truck movements per hour) and rail.
3. We write to oppose in its current form the State Significant development application by Buttai Gravel Pty Ltd (Daracon – the proponent) and its accompanying Environmental Impact Statement (EIS) prepared by the proponent and exhibited between 13th October and 24th November 2016. In particular, we set out in our submission below a number of concerns which we have with the EIS and request that relevant principles of case law be adopted in the decision making process.

Introduction

4. The proposed expansion of Martins Creek Quarry (MCQ) as presented within the EIS will seriously and adversely impact upon the amenity of multiple communities within Paterson River Valley and Maitland Hinterland.
5. These areas are made up of thriving urban and rural communities that have significant built and natural environmental values and in their own right are activity centres, meeting places, residential populations and above all place in which people love to live.

6. These communities are valued by residents and visitors alike for their rural amenity, character, ambience, scenery, natural beauty, European settlement and aboriginal history and as areas where the pleasure of neighbourhoods and outdoor surrounds can be enjoyed.
7. Our association's concerns about serious and adverse impacts are **not** based upon unfounded fears or perceived outcomes from a proposed development. These concerns are based on our committee, membership and communities already having **endured and experienced the impacts from current operations** and unlawful intensification which continue to occur on and from the site. We note that the current operator of the facility (and proponent of the EIS) has been the subject of multiple investigations and enforcement notices by the NSW EPA relating to breaches of existing EPL conditions at the site. We question the proponent's commitment to the community and the environment within which they operate on the basis of these breaches, the continued complaints being logged against the site and proponents own choice to ignore the 1991 consent conditions and 1990 EIS environmental controls over the site.
8. Martins Creek Quarry Action Group has at no time advocated for the closure of MCQ. Rather our committee acknowledges the importance of high volume low value construction materials won from quarry facilities as a commodity for the construction sector and for the broader benefit of the state in regards to construction of infrastructure. We also acknowledge the historical significance of the site, it has co-existed and provided local employment for ~100 years within these communities.
9. We have attached extracts from the existing 1991 Consent conditions issued by the current consent authority Dungog Shire Council and the 1990 EIS. The 1991 consent was the subject of an EIS that assessed the impacts of a 300,000tpa extraction facility. The consent conditions were issued over the development in order to protect the environmental values of the area and preserve amenity of impacted and neighbouring residents.
10. Our committee seeks that the facility be required to operate on a more reasonable scale than that asserted within the EIS and that it continues to co-exist within the communities that surround the site and the haulage routes. The facility should operate in a manner and with modern consent conditions such that the local amenity of residents adjacent to the Site and haulage route is preserved. We have included in Appendix 2 Hunter Expressway Traffic Flows from October 2016 and note the Proposal seeks approval for heavy vehicle movements from the Site at hourly rates equivalent to the Hunter Expressway volumes through rural and residential communities.
11. We submit that the Proposal as exhibited fails to acknowledge key issues around noise, dust and vibration emissions from the Site and impacts of the trucking of product from the site along the haul routes. The Proposal lacks any amelioration of impacts already experienced and is therefore an incompatible land use development as detailed in our submission below.

Summary of Concerns

- Via this State Significant Development planning process the proponent is amongst other things seeking to *consolidate existing operations and approvals*. The current consent authority is seeking various declarations and orders from the Land & Environment Court against the MCQ operator in regards to the current un-lawful operations occurring at the site. ***We request that the Department of Planning's (DoP) assessment of the Proposal be deferred until the Court has ruled on this matter to enable a) the community, proponent and decision makers alike to know what the lawful current consents are prior to their consolidation and b) baseline data within the EIS to be correctly reflected within a revised EIS prior to a decision on the Proposal being made.***
- The magnitude of operations proposed within the EIS are similar and in some cases greater than the current operations from the facility that our Group and Dungog Council assert are being conducted unlawfully. Numerous environmental assessments have incorrectly incorporated the current operations impacts within base line environmental assessments as discussed in later sections in this document. If the DoP chooses not to defer the assessment of this Proposal until after the February 2017 court ruling then ***we request the Minister to require the Proponent to revise the EIS to record base line data, such that the existing impacts are documented to be no greater than those approved via the 1991 consent issued by Dungog Shire Council i.e. 300,000 tonne per annum extraction, wining material for the purpose of ballast, 24 trucks per day, extraction from Lot 5 only and 30% of product by road only.***
- The impacts from current operations both onsite and offsite are significant and in some cases intolerable for many of our members. The impacts that we discuss later in this document have been wilfully ignored by the Proponent within the EIS. ***We request the Minister to require the Proponent to address these existing un mitigated impacts within a revised EIS submission prior to the DoP assessing the Proposal***
- The Proposal does not satisfy the objectives of RU1 primary production zoning the land upon which the developed is proposed. The Proposal does not satisfy and is in conflict with the zoning objectives of land immediately adjoining the Proposal area being R5 Large Lot Residential of Paterson Valley Estate and RU5 Village of Martins Creek. Furthermore the Proposal does not satisfy and is in conflict with the zoning objectives of land immediately impacted by the proposed haulage routes being RU5 Village of Paterson and R5 Large Lot Residential of Bolwarra. ***We respectfully submit that the operation that is of the magnitude and scale presently and that which is proposed within the EIS be refused.***

Decision Making Process

12. In making a determination of the Proposal the Minister's power under section 89E and 79C of the *Environment Planning and Assessment Act (EPA Act)* is to grant or refuse an application and requires the consideration of the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- Her Honour Justice Jagot, in *CEAL Limited v Minister for Planning & ors* [2007] [67] stated that "*Amenity has consistently been described as a wide and flexible concept, embracing such matters as the character of a place and the attributes of place which a community values as important contributors to its character*" **We request the Minister to consider the impacts on amenity of the Proposal be included as relevant matters within the decision making process.**
 - His Honour Justice Preston, the Chief Judge, identified the nature of the decision-making process under section 79C as involving the resolution of a polycentric problem. His Honour explained this "*as involving a complex network of relationships, with interacting points of influence. Each decision made communicates itself to other centres of decision, changing the conditions, so that a new basis must be found for the next decision*"
13. As we understand it, the Minister in making his decision to grant or refuse the proposal must *identify the relevant matters to be considered, find the facts that relate to the relevant matters, then determine how much weight to give each of the relevant matters and then finally, to balance the weighted matters to arrive at a managerial decision*". **We request the Minister to adopt the approach described by his Honour Justice Preston and ask significant weighting be given in favour of the communities whose amenity, values and characters will be impacted upon by the Proposal.**

Conflicting Land Use & Planning Objectives

14. The EIS gives little consideration to the Dungog Shire Local Environmental Plan 2014 (LEP). The planning for the Dungog Shire and the areas of Martins Creek, Vacy and Paterson are embodied within this LEP. When read in its entirety it is clear that the LEP is intended to promote development that seeks among other things to preserve rural amenity, promote the growth of individual settlements as local service centres, enhance the character, including the cultural and built heritage, of each village. Section 79C of the EPA Act requires consideration to be given to relevant planning instruments and we are of the understanding the LEP is one such instrument. Clause 2.3 (2) of the LEP states that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
15. The land upon which the development is proposed is zoned RU1. The objectives of the of RU1 Primary Production Zone are;

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for recreational and tourist activities that are compatible with the agricultural, environmental and conservation value of the land.*
- *To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.*

16. The Proposal is inconsistent with a number of these objectives listed above

17. In CEAL Limited v Minister for Planning & ors [2007] her Honour Justice Jagot stated [60] that *Zone objectives have a broader function than the operation of provisions [of the relevant clause] of the LEP. Local environmental plans are intended to contain coherent schemes regulating land use planning within a defined area. Most local environmental plans use zones to identify the development permissible with and without consent and prohibited on land within the area. The impacts of development can, and often do, cross zoning boundaries. She went on to state in regards to the matter that "One impact of the proposed development is that Monday to Saturday between the hours of 7.00am to 6.00pm, 52 weeks of the year, excluding public holidays, an additional 48 heavy vehicles (being a truck and three axle dog trailer) will pass along King Street, Bungonia, when the quarry is fully operational. Whether or not that impact is appropriate necessarily requires consideration of the planning scheme embodied by the LEP."*

18. The land upon which the development will impact upon via the proposed haulage routes and via offsite impacts from industrial noise, blasting and dust are zoned R5 and RU5.

19. The objectives of R5 Large Lot Residential Zone are;

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To isolate housing from existing intensive agriculture or future intensive agricultural areas.*

20. The objectives of RU5 Village Zone are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To promote the growth of individual settlements as local service centres.
- To encourage a variety of mixed-use development.
- To enhance the character, including the cultural and built heritage, of each village.

21. The Proposal is inconsistent with a number of these objectives listed above and ***we request the Minister to give consideration to these objectives and the planning scheme embodied within the LEP in the decision making process. Specifically we request the Minister to consider the appropriateness of the impacts (past, present and future) having regard to the LEP.***

Air

22. We note that the Air Quality Impact Assessment (AQIA) has incorporated background air quality data that according to Section 4 includes *effects of existing operations*. We note the current operations are the subject of class 4 LEC proceedings. ***We request the Minister to require the proponent to assess air quality impacts using background data that exclude effects of the current disputed illegal operations.***

23. We have attached photos in Appendix 5 Dust Impact that record current dust impacts from operations at the Site. It is apparent that in pit crushing using mobile plant results in unmitigated releases of dust to the surrounding land. It is also apparent from resident's accounts that conveyor start up and shut down operations in the Lot 1 processing area results in significant releases of particulate to atmosphere. The AQIA understates release from processing equipment and fails to assess the impacts of in pit crushing operations using mobile plant. ***We request the Minister require the proponent to assess the impacts of mobile crushing plant on air quality predictions and provide technical justification for the release of dust in the manner shown in photos. We request the Minister to require the proponent to address and remedy the out-dated Lot 1 processing dust control measures that are currently in place.***

24. Our members and other surrounding residents of the Site have reported (as noted in the Department of Planning public meeting 2nd November 2016) significant and unmitigated dust impacts from the facility that do not correlate with the AQIA findings. We submit grave concerns in regard to the air emission from the site currently and refer to Appendix 6 Silica Content which includes lab test reporting of MCQ ballast showing free silica content is ~14%. This level of silica content poses significant occupational health and safety concerns both to workers and to impacted residents. ***We request the Minister impose conditions in any new consent that a) require improved air quality monitoring by replacement of existing depositional gauges with Taper Element Oscillating Microbalance (TEOM) monitors with data being made publicly available in real time and b) require that fully enclosed processing facilities and improved dust suppression measures be mandated commensurate with modern processing facilities located within urban areas.***

