

# Martins Creek Quarry EIA Submission – David Hislop

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As a resident of Bolwarra Heights on Tocal Road, I object to the application by Daracon as it stands, particularly in regard to:

1. Overstatement of economic benefit to the community
2. Understatement of traffic issues including safety and capacity
3. Failure to consider amenity impact for the residents along the haul route
4. Financial impact on residents along the haul route due to property value discounting and sound attenuation.
5. Financial impact on our council, hence ourselves as ratepayers

The proposal as it stands seeks to externalize costs of transporting the quarries product to the communities of Dungog, Maitland and Port Stephens. No meaningful amelioration is proposed outside of the immediate area of the quarry. This is in line with outcomes of community “consultation” to date, where such concerns are treated as “someone else’s problem”. The EIS over states economic positives of the proposal, while belittling impacts and seeking to transfer costs arising from the proponents to the wider community. This is all masked by a document that is structured in such a way as to make location of relevant information exceedingly difficult, limiting the ability of residents to reply effectively. Initial review of documentation supplied suggests inconsistencies between documents, and an over emphasis on “average” impacts as opposed to the outcomes of “peak” periods.

## Over statement of economic benefit

Appendix C greatly overstates employment benefits of the proposed increase in production.

- The table on P3 appears to treat all employment at the quarry as “jobs created”, including the (app) 27 currently employed. The real situation would be an increase from 27 to 36 employees, while not distinguishing between casual and full time employees (no data on actual current employment hours and proposed hours is supplied for comparison). Likewise 2 weeks work in a 5 year period (phase 5) is treated as a position created.
- The Construction Phase Employment table on page 6 is even more misleading. Every worker for any period during each phase is treated as a “new job”, and all are summed at the bottom of the table, giving an exaggerated impression on the employment created by the project.

## Understatement of traffic issues

The traffic impact analysis makes claims that do not appear to be realistic in regard to cumulative impact, the greater impact of heavy truck impact on residents compared to light vehicles and the ability of existing infrastructure to cope with the proposed additional traffic. A limited view of “capacity” is also applied to the narrow road through Bolwarra Heights – the trucks may be able to fit down the road, but whether this is appropriate is not considered.

- It is a disingenuous claim that no new developments are planned to add traffic to Tocal Road, creating an impression of limited cumulative impact;
  - Subdivision underway at Maitland Vale will add traffic to morning peak hour – residents commuting to work, school buses and so on. This will pass through Bolwarra Heights via Flat Rd to Melbourne St or Belmore Rd Lorn. The intersection of Tocal Road and
  - Dungog LEP allows for further subdivision around Paterson, this is inevitable, even if no proposals were underway when the application was compiled. Appendix H repeatedly notes that current traffic levels are not large. Therefore future developments in Maitland Vale and Dungog will not need to be large to achieve a rate of growth well above the claimed historical average of 2%.
  - Land has been recently acquired by local developer on Paterson Road to the NE of the Flat Road roundabout. This will create another busy intersection on Paterson Rd where laden trucks travelling downhill will interact with passenger cars, before all proceed to the Flat Rd roundabout.
  - An application for expansion of the Hanson quarry at Brandy Hill is under preparation. A key haul route will intersect the primary route from Martins Creek at the intersection of Tocal Road and Paterson Road. The EIS effectively takes the position that as the full details of the truck movements from Brandy Hill are not yet known, they can be overlooked or not considered. Residents of Paterson and Tocal Roads subjected to the ensuing truck movements will not agree.
- Misrepresentation of impact of truck movements on local residents;
  - The statement that trucks from the quarry are a small proportion of movements ignores the disproportionate impact of these trucks;
    - The far greater noise per movement, particularly empty trucks
    - Far greater impact on state and local government roads by trucks compared to other vehicles. This in turn adds to the noise issues as roads deteriorate and trucks cross open and patched holes or joins. Recently rebuilt portions of Tocal Road are already breaking up. We as state government taxpayers and ratepayers are being left to subsidise the total cost of moving the quarry product.
  - Use of very a small scale in graph on page 15 of appendix D to minimize representation of truck movements per day, and using movements per year obscures the disproportionate impact of the peak periods of a year.
- The claim that local infrastructure can cope with the impacts of the proposal is dubious, and based on limited criteria (eliminating amenity in particular);
  - According to Appendix H Traffic Impact Analysis page 72, the Melbourne St intersection is already over capacity (Spare Capacity -7%). Melbourne St already backs up to the Morpeth Road roundabout on a regular basis during the morning peak. It is spurious to suggest that additional truck movements will have no impact there. Trucks take longer to move off, effectively taking up more of the allocated capacity heading North on Melbourne St during morning peaks, particularly as the proposal will lead to additional