25. The AQIA has chosen to select only a small portion of receptors in Section 4 table 4. We note the exclusion of receptors on the Western side of Dungog Road, Paterson Valley Estate, Martins Creek Village and Merchant Road residents who all fall within the affected area of MCQ operations. ***We request the Minister require the proponent to incorporate all sensitive receptors listed above within a revised AQIA***
26. Our members who reside along the haulage route have reported diesel particulate deposits on washing, window sills and interior surfaces of residential dwellings during periods where hundreds of trucks are utilized to unlawfully transport product from the site currently. The AQIA makes reference in section 5.2 to dust impacts from trucks in Paterson and Bolwarra but fails to assess the air quality impacts to residents (some of whom who live only metres from the haulage route) due to diesel emissions at the proposed scale of operations. ***We request the Minister require the proponent to assess the impacts of diesel emissions and air quality along the haulage route***
27. The emission inventory table 8 of the AQIA and we assume the modelling itself has incorrectly excluded vegetation and top soil clearing, mobile crushing plant, pug mill processing, rail loading and site rehabilitation works. The inventory table also makes reference to only 12 trucks used to transport product to market ***We request the Minister require the proponent to incorporate mobile crushing plant, pug mill processing, rail loading, vegetation clearing and site rehabilitation works and actual proposed truck numbers per hour within an updated revision of the AQIA***
28. The AQIA is silent on any proposed changes to location of the wheel wash-down bay proposed with the change in quarry access road. The Engineering Assessment eludes to the change in wheel wash-down location. ***We request the Minister require the proponent to clarify all proposed improvements to air quality mitigation measures (including relocation of wash down facilities) within the EIS and/or AQIA***

Noise

29. We have attached in Appendix 8 Noise Impact Assessment – Peer Review, being a MCQAG commissioned report which contains the results of an acoustic review and a supplementary submission. This review was performed by an appropriately qualified acoustic expert. The results of the review contain numerous recommendations and highlight significant deficiencies in the current NIA. ***We request the Minister to require the proponent to address the deficiencies and errors identified from the appended Bridge Acoustic Peer Review within a revised NIA.***
30. In addition to the Peer Review's recommendations, MCQAG also notes that the EPA Road Noise Policy requires NIA's to consider noise impacts to places of worship and public open spaces. We note two operational churches (St Pauls Anglican Church and Bolwarra Uniting Church) and three public open spaces (John Tucker Park, Kings Park and Bolwarra Heights Scenic Lookout) are located along the haulage route. ***In accordance with the RNP we request***

the Minister to require the proponent to complete noise impact assessments on the above listed places of worship and public open spaces.

Blasting & Vibration

31. We have attached publicly available records of complaints in relation to the MCQ facility within Appendix 4 Public Records of Complaints. It is clear from these records that there is significant off-site impact to surrounding residents in regard to blasting. As noted in the last two public meetings blasting impacts include shaking of crockery, cracking of walls and brick work, disturbance to horses and other pets and even the reported shaking off of a toilet cistern from a bathroom wall. The blasting impacts due to intensity variability also result in un-nerving anxiety imposed upon neighbouring residents who must wait throughout the day for quarry silence as pit operations are halted and then brace themselves, their pets and their households for the blast. Will it be a big one or a small one?
32. The experiences of residents does not correlate to the published blast monitoring data that indicates compliance with relevant criteria. Section 3 of J0232-01-R1 Acoustic Review within Appendix 8 Noise Impact Assessment – Peer Review includes commentary and recommendations in regards to blasting impacts. ***We request the Minister require the proponent to implement the recommendations outlined in in the Acoustic Review in regards to blasting***

Traffic

33. The proponent has taken the approach with the EIS to essentially ignore off site impacts relating to transport of product from the site. In spite of these impacts being raised by residents at the 31st July 2014 public meeting and at numerous MCQ CCC meetings that followed, the proponent has chosen to ignore this issue. Complaints regarding trucking impacts in Appendix 4 Public Records of Complaints demonstrate that administrative controls such as the “driver code of conduct” are ineffective. If there were no issues or impacts and the controls were working there would be no complaints.
34. The EIS and Traffic Impact Assessment (TIA) omit any estimates on other vehicle classes that will be accessing the facility. There is no estimate on construction vehicles, no estimate on daily vehicular access that would relate to re-fuelling, supply of pug mill product, supply of bitumen pre coat, maintenance vehicles nor are there any estimates on heavy haulage / permit load movements proposed to occur to and from the facility. ***We request the Minister require the proponent to update the TIA to incorporate estimated daily vehicle movements of all vehicles planned to access the proposed development.***
35. As with other impact assessments the TIA has incorporated background (existing) conditions that include existing heavy vehicle traffic from the site within data. The current operations are disputed by the current consent author to be un lawful and are the subject of Class 4 Land and Environment court

proceedings. ***We request the Minister require background traffic data to exclude effects of the current disputed illegal operations and to consider the traffic impacts associated with increasing heavy haulage from the site from the 1991 approved 24 truck movements per day to the proposed 80 truck movements per hour as outlined in the Proposal.***

36. Specifically with regards to traffic networks, Section 4 of the RMS Guide to Traffic Generating Development outline the requirements to assess impacts to Amenity. The section outlines requirements for assessing the environmental capacity of the roadway subject to the proposed traffic generating development. No assessment or commentary is made within the TIA or the EIS main body in regards amenity impacts or to the environmental capacity of the proposed haulage route. According to the Guideline environmental capacity is determined by traffic volume, traffic composition, in particular the proportion of heavy vehicles, vehicle speed, road reserve and carriageway width, number of traffic lanes, gradient, road surface condition, distance from road carriageway to property boundary, nature of intervening surfaces, setback of building from property boundary and the type and design of building. ***We request the Minister require the proponent to incorporate amenity impacts and environmental capacity within a revised TIA that take in to consideration the elements listed above from the RMS Guide particularly in relation to Paterson Village, Martins Creek Village, Butterwick Rd, Brandy Hill and Bolwarra Heights.***

37. The TIA traffic safety audit results are in our opinion deficient and have omitted a number of significant safety issues that have been experienced as occurring under the current unlawful operations. We have outlined these safety concerns below and provide visual references in Appendix 7 Road Condition & TIA Photos, ***we request the Minister require the proponent to address the safety issues listed below in a revised TIA;***

- Appendix 7 Road Condition & TIA Photos Photo 1: The proposed new exit on to Dungog Road lacks adequate lines of sight for both entering and exiting vehicles and omits a sheltered accelerating lane for north-bound heavy vehicles exiting the proposed facility. The proposed sheltered lanes appear to be inadequate in length based on the potential for more than one class 9 vehicle to be accessing the intersection at any given time at peak rates of 40 loads per hour. The proposed new exit makes no safety provisions for existing residential driveways located on the western side of Dungog Rd opposite the proposed new entrance road. It is not clear from the Proposal how existing residents who will be impacted from the proposed new entrance way will be expected to safely enter and exit their properties.
- Appendix 7 Road Condition & TIA Photos Photo 2: No detailed consideration has been given in regard to the adequacy and safety issues of Gostwyck Bridge. In spite of TIA commentary that the RMS approve its current use, we note that the south-bound approach to this one way bridge is on a blind corner and requires MCQ heavy vehicles to radio their approach. MCQAG considers this one way bridge to be a significant safety hazard. The TIA makes no assessment of traffic safety to non-quarry vehicles (who do not monitor UHF channels) in regards

to the approach to the bridge. During peak unlawful quarry operations there have been multiple near misses involving road users and class 9 vehicles on this bridge. It is MCQAG view that this bridge is totally inadequate for both the current scale of operation and future proposed expansion parameters.

- The proposed intersection upgrades at the Dungog-Gresford Roads appear to be deficient. There is limited sheltered turning lane length (60m). There is already daily occasions where class 9 quarry vehicles convoy to the facility each morning. This limited sheltered lane length will result in class 9 vehicles un acceptably occupying the north bound Gresford Rd lane during periods of South bound peak traffic as they wait to turn on to Dungog Rd.
- Appendix 7 Road Condition & TIA Photos Photo 3: No consideration has been provided to the safety issues generated by traffic entering King St from Church St. This turn is utilized by local residents but also by road users accessing and egressing from both Paterson Primary School, Paterson Historical Rail Society, St Columbas Catholic Church, Paterson Court House and Paterson sports ground area. Vehicles entering King St from Church St are required to enter with a reduced sight line to the north. Conversely the South bound right hand turn from King St in to Church St has no sheltered turning lane. The safety issues relating to this intersection have not been addressed or considered in the current TIA
- Appendix 7 Road Condition & TIA Photos Photo 4: Paterson Village according to Austroad Guidelines is an activity centre. No consideration has been given within the TIA or EIS body as to the impacts of this activity centre by the proposed development. From photo 4 it can be seen that this area is a place where people come to shop, eat, fuel vehicles, collect mail, and socialize and to attend places of worship. The photo shows already class 9 quarry vehicles having to cross double white lines to afford room for commercial precinct customers to enter and egress driver side doors of parked cars. No consideration has been made as to the impacts to pedestrians or parking in regards to the proposed magnitude of haulage. It is MCQAG view that the impacts to this activity centre both at the current scale of operation and future proposed expansion parameters is totally unacceptable and an alternate route that avoids this activity centre should be proposed by the proponent as part of a revised TIA.
- Appendix 7 Road Condition & TIA Photos Photo 5: Tocal homestead entrance, no consideration has been made for other road users safety having regard to the significant numbers of vehicles that enter and exit the Tocal homestead (wedding venue and historical place of interest). There are no proposed sheltered turning bays. No consideration within the TIA has been made as to the risks posed by other road users entering and exiting this site at the proposed magnitude of haulage (80 truck movements per hour).

- Appendix 7 Road Condition & TIA Photos Photo 6: Mindaribba House wedding venue. No consideration has been given for other road users safety having regard to the significant numbers of vehicles that enter and exit the Mindaribba House (wedding venue). There are no proposed sheltered turning bays. No consideration within the TIA has been made as to the risks posed by other road users entering and exiting this Site at the proposed magnitude of haulage (80 truck movements per hour).
- Appendix 7 Road Condition & TIA Photos Photo 7, 8, 9 and 10: Tocal Rd intersections with Lang Dr, Maitland Vale Rd, Moore Rd and Wesley St; no consideration has been given within the TIA for sheltered turning lanes for the entry and egress of these above listed streets. It is evident from heavy vehicle tyre marks that emergency braking is used in these areas as north bound right turning vehicles turn off Tocal Rd. No consideration within the TIA has been made as to the risks posed by other road users entering and exiting this site at the proposed magnitude of haulage (80 truck movements per hour).
- Appendix 7 Road Condition & TIA Photos Photo 11, the intersection of Tocal Rd and Paterson Rd (turn off to Largs); present traffic flows show significant volumes of traffic merging from a south bound acceleration lane. This lane is deficient at current flows for the safe merging of traffic. No consideration within the TIA has been made as to the risks posed by other road users at this intersection based on the proposed scale of haulage. This intersection poses unacceptable safety conditions based on the proposed scale. An upgraded intersection configuration in accordance with Austroad Guidelines should be incorporated into a revised TIA
- Appendix 7 Road Condition & TIA Photos Photo 12, the intersection of Paterson Rd and Bolwarra Rd. The TIA provides no assessment of the safety issues presented by the proposed scale of haulage in regards to this intersection. We note that this intersection is the primary access point for Bolwarra Heights Public School. There are significant numbers of vehicles utilizing this intersection, there are currently no sheltered turning bays provided at this intersection. This intersection and the proposed magnitude of haulage pose unacceptable safety risks to road users.
- Appendix 7 Road Condition & TIA Photos Photo 13, the Tillys Childcare centre directly accesses Tocal Rd. The access point is located on a sweeping bend. No assessment has been made in regards to the safe entry and egress of vehicles accessing this facility. This driveway access and the proposed magnitude of haulage poses unacceptable safety risks to road users based on the propose trucking rates.
- Appendix 7 Road Condition & TIA Photos Photo 14, Dunmore Bridge. The TIA provides no assessment of the adequacy of Dunmore Bridge located to the south of Paterson. The bridge pavement width measures approximately 5.94m wide. The bridge has no lane markings and due to its limited pavement width is in effect a single lane bridge. Traffic entering from Tocal Rd east bound to cross the bridge are required to

wait in sheltered turning bays until west bound traffic exits the bridge. Traffic holding in the south bound Tocal Rd sheltered turning bay then generates a blind spot for east bound traffic users attempting to exit the bridge off Paterson Rd on to Tocal Rd. These issues are only further magnified with heavy vehicle movements. MCQAG has witness statements of drivers who have had to reverse off the bridge to allow heavy vehicles to complete their crossing of the structure. It is MCQAG view that this bridge is totally inadequate for both the current scale of operation and the future proposed expansion parameters.