“stacking”. In addition trucks along with other traffic will be encouraged by additional congestion on Melbourne street to undertake a “rat run” up Hawes street into residential areas of East Maitland.

- The report states that traffic in the New England Highway corridor is growing by 2%, providing limited cumulative impact at the Melbourne St intersection. This does not seem to agree with the Maitland City Council website stating that local growth is well over this figure. Development in the Aberglassyn, Rutherford, Cliflee and Huntlee areas spring to mind as examples of new large subdivisions that add traffic to the New England Highway.
- The suggestion that impacts can be reduced by moving the haul route away from Belmore Road through Lorn does not assist Bolwarra Heights at all, and only promotes increased congestion at Melbourne St.
- The report notes that there is “adequate on and off street parking” along Tocal road through Bolwarra Heights. There is no on street parking North of Paterson Road on Tocal Road. For the style of subdivision permitted by Maitland Council along the East side of Tocal road in this location, parking is limited to driveways, and arrival of trucks for deliveries or the like involves dangerous reversing onto or off the road and blocking of at least one lane. The risks involved here will be exacerbated by the increased heavy truck movements associated with the proposed development.
- Appendix H (Traffic Impact Analysis) notes that the road through Bolwarra Heights is narrow (though avoids stating the actual width, unlike other locations). No work is proposed or practical to reduce the risks associated with traffic stopping or using driveways (a major risk). The report (table 2-10) states that to address safety issues in Bolwarra Heights a shared footpath/cycleway should be installed. The corridor is simply not wide enough for a reasonable width facility to be built without the community disruption and costs of resuming land to realign the road corridor. Bikes already attempt to share the road at least as far as Hilldale drive as there is nowhere else to ride. We just have to put up with more trucks on a road noted in the TIS table 2-1 as “suited to the urban built form” – not a regional road. It is inadequate to say that because there have been no fatalities to date, it will be safe to greatly increase the number of heavy trucks down this bottleneck.
- Again, most claims in the TIA report relate to average expected movements, as opposed to much higher numbers that will have a disproportionate impact during major projects.

## **Traffic noise impact on Bolwarra Heights residents**

The EIS makes no explicit assessment on the impact on amenity of the proposal upon residents in the areas affected by the haulage routes. There are inconsistencies between the EIS and even the current working arrangements as to items such as operating hours and early morning traffic. Finally there is a heavy emphasis on the “average” outputs in discussing traffic, aside from one table in the Traffic Impact Analysis. Having lived through previous peak periods, regularising approval for even heavier traffic is not compatible with the urban area along the haul route in Bolwarra Heights.

- The crux of the problem with this proposal for residents in Bolwarra Heights lies in table 4-4 of Appendix H Traffic Impact Analysis. Estimated peak movements of Class 9 trucks in the time between 5 and 7am past our houses is proposed to change from 23 to 89. This is not a minor or incremental change. As trucks often bunch into groups, this will amount to minutes where you could not have a normal conversation outside our front (bedroom) windows, from 5am or earlier as trucks move up to the quarry to load starting at 5:30. Total Class 9 movements are proposed to change from 189 to 677 per day. Increasing large truck movements by 360% at 5 am on a road that passes about 10 metres from the nearest house (2 Moore Road) is not a minor detail, let alone an acceptable impact.
- The Traffic Impact Analysis points out that
  - *peak demand occurred on Monday 17<sup>th</sup> of March 2014 with 9,449 tonnes which equates to 291 outbound truck movements, giving 582 two-way truck movements on that day.*

Nothing in the documentation seems aimed at preventing a repetition of this period, which was quite intolerable. Trucks bunched into “convoys” bumper to bumper, and the noise was incessant for the operating period of the quarry, and up to an hour beforehand when trucks travelled up to be loaded. In fact the TIA states that we could expect worse in the future. Much of the community concern about the operation of the quarry dates from March 2014, and was worsened by the current proposal to repeat the March 2014 experience on an ongoing basis. The EIS notes a long list of forthcoming projects that the quarry will be seeking to supply. This could amount to years of being woken by 5am by empty trucks passing our houses at a rate of 40 per hour, to be joined by the same number of loaded trucks from about 5:50am.

The current voluntary arrangements by Daracon to limit outgoing despatches before 6:30am appear to be made redundant by the proposal. This impression is further enhanced by the emphasis placed on the claimed need to dispatch as early as possible in the morning contained in the Heavy Vehicle Route and Market Assessment document.

- It is also important to note that the current “background” existing operation is subject to court action as being outside existing approval, so the current application is to effectively increase the number of approved truck movements outside our homes from 30 (Dungog Shire Council approval for 24 movements per day in total, allowing for historical percentage passing through Bolwarra) to peaks of 600 or more.
- The Acoustic Report attached to the EIS seems inadequate in addressing the issues of Bolwarra, particularly amenity. In particular there is no recognition that the proposal is to extend loading of trucks to 5:30 am, which would move the “shoulder” period of traffic past our houses to 5am and earlier. The report seems to assume that the current voluntary traffic management arrangements will continue. It is not realistic to consider that noise at this time should be judged at “daytime” permissible levels. Secondly the calculations seem to focus on the marginal changes in decibels (loudness) while ignoring the changes to the frequency of truck movements, particularly in the early mornings. No analysis of amenity for residents along the haul route

during peak periods while a major project is underway is provided. For us this would be near intolerable.

- The Heavy Vehicle Route and Market Analysis (page 11) includes the observation that most development approvals include a condition along the lines of

*“work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-*

*Monday to Friday- 7.00am to 5.00pm*

*Saturday- 8.00am to 1.00 pm if audible on other residential premises, otherwise 7.00am to 5.00 pm*

*No work to be carried out on Sundays or Public Holidays.”*

These conditions are designed to maintain the amenity of the neighbours for the limited time of a new construction. However here they are being used as a reason to subject residents along the haul route to greater level of noise outside of those hours. Are haul route residents not afforded the same rights to reasonable amenity, and not being disturbed at 5:00am? I find the idea of 80 truck movements an hour past my bedroom at 6am to be likely “unreasonable disturbance”! This argument then undermines itself by suggesting that batching plants could store additional aggregate overnight if delivery was delayed.

- Bolwarra Heights along Tocal road has traditionally been a “rural lifestyle” area. Many lots are larger, and the South side is zoned as Large Lot Residential. Residents have accepted constraints on subdivision and the type of development permissible in return for a zoning with the objective *provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality*. People bought land here for the large lots with a semi rural outlook. The sort of ambiance associated with this style of outer urban development is not compatible with having the proposed level of heavy traffic passing through our community from 5am each day.
- The only means offered of reducing truck impacts on amenity is via a code of conduct for drivers. No details are supplied, including how this could be enforced. Daracon has in the past stated at a public meeting that they have limited control over the actions of contract drivers, who are the majority of the current truck fleet. We have little confidence in the ongoing governance of such an arrangement unless strict conditions are included in any final approval.

## **Financial impacts on Bolwarra Heights residents**

Along with the affected residents of Paterson and Martins creek we already have paid a real estate penalty for the existing road noise. This was the order of \$100,000 according to an agent who valued our property 2 years ago. We did not buy a property with 677 movements of large trucks from the quarry per day on our street, so can expect further discounting on our largest asset. This amounts to the residents of Bolwarra and Bolwarra Heights paying a financial cost for the proposal as it stands. Such costs are not mentioned as a possible community cost in the EIS. If the truck movements forecast in the TIA come to pass it would not be unlikely that we would each face a further \$50,000 discount on our properties. In just the portion of Tocal road between Moore Rd to Hilldale Drive this affects 15 houses,

giving a community cost of \$750,000 over just 330m of road. Who will compensate owners for such losses?