- Appendix 7 Road Condition & TIA Photos Photo 15, Paterson Rd pavement widths and shoulders are identified as not being in accordance with Austroad Guidelines. No assessment of this has been made within the current TIA.
- Appendix 7 Road Condition & TIA Photos Photo 17 the 3 way intersection of Paterson Rd, Duns Creek Rd and Butterwick Rd has been omitted from the TIA. It is apparent that pavement widths, lanes and the intersection configuration is completely inadequate for the current and proposed future haulage parameters. The intersection currently requires both north-bound and south-bound heavy vehicles to swing in to oncoming traffic in order to transit the intersection. No consideration has been made for the safety issues nor adequacy of this intersection for road users.
- Appendix 7 Road Condition & TIA Photos Photo 18, Butterwick Rd, pavement width is not in accordance with Austroad Guidelines. The TIA omits any reference to the safety issues the current configuration of this roadway poses. In MCQAG's view the current pavement configuration is completely inadequate for the current and proposed future haulage scale.
- Appendix 7 Road Condition & TIA Photos Photo 19, 20 and 21, Pavement conditions presented in these photos along various sections of the proposed haulage route are completely inadequate. No clear proposal is made within the EIS for remediation or upgrading of these and other deficient areas of pavement along the haulage routes.
- School bus stops. The TIA and the EIS body have failed to document the current school bus pickup/drop off locations along the proposed haulage route. Furthermore the TIA fails to assess the likely safety impacts to other road users and pedestrians in the context of school bus pick ups and drop offs. MCQAG notes that multiple school bus pick up areas are un marked and informal and require buses to double park at driveways and on road side verges for school children to enter and egress buses. MCQAG's view is that the current haulage scale and proposed future expansion is an un acceptable safety risk to school bus operational safety.

38. No proper consideration has been given within the TIA or EIS body to the need to improve both cyclist and pedestrian access and safety along the proposed haul route based on the proposed magnitude of operations.

39. The EIS body, TIA and Heavy Vehicle Market Route Assessment all fail to give proper consideration and assessment of alternate haulage routes. Engineering Transport Assessment presents a tabulation of site access options but also provides no further details on haulage route alternate options. There is no consideration made for traffic route bypasses of Paterson, Butterwick, Brandy Hill or Bolwarra, no consideration for assessment and use of Clarence Town/Seaham Roads route via Dungog Rd which we understand will add only ~20min of transport time per load to reach the Hexham/ Pacific Highway interchange but presents itself as a viable means of distributing off site haulage impacts. **We request the Minister require the proponent to perform additional assessment justification as to the feasibility of alternate haulage route options**
40. The Engineering Transport Assessment makes reference to a "Traffic and Access Assessment", March 2016 prepared by SECA Solution reference 8. No such document can be found in the EIS nor can the cross referencing of this document on discussion on impacts of queuing traffic at the Gresford Road Paterson rail crossing and proposed road widening of Butterwick Road. **We request the Minister require the proponent to issue the document Traffic and Access Assessment", March 2016 in a revised issue of the EIS.**

Transport Alternatives

41. The proposal has failed to adequately assess the option of transport of product from MCQ via rail. The proponent has also failed to assess the option to transport product to a secondary processing and staging location via road using dedicated (controlled) haulage transport. MCQAG understands the process of secondary staging of product either by rail or road is not uncommon and already occurring within the Hunter and Sydney construction material markets. By implication, these alternate modes of transport are therefore reasonable and feasible means of ameliorating offsite impacts associated with extractive industry material transport.
42. MCQAG understands there are multiple rail off loading facilities (also known as Regional Distribution Centres) utilized for the rail transport and nodal distribution of construction aggregates within NSW.
43. According to the Holcim Rooty Hill Regional Distribution Centre Environmental Assessment Report October 2005;

The use of rail and the corresponding reduction in truck kilometres travelled has significant socio-economic and environmental benefits.

Rail transportation provides safety and cost benefits to the community. Austroads and Bureau of Transport Economics data indicates the following comparative accidents rates (ACIL 2001) (ACIL Consulting 2001. Rail in Sustainable Transport – A Report to the Rail Group of the Standing Committee on Transport):

- Road freight: 3.8 fatalities per 10⁹ tonne kilometres; and
- Rail freight: 0.55 fatalities per 10⁹ tonne kilometres

In addition the lower frequency of rail accidents is reflected in cost savings to individuals, industry and the community.

44. MCQAG notes that MCQ facilities include an existing rail loading facility. Asides from the Rail Logistics Report analysis which confirms rail transport of product into local and regional markets is possible, the EIS provides no consideration or detail in to rail options analyses. The EIS body and the SEO make no assessment of the likely environmental costs and benefits to the local communities between rail and road transport, nor is there any assessment into the cost and benefits of greenhouse gas air emissions and life of project road pavement up keep when comparing road versus rail transport options.

Social Impacts Assessment & Consultation

45. The proponents Social Impact Assessment (SIA) fails to address social impact assessment objectives. The IAIA SIA Guidelines are quoted however key SIA factors outlined in the guidance documentation are not addressed in any comprehensive way. From a social perspective, the development and application of good SIA practice is essential to facilitate meaningful and respectful community and stakeholder engagement, to support better decision making by proponents and government and develop more appropriate project outcomes. This SIA is severely lacking in this regard.

46. The document is not considered a SIA but a community profile providing pages and pages of 2011 census data (now significantly outdated) and a review of local plans, many of which are also out of date. The profile data provided is also merely descriptive and provides no analysis of how the characteristics of the communities affected by the Project may be influenced by the project against specific social baseline indicators.

47. The SIA does not include an adequate stakeholder analysis and identification and description of the different stakeholders and stakeholder groups in the assessment area that may be affected by the Project. How, given their characteristics or personal situations, do their perceptions of Project impacts vary and how does this influence their sensitivity/susceptibility to respond to change.

48. Social impacts can be many and varied and include the following impact categories. The assessment deals superficially with only a few of the categories below largely population change (associated with the project workforce) and the impact on service and infrastructure provision. Community perceptions of environmental impact are also not addressed with the reader referred to the environmental assessment – resident perceptions of environmental impacts on social amenity and quality of life should be assessed. Furthermore, there is no consideration of how the Project impacts on local or regional cultural assets such as sense of place, customs and values). Essentially key categories of social impact are totally ignored in the current assessment.

Category	Description
People's way of life	That is, how they live, work, play and interact with one another on a day to day basis
Their culture	That is, their shared beliefs, customs, values and language or dialect
The community	its cohesion, stability, character, services and facilities
Their political system	the extent to which people are able to participate in decisions that affect their lives, the level of democratisation that is taking place, and the resources provided for this purpose
Their environment	the quality of the air and water people use, the availability and quality of the food they eat, the level of hazard or risk, dust and noise they are exposed to, the adequacy of sanitation, their physical safety, and their access to and control over resources
Their health & wellbeing	health is a state of complete physical, mental, social and spiritual wellbeing and not merely the absence of disease or infirmity
Their personal & property rights	particularly whether people are economically affected or experience personal disadvantage which may include a violation of their civil liberties
Their fears & aspirations	their perceptions about their safety, their fears about the future of their community, and their aspirations for their future and the future of their children

49. A comprehensive SIA should outline the key issues of concern associated with the proposed development across different stakeholder groups – the assessment shows no demonstration of engaging with specific stakeholder groups and community residents to identify their issues of concern and relevance in the assessment and how such issues may vary across different stakeholder groups. For example:

- How many landholders in proximity to the quarry are concerned about noise or air quality?
- Who in the community is concerned about local heritage and the impact of truck movements on heritage buildings? Has the local historical society been engaged?
- How will local tourism businesses in Paterson perceive they will be impacted given truck movements through the town on the weekend?
- How will customer access to local businesses in the main streets of the neighbouring rural villages be affected as a result of truck movements?
- Where do local school students access schools and bus services – how will truck movements affect student and resident mobility patterns?
- How is the sense of community of these small rural villages impacted by the presence of the project (at the proposed larger scale). While local residents have lived with the presence of the quarry for many years, the increased scale and size has the potential to impact community sustainability.

50. Outputs in the consultation section should be more fully integrated in the SIA for the project, particularly with relevance to key stakeholder and community issues. It appears that the community themselves have undertaken a community survey in the absence of appropriate consultation and engagement methods undertaken by the proponent as part of the SIA and broader project. Social impact assessment deficient

51. MCQAG has attached results of surveys performed in Appendix 10 Community Survey and Appendix 11 Business Survey. For the Department and Ministers

information. ***We request the Minister require the proponent to revise its SIA in line with the comments listed above and to incorporate results and outcomes from meaningful consultation in to a more appropriate Proposal outcome.***

Amenity Impacts

52. In spite of its being specified within and required by the SEARs, no consideration has been given to impacts on social amenity. Appendix A SEARs Compliance Table August 2016 makes reference to social amenity impacts as being addressed within the Social and Economic Assessment (SEO). No reference to even the word "amenity" can be found in the SEO document.
53. The term social amenity is variously defined as something that contributes individually to physical and material comfort, a feeling of personal wellbeing, attractiveness, peace of mind, pleasurable social experience and collectively as a sense of community or belonging.
54. In a planning context social amenity is a fundamental but sometimes elusive concept. In case law in Victoria the effect on the amenity of the area in deciding a permit application must consider the objectives of planning, one of which is securing a pleasant working and living environment. Victoria draws on Interstate authority (NSW) about amenity and adopts a similar approach under planning law.
55. In the UK amenities and social infrastructure are drawn together in helping new communities to grow, however the point is made that the mere provision of infrastructure and services does not of itself develop social amenity. It also relies on the cohesive nature of the community to develop relationships and support networks that build on the infrastructure and services provided. Typically, groups such as those associated with religious organisation, sporting and social clubs etc. achieve the cohesion that generates togetherness. These groups take many years and even decades to develop and therefore rely on a local environment that is conducive to local association uninterrupted by disruptive external impacts. In this regard it is evident that Paterson represents such a community, having developed social fabric and structure since the early years of settlement.
56. Social amenity is a component of the overall social and physical environment and is therefore fragile to the extent that it may be easily damaged, or even destroyed, by impacts that are imposed on it without control and appropriate management strategies. Co-existence of community, local businesses and industry relies on a sustainable balance being achieved that allows all to thrive in a socio-economic sense without undue detriment to either component.
57. The proposed development, as described in the EIS fails to take account of the social, environmental and cultural structure of Martins Creek, Vacy, Paterson, Bolwarra Heights, Butterwick and Brandy Hill areas. While recognising that Paterson and the Martins Creek quarry have satisfactorily co-existed for nearly 100 years and the quarry being principally a source of hard rock railway ballast,

the intensity of the current proposal, if approved, will compromise and destroy the social amenity described above.

58. In CEAL Limited v Minister for Planning & ors [2007] her Honour Justice Jagot refused an application for a quarry on the basis that the proposed haul route through Bungonia village would undermine important aspects of the amenity of the village and thus an important part of the planning scheme embodied in the LEP.

59. Her Honour Justice Jagot in CEAL said at [67];

I accept that a consent authority should have regard and give weight to published guidelines providing objective criteria to facilitate assessment of issues arising in land use planning decisions. Nevertheless, insofar as this submission might have suggested that considering the performance of the development against the available objective criteria exhausted the assessment under s 79C (1), I do not accept it. For example, the ECRTN [Now the NSW EPA Road Noise Policy] does not cover all types of likely impact or all aspects of amenity. Insofar as it deals with one aspect of amenity (road traffic noise), the ECRTN applies generally throughout NSW. The Council's settlement strategy refers to the environmental criteria not being compromised, but that is quite different from the notion that compliance with the ECRTN exhausts the necessary or appropriate consideration under s 79C (1). Finally, the ECRTN does not have statutory force

60. Whilst the proponent appears to have completed an assessment on road noise and the impact of this in accordance with the EPA Road Noise Policy (RNP), it is clear that the proponent has not assessed all types of likely impact or all aspects of amenity.

61. The Proponent has failed to consult with the wider community and local businesses and has not addressed the requirement in the SEAR'S to examine social amenity and propose a strategy for its protection. **We request that the Minister require the proponent to assess all likely impacts and all aspects of amenity that the impacted community so value. We request the Minister to consider the impacts on amenity of the Proposal be included as relevant matters within the decision making process**

Tourism

62. As noted in the tourism profile included in Appendix 12 Tourism Profile, Paterson is characterised as a small rural village with strong historic heritage. Many of the local businesses in the village are located along the main street of the town. The village attracts a number of visitors to the town and the broader Shire area as noted in Section 1.0 of the appendix, largely as a result of the natural environment in which the village is located, the rural nature of the locality, its history and events and activities that occur within the region.

63. The proposed haulage route is also part of the Dungog Shire Tourism body's tourism horse shoe scenic drive route. This route is frequented by day trippers and motor cyclists and forms part of an integral tourism strategy for the region

64. The MCQ Proposal has the potential to significantly change the characteristics of the village as a weekend tourist destination, particularly if trucks are allowed to transport product from the quarry to the market through the town on Saturday. The Proposal also has the significant potential to impact upon the rural amenity and driving pleasure of the horse shoe scenic drive.
65. As part of the Proposal, the proponent proposes to undertake road works in the main street to widen a corner which would significantly impact traffic patterns and local businesses on the main street. Furthermore accommodation houses such as the CBC Café and the Post Office B&B would be significantly affected given their main street location and subsequent impacts of traffic volume and noise.
66. To date, the quarry and village community have co-existed given the previous size and scale of past quarry operations. However, the significant scale of the current proposal would result in more severe social impacts, resulting in impacts on local tourism and local businesses.
67. No local tourist or hospitality businesses have been consulted as part of the Social impact assessment for the Project. Furthermore no tourism impacts have been identified as of concern to local residents or assessed within the current EIS. ***We request that the Minister require the proponent to assess the impacts to tourism both local and regional and to hospitality businesses who operate along the proposed haulage route based on the proposed operational scale***

Geology

68. We have attached a peer review of the Geology and Blast Vibration Assessment (GVA). The review was performed by a technical expert. It identifies a number of factual inaccuracies in regards to the assessment of geology and blasting impacts on Paterson Valley Estate Vacy. The review also includes an independent calculation of the Proponents claimed reserves the results of which indicate that the resource size has been grossly over stated within the EIS. ***We request the Minister to request the Division of Resource and Energy or other NSW Government nominated expert to perform an independent estimate of the reserves to verify the Proponent's claims. Should the reserves be found to be erroneous we request that the Minister require the Proponent to provide an amended EIS that incorporates these revised resource figures and that these are taken in to account in regards to ecologically sustainable development principles.***

Water

69. MCQAG notes that groundwater flow contours were developed but are not presented within the Water Quality Impact Assessment (WQIA). It would be useful to present contours to visualise groundwater flow directions and the extent to which the quarry is a sink for the water in the fractured rock aquifer as the quarry is a sink then more monitoring bores would be useful to gain a better appreciation of the extent of seepage/drainage to the quarry. ***We request the Minister require the proponent to include groundwater***

flow contours in a revised WQIA prior to making a decision on the Proposal.

70. Under Sec 7.6.2 of the WQIA quoted groundwater flow velocities of 57m/year (unless it is in the immediate area surrounding the quarry) are unusually high for local recharged water that is brackish water quality. More monitoring bores at a greater distance would provide better evidence of the regional groundwater gradient and flow directions. ***We request the Minister to require the proponent in any new consent to be required to install monitoring bore holes at a greater distance to better provide evidence of gradients and flows.***
71. Under Sec 7.6.5 of the WQIA, the project is quickly assessed under some of the criteria in the Aquifer Interference Policy (AIP). As quarrying is a substantial AI activity, a more thorough assessment should be carried out to address water table, water pressure and water quality criteria as required for fractured rock aquifers and less production groundwater sources (see p23/24 of the AIP for further details) ***We request the Minister require the proponent to perform a more thorough assessment in accordance with the details described above and include in a revised WQIA prior to making a decision on the Proposal.***
72. Section 7.6.6 of the WQIA suggests that up to 8 exploration holes would be used for groundwater monitoring. These should be properly constructed monitoring bores and be operational ASAP so that current baseline conditions (WLs and WQ) can be better assessed – at least one site should be equipped with a data logger collecting continuous WL data and for this data to be made publicly available with other project related environmental data, ***We request the Minister require the proponent to include the above requirements within any new consent***

Ecology

73. The biodiversity assessment does not comply with Commonwealth survey requirements. The ecology report notes that the area supports habitat for the green and golden bell frog, however, the survey effort does not meet the obligations under the Commonwealth Department of Environment survey guidelines. It is MCQAG's understanding that for the green and golden bell frog a minimum 4 nights survey is required (they did three). Surveys are required to be performed only after receiving more than 50mm of rain in a consecutive 7 day period. In September 2015, according to Paterson BOM records there was not enough rain during that period to qualify. ***We request that the Minister require the proponent to repeat the green and golden bell frog survey and incorporate these findings within a revised ecology report***

Resource Importance

74. In response to the proponents suggestion throughout various sections of the EIS that the MCQ andesite resource is of significance to the Hunter region and the state. We have attached within Appendix 3 Hunter Region Quarried Material Supply Capacity a map showing hard rock resources within the state. We have also included in this appendix an analysis showing the current Hunter

construction material market supply and demand curve based on NSW Trade and Investment data. We submit that from the map and data it can be demonstrated that there is other hard rock resources in the region and that there is existing supply capacity within the Hunter construction aggregate market and that 800 Daracon staff and contractors prospects of employment are not solely dependent on the expansion of MCQ as seems to be inferred by the proponent. ***We request the Minister to obtain independent advice on the Hunter construction material market to determine the resource significance to the region and the state. Should the Minister's advice confirm its criticality we request the Minister to require through consent conditions appropriate capital investment and funding in order for the resource to be extracted in an ecologically sustainable and socially acceptable manner***

Economic Analysis

75. On the basis that all impacts (as discussed above) have yet to be accurately documented and assessed by the Proponent, the economic assessment contained within the SEO and EIS body by default cannot provide a conclusion that supports the proposition that the economic benefits outweigh the environmental impacts of the development. Until all the impacts have been accurately determined an assessment cannot be made. We note that the Proponent has failed to reference or address in any detail the principles of ecological sustainable development (ESD) throughout the EIS. There is no reference to the precautionary principles, no inclusion of environmental factors in valuations and no detailed discussion on intergenerational equity.

76. The concept of Precautionary Principle in Australia is specified and was adopted in the Intergovernmental Agreement of 1992, and internationally it was adopted at the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992. This concept was noted in the Land and Environment Court of New South Wales in the decisions handed down in the following cases:

- BGP Properties v. Lake Macquarie City Council in 2004 – Judge McCellan presiding and,
- Telstra Corporation Limited v. Hornsby Shire Council in 2006 – Judge Preston presiding.

77. In the former case, noise, traffic and pedestrian safety were of concern. In the latter case, the emission of electromagnetic energy was considered to be a harm/threat to health and safety of local residents. In both cases the concept of Precautionary Principle was judged to apply. His Honour Judge Preston emphasised the importance of preventative anticipation and stated that;

the rationale for requiring this shift of burden of proof is to ensure preventative anticipation....is to prevent environmental damage rather than remediate it.

the function of precautionary principle is, therefore, to require the decision-maker to assume that there is, or will be, a serious irreverable threat of environmental damage and to take (this) into account....

78. In both cases the threat was environmental, however since the impact of haulage traffic (truck) noise and presence on the communities of Paterson, Bolwarra, Butterwick, Brandy Hill can be regarded as an impact on the physical and material comfort of the community and their amenity then it is argued that Precautionary Principle should equally be applied in assessing Social Amenity ***We request that the Minister require the proponent to provide more detail on how the Proposal incorporates the ESD principals and ask that the precautionary principals be applied to the assessment decision making process considering the impacts to amenity.***

Grounds for Refusal or Proposed Minimum Conditions

79. We submit that, due to its current unlawful scale and operation, MCQ is a controversial issue that has continued for in excess of seven years. The MCQ issue has been the subject of more than four public meetings, two Land and Environment Court proceedings, one abandoned Part 3A application by RailCorp and now a State Significant Development application by Daracon. The recent history and controversy only sheds light on the intolerable, existing impacts from the operations, the operations of which the proponent now seeks formal approval for in the Proposal.