The proponent emphasises the need to be unconstrained in the number of truck movements in their morning peak period (see “Heavy Vehicle Route and Market Assessment”), which includes the 5-7am time when most people would be attempting to sleep. If we are forced to carry out remediation on our houses in order to be able to sleep until 7am, we are currently expected to bear that cost ourselves, in addition to the loss of real estate value.

The Social And Economic Impact analysis does not address any issues for Bolwarra (the word is not even in the report!).

## **Impact on Maitland Roads**

The traffic flows used as a basis for the estimation of the cost impact of the development on the road network are at odds with other data included in the EIS. They are significantly less, and do not appear to match the number of movements required for the tonnage proposed. The proposed costs to Maitland are unrealistic.

The TIA states that under the proposal, future class 9 movements could reach 677 per day along Paterson Road Bolwarra compared to the current flow of 189 (table 4-4 Page 45). The Future Pavement Maintenance Requirements document (table 2 Page 8) states that the current flow of Category 9 trucks through Bolwarra is 72.9 loaded (equals approximately 146 truck movements for comparison) increasing to 103.3 laden trucks (206 movements). It seems that different assumptions are being made about future volumes in order to suit different audiences for the documents.

The suggested additional cost per annum of \$2,189 for Maitland (page 25) is not reflected in our lived experience. In particular, as a part of managing road pavement noise, the road surface in affected areas will need to be kept in better condition than “serviceable”. Given that the surface laid on Tocal Road in the previous financial year has already been patched, causing additional noise that will in turn lead to complaints and further action, it is difficult to see that the modelling used in the EIS is reasonable for this situation.

The proposed contribution by the proponent seems to be inadequate and would in turn lead to an effective subsidy of the operation by Maitland ratepayers as well as State and Federal taxpayers who contribute to this road. It is our understanding that similar extractive industries are paying in the order of 4c/tonne/km of council maintained roads. If such a formula was applied to Maitland the result would be approximately 1.5m times 65% by 13km using the information in the FPMR document. That would be in the order of \$500,000 per annum, which seems more likely than \$2,189 additional.

## **Consultation and public trust**

The applicant is not seen by the public as a good corporate citizen. This situation relates to the perception that they have not conformed with previous approvals, and the outcomes of consultation to date. In particular I note the minutes of consultative committee meetings as prepared by the applicant

when road noise issues are raised are always along the lines of “Identified roles and responsibilities of road managers” – in other words someone else’s problem. No enforceable means of dealing with road issues has been proposed by the company. The current restrictions applied to drivers are widely seen as a cynical means of temporarily reducing complaints and the likelihood of submissions against the proposal under consideration. The recent statement by the owner of the quarry at a public meeting that he would move as many trucks as permitted by this approval only adds to the anxiety of the residents of Bolwarra Heights that the current operating conditions would not be maintained if a new approval matched the current proposal.

## Summary

The amenity impacts of the proposal as contained in the EIS are unacceptable and incompatible with the maintenance of reasonable amenity in Bolwarra Heights and for other centres impacted by the haul route. If the extension of the mine life was to be approved I request that the following be considered;

1. Limiting of annual capacity to the current operating outcome of approximately 1m tonnes/year
2. Limiting dispatch by road to no earlier than 6:30am
3. Limiting peak road dispatch to 30 trucks/hour before 7:00am
4. An enforceable requirement regarding standards of maintenance of trucks including dampers and the like to restrict noise when empty.
5. An enforceable and monitored drivers code of conduct including speed limits in urban areas
6. Increased contributions for road repairs and upgrades
7. Sound mitigation measures for haul route affected residents, particularly if impacted before 7:00am

Thank you for your consideration

David Hislop BSc, MES, Grad Dip Emergency Mgmt