80. We draw attention to EP&A Regulations 2000, Schedule 2 Part 2 (8) *The responsible person must ensure that an environmental impact statement complies with any environmental assessment requirements* and that in (6) (f) *a declaration by the person by whom the statement is prepared to the effect that: (iii) that the information contained in the statement is neither false nor misleading*

81. MCQAG submits that the Proposal should be refused on the grounds that;

- i. The EIS has failed to address the SEARs requirements.
- ii. The EIS has failed to document and assess all potential environmental impacts arising from the proposal.
- iii. The EIS contains misleading and falsified information as will be garnered by Agency and Council submissions on the matter.
- iv. The Proposal will result in unacceptable environmental impacts and outcomes to impacted communities,

82. Should the Minister, contrary to our submissions, be inclined to grant consent to the development application we respectfully request the following conditions to be incorporated into any new consent over the site;

Proposed Conditions	Reason
Operating hours onsite be limited to 7am to 5pm Monday to Friday and nil operations Saturday and Sunday	<p>1. To preserve the amenity of residents who surround the facility and who reside along the haulage routes</p> <p>2. To mitigate early morning sleep impacts currently experienced by residents who live along the haulage routes</p>

Proposed Conditions	Reason
	<p>3. To consolidate existing conditions imposed in the 1991 consent into the new approval</p> <p>4. to preserve tourism values and visitation to the areas on weekends</p>
That a maximum of 24 truckloads of product per day be transported by road from the facility	<p>1. To preserve the amenity of residents who surround the facility and haulage routes</p> <p>2. To preserve the built environmental values and social amenity of impacted activity centres and communities that the haulage routes pass through</p> <p>3. To consolidate existing conditions imposed in the 1991 consent into the new approval</p> <p>4. To be commensurate with modern consents such as Teralba Quarry which limits quarry haulage through Teralba activity centre to 85 movements per day</p>
That any increased extraction above 300,000tpa be required to be transported by rail from the site	<p>1. To preserve the amenity of residents who surround the facility and haulage route</p> <p>2. To preserve the built environmental values and social amenity of impacted activity centres that the haulage routes pass through</p> <p>3. To consolidate existing conditions imposed in the 1991 consent into the new approval</p> <p>4. To ensure environmental, community and economic benefits of the project via the transport of bulk goods using rail is upheld in line with NSW State Transport Strategies</p>
That blast monitoring be performed by an independent expert not engaged by or related to the blasting contractor	To provide greater transparency and certainty in regards to blast monitoring results
That blasting be specified to occur only at a specific time of day (i.e. hr:min)	To provide greater certainty on when blasts will occur and to reduce emotional impacts of "uncertainty" regarding when and how big a blast will be.
That existing depositional gauges be replaced with Taper Element Oscillating Microbalance (TEOM) monitors	1. To improve measurement and monitoring of air emissions from the facility

Proposed Conditions	Reason
with data being made publicly available in real time	2. To provide greater transparency and certainty in regards to air emissions monitoring results for the community
That fully enclosed processing facilities and improved dust suppression measures be mandated commensurate with modern processing facilities located within urban areas, and that mobile in pit crushing be prohibited from occurring in extraction pits	To improve air quality outcomes for the impacted surrounding communities with the aim of reducing exposure to silica and other fine particulates

Conclusion

83. We have set out above the concerns that our committee and membership have with the development application and the EIS. Based on our experiences of recent and current unlawful operations we have great concerns regarding the scale and magnitude of the proposed operations and the proposed method of transport of product by road from the site. The Proposal is quite simply an incompatible development in its current form. In particular;

- a) the EIS currently incorporates unlawful operations in background environmental data,
- b) the EIS fails to demonstrate effective consultation and show how the proponent has actually addressed onsite and offsite impacts including impacts along the haulage route,
- c) the EIS fails to adequately and sufficiently address impacts on the amenity of residents along the haulage routes,
- d) the geological resource estimates have been significantly overstated, and
- e) the noise impact assessment contains numerous errors and inaccuracies that result in misleading assertions being made within the EIS.

The Minister may require the Proponent to address each of the matters listed within this document and attachments in a revised EIS. However, it is reasonably open for the Minister to refuse the application due to the failure of the proponent to address significant issues in the EIS. In the unfortunate event that the Minister chooses to ultimately consent to the application we request the Minister incorporate the conditions in the consent we have referred to and outlined in this submission.

Yours Faithfully

A handwritten signature in dark ink, appearing to be 'JA', followed by a long horizontal flourish.

James Ashton - Secretary

On behalf of MCQAG Committee and Membership

CC Thomas Watt & Howard Reed

Appendix 1 Existing Consent Exerts

1991 Consent conditions exerts;

1. The development being conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste, water, waste products or otherwise;

Product Transportation

6. The applicant shall not permit the transport of more than 30% of the quarry products, by road without the further specific approval of Council.

Hours of Operation

15. (a) Normal hours of operation -

Monday to Saturday	7am to 5pm
Sundays and Public Holidays	No operations

1990 EIS exerts:

The proposal is to develop a "new" quarry on land adjacent to the existing "old" Martins Creek quarry. The existing infrastructure at the "old" quarry, that is crushing plant, other fixed plant, mobile plant, haul roads and staff will be retained. Haul roads will connect the "new" quarry with the "old" quarry. The "new" quarry will occupy about 5 ha and another 5 ha will be required for haul roads and setbacks.

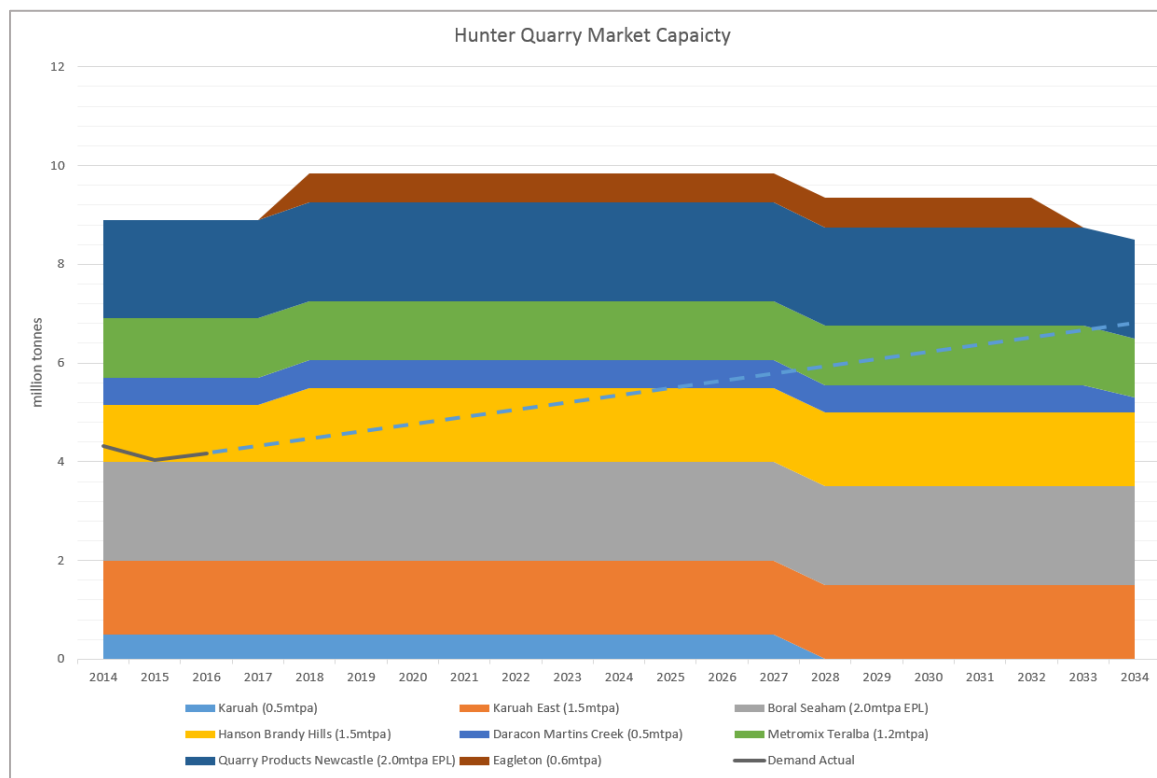
Truck movements have been estimated on the basis that 30% of the annual production of 265,000 tonnes of all products is removed by road. Twenty three tonnes per load has been taken as an average load of the fleet vehicles. Operations at 5.5 days per week for 50 weeks per year gives 12 loads per day, thus 24 truck movements per day. The destination of these trucks will depend on regional demand. The majority of truck deliveries are to the south.

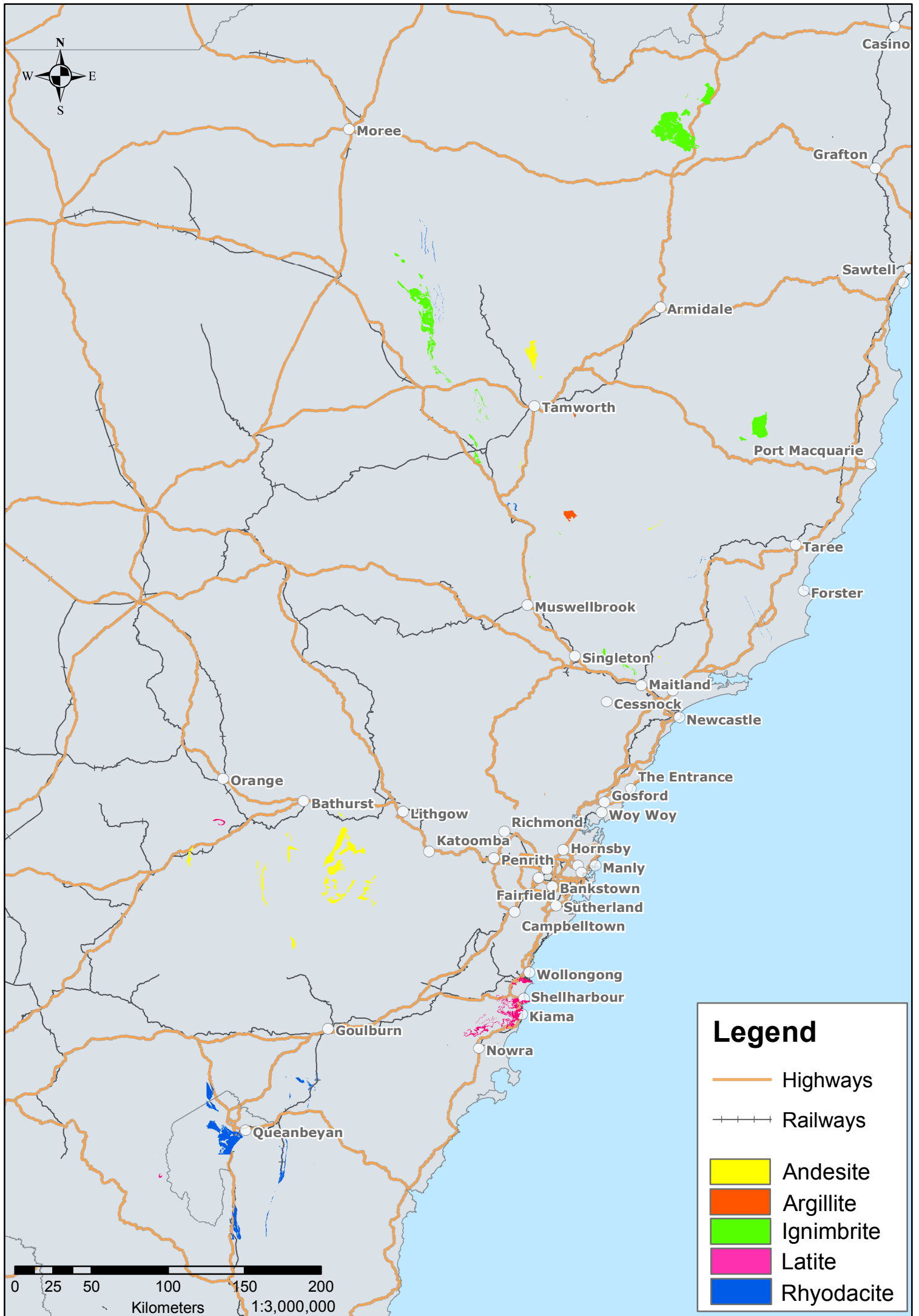
Appendix 2 Hunter Expressway Traffic Flows

M15 Hunter Expressway (HEX1) Data

				24/03/2015 - 30/10/2016		All Days		00:00 - 24:00		All Vehicles		Westbound		Res			
				Yearly Views		Monthly Views				Weekly Table		Raw Data Table					
				10	03:00	04:00	05:00	06:00	07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00
2016	October	Westbound	All Vehicles		62	222	643	608	576	581	557	544	564	554	550	577	623
2016	October	Westbound	Heavy Vehicles		24	46	87	105	93	87	80	80	77	73	70	65	64

Appendix 3 Hunter Region Quarried Material Supply Capacity





Appendix 4 Public Records of Complaints

Incident Date/Time	Notification No.	Call Taken	Call Type	GIPA677 Buttai Gravel Pty Ltd Sept 2012-Feb2016	Incident Location	Caller Name	Involved Party	Suburb	LGA
11/11/2015 02:10:00 PM	I15045-2015	11/11/2015 02:23:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY	Fairly big blast from BUTTAI GRAVEL PTY LTD EPL#1378 MARTINS CREEK QUARRY, STATION STREET that shook the windows and items on shelves. Caller stated much bigger compared to the last couple of blasts that went off last week	BUTTAI GRAVEL PTY LTD EPL#1378 MARTINS CREEK QUARRY STATION STREET		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG
11/11/2015 01:55:00 PM	I15046-2015	11/11/2015 01:58:00 PM	300 NOISE/VIBRATION - 301 MINE - Particulates/dust	Powerful blast & huge dense cloud of dust caused by Martins Creek Quarry, Station St, Martins Creek. The blast happened today 11/11/15 at say 13:55, caller said it went all up for 10-15 seconds. It started with a excessive rumble and vibration from the ground up and went up their S. 74 house with car ports underneath, went VOOM and then a powerful and loud explosion blast, the whole house shudders, pictures and lights moved. Caller was in the kitchen and her husband was in the lounge room, caller said this blast is the worst one and said the recent blasts are getting progressively worst and moving closer and are getting bigger and bigger and more powerful, S. 74 Caller said there was a huge dense light brown clay colour cloud of dust at the site resulting from the blast-caller said you could not see the walls of the quarry through the trees around the site, there are some strong winds which would have dispersed the dust as caller could see the walls of the quarry through the trees. Caller said even their kitty cat would respond to the blasts and be startled.	Powerful blast & huge dense cloud of dust caused by Martins Creek Quarry, Station St, Martins Creek.		BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
Section 74									
06/11/2015 02:15:00 PM	I14880-2015	06/11/2015 02:29:00 PM	300 NOISE/VIBRATION - 301 MINE	Huge blast occurred from MARTINS CREEK QUARRY Station Street Martins Creek. Caller said the whole house shook violently. Caller is very distressed.	MARTINS CREEK QUARRY Station Street Martins Creek		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG
14/10/2015 12:30:00 PM	I13878-2015	14/10/2015 12:51:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - Noise/vibration	The caller, S. 74 was affected by noise/vibration from a blast at the quarry today at about 12:30, which caused the house to shake. The caller notes that there are cracks in the home believed to be due to blasting.	Buttai Gravel MARTINS CREEK QUARRY, noise impact to resident of Vacy		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG
14/10/2015 12:33:00 PM	I13873-2015	14/10/2015 12:37:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - Noise/vibration	The caller was affected by significant v bration associated with a blast at the quarry today. The caller indicates that the blast itself was relatively mild, but the after effects - the falling rock, caused the house to shake.	Buttai Gravel MARTINS CREEK QUARRY, noise impact to local resident		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG
Section 74									
17/09/2015 12:30:00 PM	I12717-2015	17/09/2015 12:42:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Noise from blast at Buttai Gravel (Martins Creek Quarry) EPL 1378, Station Street Martins Creek. The noise was much louder than blasts have been recently, and a very long noise. The caller didn't feel any vibration.	Buttai Gravel EPL 1378, Station Street Martins Creek.		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG

Release by EPA under GIPA677 / EPA270

17/09/2015 12:29:00 PM	I12718- 2015	17/09/2015 12:41:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY	Caller affected by noise and vibration from a blast at the quarry today. Caller received notification of blast late yesterday afternoon. The caller indicated that the noise and vibration seemed to be greater than normal compared to other blasts. The home shook, windows rattled and the vibration was clearly discernible to the people within the home. Weather is overcast t present.	Buttai Gravel MARTINS CREEK QUARRY	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
	I11340- 2015	18/08/2015 06:09:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY	Report emailed to info@environment on 18/8/15 at 6:09pm: Complainant has lived in Martins Creek for the past . S. 74 Complainant I believes that blasting regularly carried out by the operators of the quarry (Daracon) is causing damage to their house. Cracks in walls and damage to window fittings are the main cause of concern. S. 74 S. 74 S. 74 S. 74 S. 74 S. 74 S. 74 Complainant would appreciate advice as to what we can do. Is compensation available so I can repair the damage? Can the blasting be reduced? Can you send someone to monitor the blasting and its effects? (email attached)	MARTINS CREEK QUARRY, STATION STREET, MARTINS CREEK	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
26/06/2015 12:00:00 AM	I08909- 2015	01/07/2015 11:08:00 AM	300 NOISE/VIBRATION - 305 WASTE FACILITY - N/A	Buttai Gravel Pty Ltd (Daracon), Station Street, Martins Creek. Caller is reporting of extremely loud blast from the mine last Friday (26/06/15) afternoon and that the noise was progressive. Caller said company did send the flyer regarding the blast, but this noise was louder than previously experienced. Caller wants EPA to investigate this noise incident and whether the company met its licence condition.	Buttai Gravel Pty Ltd (Daracon), Station Street, Martins Creek 2420	Section 74 BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
29/06/2015 01:10:00 PM	I08812- 2015	29/06/2015 04:59:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Windows rattled today; like a quarry blast. Very slight noise aud ble in the background; but caller was not advised of any blast. If this was due to a blast they should have been notified. It was unusual, and may have been caused by something else. Can EPA advise, please.	Vibration in caller's house: from an unannounced blast. Martins Creek Quarry (but not sure).		VACY	DUNOG
26/06/2015 01:40:00 AM	I08687- 2015	26/06/2015 02:07:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - N/A	Martins Creek Quarry, Station Street, Martins Creek. EPL: 1378. Caller is reporting of a large explosion at the mine at around 1.40 pm this afternoon which shook caller's house. S. 74	Martins Creek Quarry, Station Street, Martins Creek 2420. EPL: 1378	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
26/06/2015 01:40:00 PM	I08684- 2015	26/06/2015 01:51:00 PM	300 NOISE/VIBRATION - 301 MINE	Huge loud blast caused by Martins Creek Quarry, Station Street, Martins Creek. There was a very loud blast from the quarry that shook the whole house, windows, shed, the animals went berserk and callers wife ran out of the house thinking it was the Newcastle earthquake. Caller said they have not experienced a huge blast like it for a very long time that it felt like the side of the mountain was falling down. Caller said the blast happened approximately 13:40 today 26/6/15. Please contact caller.	Huge loud blast caused by Martins Creek Quarry, Station Street, Martins Creek.	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG

	I05289-2015	15/04/2015 02:31:00 PM	100 AIR PARTICULATES - 102 WASTE FACILITY - N/A	Martins Creek Quarry, Station Street, Martins Creek. EPL: 1378. Caller is reporting of dusts being emitted from trucks leaving the quarry from 6 am till 6 pm, Monday to Friday and sometimes on Saturdays. Caller said nothing has been done to control the dust.	Martins Creek Quarry, Station Street, Martins Creek 2420. EPL: 1378		BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
05/03/2015 05:45:00 AM	I03146-2015	05/03/2015 11:41:00 AM	300 NOISE/VIBRATION - 305 WASTE FACILITY - Noise/vibration	Caller referred to EPA by Council. The caller raises a concern that the Martins Creek quarry is sometimes commencing operation prior to 6am. The caller has noticed it on a number of days in recent weeks but didn't note exactly which days. It was audible this morning before 6am. The noise that is audible to the caller is described as truck movements and the sound of gravel loading (like a "shooosh"). The caller also mentions that their house shakes when the quarry undertakes blasting.	Martins Creek Quarry, noise impact to nearby resident		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG
03/02/2015 02:10:00 PM	I01460-2015	03/02/2015 02:31:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Overpressure from blast at 2.10pm from Martins Creek Quarry; volume 'same as usual' but the shaking of windows in the caller's home after the blast seemed to last significantly longer than usual. Only seconds, but still noticeably longer than usual.	Martins Creek Quarry; Station St - EPL 1378, VACY. Overpressure affected caller's home at Wakaya Cl, Vacy.		BUTTAI GRAVEL PTY LTD	VACY	DUNOGG
31/10/2014 01:37:00 PM	I15909-2014	31/10/2014 01:57:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Loud blast from: Martins Creek Quarry, Station Street, Martins Creek. Blast happened today 31/10/14 at 13:37, caller was inside the house, he said the house & shelves vibrated.	Loud blast from: Martins Creek Quarry, Station Street, Martins Creek, NSW 2420.	Section 74	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
31/10/2014 01:45:00 PM	I15908-2014	31/10/2014 01:54:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Loud blasting from Martins Creek Quarry. it shook the house badly.	S. 74 and Martins Creek Quarry. Martins Creek.		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG
07/10/2014 06:30:00 AM	I14699-2014	09/10/2014 10:25:00 AM	300 NOISE/VIBRATION - 303 INDUSTRIAL - N/A	Report received by email to info@environment on 7/10/14 at 07:20. Complainant wishes to lodge a complaint about noise from large machinery working at Martins Creek Quarry. The noise woke the complainant at 06:30 on 7/10/14. S. 74 and the sound of the heavy machinery is audible if the complainant's windows are open. During the warmer months the complainant prefer to sleep with windows and doors open. Complainant is aware of many issues relating to this Quarry, but was under the impression that they were operating under certain guidelines that restricted the times within which they could operate their machinery. Complainant thinks that 06:30 is not a reasonable time to commence operations given the number of residents that live within hearing range of the Quarry. This is a semi-rural / residential / bush land area and the noise is offensive and intrusive at the best of times, whereas being woken by it at 06:30 is unacceptable. Email is attached in this report.	Martins Creek Quarry (Buttai Gravel), Station St, Martins Creek		BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
08/10/2014 01:50:00 PM	I14662-2014	08/10/2014 02:16:00 PM	300 NOISE/VIBRATION - 303 INDUSTRIAL	Loud blast caused by: Martins Creek Quarry, Station St, Martins Creek. Caller said the blast happened today 8/10/14 approximately 13:50, and said it was very loud, he was running a generator near the garage and heard the loud blast over the top of the generator noise, caller had to stop and step out and look at the direction of the quarry to see what's happened. Caller said the blast is the loudest he has ever heard from the quarry, it seems l ke it was a surface blast for it to be that loud, not underground.	Loud blast caused by: Martins Creek Quarry, Station St, Martins Creek, NSW 2420.		BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG

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08/10/2014 01:45:00 PM	I14657- 2014	08/10/2014 01:51:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY	The caller was affected by a blast today at the quarry, at approximately 13:45. The blast was loud and shook the caller's house. The sound and v bration continued for a little longer than they usually do.	Martins Creek Quarry, noise and vibration impac to resident of Vacy		BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
05/09/2014 01:20:00 PM	I13143- 2014	05/09/2014 02:40:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Noise and some vibration from a blast at the quarry which went off around1:20pm today. The noise was louder and lasted longer than usual. There was some vibration as well.	Martins Creek Quarry EP 1378, Station Street Martins Creek		BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
05/09/2014 01:23:00 PM	I13139- 2014	05/09/2014 01:48:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Noise and vibration from Martins Creek Quarry. Caller notes that a blast was let off today at 1:23pm. The vibration shook her house and opened up a crack wider in an internal wall. Glasses in the cupboard shook and pictures moved on the wall.	Martins Creek Quarry EP 1378, Station Street Martins Creek	Section 74	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
05/09/2014 01:22:00 PM	I13135- 2014	05/09/2014 01:37:00 PM	300 NOISE/VIBRATION - 301 MINE	Loud blast at: Martins Creek Quarry, Station St, Martins Creek. Caller said the quarry called them and said the blast will happen at 1.30pm today, however it happened earlier and it was a loud blast at 1.22pm today. Caller said it was a fairly substantial bigger blast and lasted for a few seconds more longer, the blast shook the house windows. Caller said its raining and damp outside.	Loud blast at: Martins Creek Quarry, Station St, Martins Creek, NSW 2420		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
05/09/2014 01:25:00 AM	I13132- 2014	05/09/2014 01:35:00 PM	300 NOISE/VIBRATION - 301 MINE - N/A	Buttai Gravel , Martins Creek NSW. EPL- 1378. Caller is reporting of noise and vibration from extremely large blast from the mine at 1.25 pm today. It shook caller's entire house. Caller said there are cracks on the ceiling.	Buttai Gravel , Martins Creek NSW 2420. EPL- 1378		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG

I11986-2014	12/08/2014 06:13:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY	<p>Report emailed to Daracon and copied to info@environment on 12/8/13 at 6:13pm: Complainants are experiencing excessive blasting from the Martins Creek Quarry S. 74</p> <p>S. 74 and have never had problems with the quarry until the last 12-18 months. In that time their house is showing signs of damage from explosions that shake their house, with vibrations coming up through the floor and rattling windows. Consequently, they now have significant cracks throughout their house in the gyprock, cornices, pavers around the edge of their S. 74 and cracking of mortar in outer brickwork to the extent that some of the mortar has even fallen out. They are also dealing with an increase in noise pollution and dust, especially with a southerly wind blowing. S. 74</p> <p>S. 74 This is going to have a huge impact on the value of their homes and quality of life. They are also very concerned regarding the wildlife in this area and don't believe they are being taken into account. In the 17 years thye have been here, they have seen quite a few echidnas, possums, kangaroos, wedge-tail eagles and many other native birds and reptiles. Most worrying is that there are koalas in this area. They had a young koala access their property as recent as late last year. They have legitimate concerns for their future here given Daracons' intentions to expand threefold and operate 24/7. They would like to know what measures will be taken to ensure that their house is not going to be damaged further and that they can continue to enjoy living here in what had always been a peaceful environment.(email attached)</p>	Daracon (Martins Creek Quarry), Station St, Martins Creek	Daracon	MARTINS CREEK	DUNGOG
Section 74							
I11915-2014	07/08/2014 09:22:00 AM	300 NOISE/VIBRATION - 305 WASTE FACILITY	<p>Report emailed to info@environment on 7/8/14 at 9:22am: Complainant emailed concerns to Daracon and copied info@environment on 7/8/14 at 9:22am: Complainant advising they have several cracks in their plaster, only appearing in the last 18 months. S. 74</p> <p>S. 74 Daracon stated at the public meeting that they had received very few complaints so here is another. When complainant first moved to Vacy they could not hear or see the quarry from where they live but now with extra blasts they have noticed cracks in ther plaster which are becoming more prominent. When a blast happens they can feel the vibration through their body, china rattles and the house vibrates which no doubt will cause the cracks as a result. Filling cracks and repainting will only be a temporary solution until the next blast and the cracks will open up again. Increased noise from crushing, blasting and loading along with dust has become so uncomfortable that they need to keep their windows and doors closed but can only muffle out to a certain degree. This was never the case before. Complainant asks for the name, type, specifications, age and location of Daracon's dust, noise and blasting monitors. Also asks for notification on when Daracon will be blasting and readouts from their monitors to demonstrate that Daracon is meeting regulatory conditions. (email attached)</p>	Daracon- Martins Creek Quarry- Station St, Martin Creek	Daracon	MARTINS CREEK	DUNGOG

06/08/2014 01:49:00 AM	I11687-2014	06/08/2014 02:01:00 PM	300 NOISE/VIBRATION - 301 MINE - N/A	BUTTAI GRAVEL PTY LTD, Martins Creek NSW 2040. EPL # 1378. Caller is reporting of noise and vibration from the blast at the quarry. Caller was outside near clothes line and could feel the vibration through her body. The blast happened at approximately 1.49 pm today. Caller said the blast is happening almost every week. Caller can see cracks inside the house.	BUTTAI GRAVEL PTY LTD, Martins Creek NSW 2040. EPL # 1378	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
06/08/2014 12:00:00 AM	I11681-2014	06/08/2014 01:59:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Large blast at 1.45pm today; significantly louder than usual. Caused animals distress on caller's property.	Martins Creek Quarry: EPL 1378	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
25/07/2014 12:29:00 PM	I11113-2014	25/07/2014 12:52:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - Noise/vibration	The caller was affected by a blast at the quarry at about 12:29, it caused the caller's house to shake. Windows rattled and vibrations were felt through the caller's body, the blast was also audible. S. 74	Martins Creek Quarry, vibration impact to resident in Vacy	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
	I09041-2014	02/06/2014 07:59:00 PM	100 AIR PARTICULATES - 102 WASTE FACILITY - Noise/vibration	Report emailed to info@environment on 2/6/14 at 19:59pm: Complainant lives near Martins Creek quarry, and is concerned about the dust and noise they are making. They say the dust is being monitored. But complainants gutter is always full of dirt these days as they clean them often; Complainant uses tank water for the house. Complainant asks if EPA monitor the dust and noise from the quarry. They don't like to think that they are breathing in that dust all day, and some days it's so noisy you can't go outside. Complainant would like to know how they can get a report on dust and noise from the quarry and asks if the quarry is doing anything about it. (email attached)	BUTTAI GRAVEL PTY LTD, MARTINS CREEK QUARRY, Station St , MARTINS CREEK- EPL 1378	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
						Section 74		
02/06/2014 01:40:00 PM	I08810-2014	02/06/2014 02:43:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - N/A	Excessive vibrations from a blast at BUTTAI GRAVEL PTY LTD EPL#1378 MARTINS CREEK QUARRY STATION STREET MARTINS CREEK causing glasswear in cupboards to rattle and clash together. Caller very concerned about the possibility of more cracks in the family home as caller already has one crack.	BUTTAI GRAVEL PTY LTD EPL#1378 MARTINS CREEK QUARRY STATION STREET MARTINS CREEK	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
02/06/2014 01:41:00 PM	I08809-2014	02/06/2014 02:36:00 PM	300 NOISE/VIBRATION - 303 INDUSTRIAL	Very Loud blast from the quarry. Caller was inside their house when the blast happened, said the blast/noise vibrated through their body and caller could hear the noise through the window. S. 74	7 Wakaya Close, VACY, NSW, 2421	BUTTAI GRAVEL PTY LTD	VACY	DUNOG
02/06/2014 01:40:00 PM	I08806-2014	02/06/2014 02:27:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - N/A	Excessive vibrations due to a blast at BUTTAI GRAVEL PTY LTD MARTINS CREEK QUARRY Station St Martins Creek - EPL 1378	BUTTAI GRAVEL PTY LTD MARTINS CREEK QUARRY Station St Martins Creek - EPL 1378	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG

Section 74

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02/06/2014 02:00:00 PM	I08804- 2014	02/06/2014 02:23:00 PM	300 NOISE/VIBRATION - 301 MINE	Excessive blast from MARTINS CREEK QUARRY Station St Martins Creek. The blast caused massive vibration which shook the whole house and all china dishes rattled in the cupboard. Aall neighbours came out to see what the noise was. Caller says the blasting was like an earthquake.	MARTINS CREEK QUARRY Station St Martins Creek	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
29/04/2014 06:00:00 PM	I08555- 2014	28/05/2014 04:35:00 PM	300 NOISE/VIBRATION - 303 INDUSTRIAL - Particulates/dust	Report received by email to info@environment on 26/5/14. In summary the complainant attached a 'drop box' link of video footage of the Buttai Gravel/Martins Creek Quarry operator breaching licence conditions across multiple dates. Item 1 - IMG0421.MOV - filmed 29th April 2014 shot at 18:00 onwards showing crusher and conveyors continuing to run after 18:00 and loader movements onsite outside the approved hours of operations per L6.2. Item 2 - IMG0433.MOV - filmed 30th April 2014 shot at 18:00 showing crushers continuing to operate after 18:00 and vehicle and loader movements on site outside approved hours. Item 3 - IMG0450.MOV - filmed 14th May 2014 shot at 18:00 onwards showing crusher continuing to operate and vehicle movement onsite after hours. Item 4 - IMG0466.JPEG - Photo shot on 17th May 2014 showing significant dust plumes coming from crushing operations on the western lots of the quarry (lot 5 & 6). Item 5 - IMG0471.MOV - filmed 21st May 2014 shot at 19:08 onwards, records from 03:12mins onwards maintenance occurring on the crushers with audible rattle guns. The repeated audible cracking sound throughout the video is some type of pressure relief valve occurring from the cement hoppers. From the footage it appears for items 1,2,3 & 5 they are breaching condition L6.2 of their licence (at least definitely where the crusher is still running and where they are using rattle guns for maintenance). From the photo in item 4 the operator appears to be in breach of condition O3.1 - there doesn't appear to be any dust suppression systems on their conveyor, crushers or stock piles. Complainant thinks air pollution limits are monitored via the high volume air sampler recording averages. Is this correct or does EPA have ability to query / enforce O3.1 also? Complainant has footage on a USB stick if required but requests that this footage is not divulged to any third parties. Original email with drop box link is attached in this report.	BUTTAI GRAVEL (Martin Creek Quarry), STATION STREET, MARTINS CREEK - EPL 1378	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
	I08492- 2014	28/05/2014 08:55:00 AM	400 WATER - 407 MINE	Caller believes Martins Creek Quarry has previously blocked off local creek as the creek was very dry last year (caller cannot remember exact date or month). The creek always has water in it. The creek now has water but the caller's animals are sick with cancer and caller suggests the creek water is contaminated from the mine.	MARTINS CREEK QUARRY Station St Martins Creek	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
28/04/2014 06:00:00 AM	I06886- 2014	28/04/2014 04:14:00 PM	300 NOISE/VIBRATION - 301 MINE	Loud machinery noise coming from Martins Creek Quarry Station St Martins Creek. Caller says the noise started at 06:00 and has progressing loudly as the afternoon approached where caller says the noise is unbearable now.	Martins Creek Quarry Station St Martins Creek	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG

Section 74

I05252-2014	26/03/2014 01:49:00 PM	1300 OTHER - 1301 EPA LICENSED - N/A	Report emailed to info@environment on 26/3/14 at 13:49: In summary complainant has a number of grave concerns that relate to the quarry operations and associated transport activities of the extraction and cumulative environmental impact of these works. A number of these concerns complainant states are outright breaches of the licensees operating conditions. In the second instance a number of these concerns are subjective cumulative impacts not adequately addressed or controlled within the licences current conditions. (see email attached)	Buttai Gravel Pty Ltd (MARTINS CREEK QUARRY), Station St, Martins Creek: EPL 1378		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG	
26/02/2014 12:00:00 AM	I03033-2014	26/02/2014 10:07:00 AM	300 NOISE/VIBRATION - 305 WASTE FACILITY - Particulates/dust Noise/vibration	Caller affected by early morning noise from the quarry, trucks are parked in the yard overnight, caller hears them start driving out of the yard to be loaded from about 5:30-5:40am, the trucks can then leave the quarry loaded at about six, sometimes a little before 6am. Licence conditions suggest that noise should not be affecting resident prior to 6am. Caller also affected by excessive dust from the road near the quarry, associated with trucks on the road. The premises have indicated that they can't water down the road because it makes it muddy, they also don't seem to water down the truck before they leave. The cloud of dust is visible from a long distance away, the dust generally seems worse recently.	Buttia gravel, Station Street Martins Creek		BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
19/12/2013 08:30:00 PM	I20402-2013	20/12/2013 08:33:00 AM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Quarry has been working late virtually every night this week. Finishing time on the western side is 5pm and the eastern side is 6am-6pm. Caller can hear the crushers and the reversing alarms as late as 8.30pm or 8.45pm. Employees cars wake caller as they start arriving at 4.45am-5am and the trucks start up at 6am on site.	BUTTAI GRAVEL PTY LTD - ELR 1378 Martins Creek Quarry, Station Street, Martins Creek	Section 74	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
09/11/2013 07:45:00 AM	I18534-2013	09/11/2013 08:02:00 AM	100 AIR PARTICULATES - 102 WASTE FACILITY - N/A	After hours call. Large amount of dust in air coming from the Daracon Quarry (Buttai Gravel), Station St and Grace Avenue, Martins Creek on 09/11/13 at 07:45. There is dust over the valley from their crusher. (A/hrs reference 31557)	Buttai Gravel (Daracon), Station St, Martins Creek EPL 1378		BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
22/10/2013 07:00:00 PM	I17694-2013	23/10/2013 08:55:00 AM	300 NOISE/VIBRATION - 301 MINE	Noise from trucks driving up Station St to the Martins Creek quarry last night at 19:00. caller says the the truck are not suppose to drive up Station St after 17:00. Caller also said they started work at the quarry at 06:30	Martins Creek Quarry Station St		Daracon	MARTINS CREEK	DUNOG
09/07/2013 04:00:00 PM	I11119-2013	09/07/2013 06:36:00 PM	300 NOISE/VIBRATION - 302 RAIL - Noise/vibration	AFTER HOURS. Caller advised there are trains idling past 19:00pm and goes on into the evening. The noise went from the afternoon until 2:00am. Ongoing issue . [A/HRS REF:# 24537]	Daracon, Martins Creek		Daracon	MARTINS CREEK	DUNOG

Reference	Type	CallDate	CallerName	Suburb	Council	InciDate	InciTim	IncidentLocation	GIPA 677 Buttai Gravel Pty Ltd Sept 1996 - August 2012
<u>21856</u>	341	17/May/1999		MARTINS CREEK	DUNOGG	17/May/1999	10:05	RSA Quarry, Station St (owned by State Rail)	Noise from trucks driving to quarry, caller believes they are operating outside acceptable hours. Caller believes normal operating hours are 7am to 4pm, but trucks are arriving earlier, one at 2.30am recently, another this morning was at 3.50am, another one at 5am. Caller says "improvements" are being made at the quarry at the moment but he believes they are working outside limited hours. Caller wants to know what the official operating hours are. Could EPA inspector pls ring caller to discuss.
<u>23589</u>	300	12/Aug/1999		MARTINS CREEK	DUNOGG	11/Aug/1999	16:00	MARTINS CREEK QUARRY, TOCAL RD NEAR TARCOL SCHOOL	MARTINS CREEK QUARRY TRUCKS LEAVE QUARRY NOT USING TARPS TO COVER LOADS. DUST & ROCKS FLYING OFF TRUCKS - ONE CHIPPED WINDSCREEN. EPA SIGN SAYS COMPANY SHOULD BE USING TARPS.
<u>41855</u>	341	04/May/2001	S. 74	MARTINS CREEK	DUNOGG			State Rail Quarry	State Rail Quarry, Martins Creek has been blasting for ballast for railways. Caller says the blasting is causing cracks in house. Caller has been advised by a bricklayer recently that the cracks in the house is caused by the blasting. The bricklayer also brought a consultant along and the consultant verbally confirmed this. This problem has ongoing for last 2 years and the caller has to repeatedly having to keep repairing the cracks. The last blasting occurred 23/4/2001 and as a result there is extensive cracking inside and exterior of the house.
<u>43405</u>	300	26/Jun/2001		MARTINS CREEK	DUNOGG	26/Jun/2001	15:30	Metromix quarry - Station Street	Metromix quarry allow their transport trucks to operate with uncovered loads. As a result caller says the dust in the area is unbelievable. Some days there are sixty to seventy trucks driving past - all of them uncovered. The verandah is permanently covered with gravel dust. This problem has been going on for years but seems much worse lately. Also the trucks start work at 05.30 in the morning - this is a couple of hours earlier than allowed and they are very noisy. Caller has complained to the quarry managers but she believes that they don't care about the local residents opinions on this. They also seem to be excavating much closer to callers residence than caller was originally advised. Caller believes they are almost regulating themselves as there never seems to be any checks on the premises etc and feels that an EPA inspector needs to be made aware of the problem.

<u>44498</u>	300	07/Aug/2001	PATERSON	DUNOGG	07/Aug/2001	10:00	Martin's Creek Quarry -	<p>30 Truck movements a day past my caller's home which create untenable amounts of dust preventing caller from opening doors and windows.</p> <p>S. 74</p> <p>S. 74</p> <p>S. 74 Caller is requesting that the watering not only be on a regular basis but that it is extended because despite the short stretch of tar out the front of her home - the majority of truck drivers have no concern for the well being of the residents and mostly drive at top speeds (some hit 80km on the stretch). Also not all trucks have their loads covered and dust will migrate from the material as they fly past but her chief concern is the billows of dust from untarred road. Caller says that the quarry has been 'extracting a good living' for many years and although it is possible for the quarry to put another road into the site which doesn't affect the residents amenity - they haven't done so. Caller says that tarring the full stretch (which is mainly subject to heavy truck movements from the quarry) is another option which would at least address the dust from the road problem. Can EPA please investigate?</p>
<u>54879</u>	300	15/Jul/2002	MARTINS CREEK	DUNOGG	12/Jul/2002	20:00	MARTINS CREEK QUARRY, STATION RD	<p>TRUCKS FROM MARTINS CREEK QUARRY DRIVING PAST AT 8PM AT NIGHT CREATING A GREAT DEAL OF DUST AND NOISE. NOT TREATING THE ROAD TO PREVENT THIS DUST AND DRIVING VERY FAST.</p> <p>There is dust coming from the Martins Creek Quarry over the towns of Paterson and Martins creek. The dust is a large haze over the towns and has been present for the last few days. The dust is very bad. It is catching in callers throat and their eyes are puffy. Callers home is full of dust. Yesterday was particularly unbearable. Caller lives quite a distance from the quarry and caller is concerned for the</p> <p>S. 74 .Caller has been putting up with this for years, but have never complained. Now they have had enough and want the EPA do do something about it. Caller was told there is no dust suppression at the quarry at all. There was also a loud blast yesterday afternoon which rocked the callers home.</p>
<u>67495</u>	300	19/Sep/2003	MARTINS CREEK	DUNOGG	19/Sep/2003		Martins Creek Quarry (Licence 1378)	

<u>71789</u>	341	23/Feb/2004	S. 74	MARTINS CREEK	DUNGOG	22/Feb/2004	5:45	Martins Creek Quarry	<p>Caller reports that the quarry was working on Sunday. Trucks arrived at .5.45am & began leaving at 6am. Caller feels they finished at about 13.45hrs. Caller is approx 1/2k from the site. Caller asks what are their approved work hours? Trucks arrive at midnight regularly & travelling at about 90kph in order to be the first truck out in the morning. Is this allowed?</p>
<u>71853</u>	341	24/Feb/2004		MARTINS CREEK	DUNGOG	24/Feb/2004		RIC Quarry, Douglas St	<p>Noise from the RIC quarry at Martins Creek. The quarry operates from 6am every morning and trucks from the quarry are there at 5am. 15 -20 trucks will line up, in an attempt to be the first into the quarry. Sometimes they park at the quarry in the middle of the night and drivers sleep in their trucks. Last Sunday they were working from 6am as usual. Two weeks ago they were working at 10pm on a Sunday. Could an EPA officer please phone caller back to explain their legal hours of operation.</p>
<u>71881</u>	341	25/Feb/2004		MARTINS CREEK	DUNGOG	25/Feb/2004		Martins Creek Quarry Licence # 1378	<p>Caller reports that the quarry started operations at 5am on Sunday (22/02/04). Truck were passing at high speed to access the quarry. The noise was very intrusive.</p>
<u>75454</u>	341	21/Jun/2004		MARTINS CREEK	DUNGOG	21/Jun/2004		Martins Creek Quarry (State Rail and Metromix)	<p>Noise and dust from trucks arriving and leaving Martins Creek Quarry. This morning trucks arrived at 5:15am, they then sat at the gates with the engines running. Sunday morning a truck arrived at 6:15. This is an ongoing issue. Trucks have been leaving the site as late as 5:45pm. Caller would like to discuss this issue with an operations officer.</p>
<u>82765</u>	341	17/Mar/2005		MARTINS CREEK	DUNGOG	17/Mar/2005	6:00	Martins Creek Quarry	<p>Noise from trucks arriving early hours at Martins Creek Quarry. Caller says the licence allows the quarry to operate from 06:00-18:00. The trucks are arriving at 05:15. Caller had complained last year and the trucks stopped for awhile but now are starting early again. Caller is also querying why the mine is allowed to operate at 06:00 when other mines in the area start at 07:00.</p>
<u>84782</u>	341	02/Jun/2005		MARTINS CREEK	DUNGOG	02/Jun/2005	5:10	Martin's Creek Quarry - enroute along Patterson Road	<p>Noise of heavy B-double trucks passing caller's home from 5.10am onwards for a 6am start at the mine. There is money allocated to upgrade the road but it has been 8 months since caller was told it is seemingly underway, yet nothing has been done. Caller asks if it is possible to have a db reading done?</p>