

Director Resource Assessments  
Planning Services  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

PO Box 143  
Paterson  
NSW 2421  
Tel: 02 4938 8299  
Email: coakes@iinet.net.au

17 November 2016

Dear Sir,

**Martins Creek Quarry Expansion – Application No SSD-16-6612**

I am a resident of View Street, VACY and wish to advise of my objection to the above project proposed by Buttai Gravel Pty Ltd (Daracon).

I oppose the Martins Creek Quarry Expansion for the following reasons:

- Current operations are being conducted outside of the Development Approval consent conditions imposed by Dungog Shire Council in the early 1990's,
- Unacceptable social and environmental impacts are imposed on the local community in the vicinity of the quarry; Martins Creek and the area to the north of the quarry site i.e. View Street Vacy and neighbouring properties on Dungog Road and Horns Crossing Road, and,
- Unacceptable social and environmental impacts are imposed on the Historic town of Paterson and other settlements on the haulage routes.

**Current Operations**

It is my understanding that the current operations of the quarry are not in accordance with the Development Approval consent conditions issued by Dungog Shire Council in the 1990's.

Whilst I understand that the DA is in dispute and is subject to an action in the Land and Environment Court, set down for a hearing in February 2017, the DA must nevertheless be deemed to be the only agreement in force covering current operations, until such time as it is found not to be enforceable. On that basis it seems to me that the submission of an EIS for expansion of the quarry cannot and should not be considered until the court case is resolved.

It seems immaterial to me that the DA is a Local Government matter and that the project proposal is a State Government matter. On a whole of Government basis the existing matter should be resolved and not be overtaken/bypassed by a new agreement with the State Government. Surely the State Government has a duty to support the Local Government agency in this regard until such time as it is resolved.

**On the above basis I object to the project proposal being considered at this time.**

In the event that legal opinion does not support my argument for setting aside consideration of the project proposal at this time I outline below my general objections to expansion of the Martins Creek Quarry as outlined in the EIS currently on public exhibition.

In so far as the Quarry Operations are an existing use, having supplied material since the early 1900's principally as railway ballast, I do not object to the continuing operation of the quarry as a source of good quality rock to local and other NSW state markets. I do however object to an expansion of the quarry, unless adequate measures are put in place to mitigate the social and environmental impacts arising from an increase in material output.

### **Impacts on Martins Creek and surrounding areas**

The principal impacts on Martins Creek and surrounding areas comprise noise, dust and vibration from quarry operations – blasting and crushing. Properties in View Street Vacy and nearer the quarry variously suffer these impacts and consequent property damage as a result of blasting.

Truck traffic entering and leaving the quarry via Grace Avenue is also a problem in so far as early morning truck traffic noise, truck convoys and road infrastructure damage are common impacts. While the proposal to relocate the quarry access away from Martins Creek will provide some relief for the residents of Martins Creek, the proposed new access to be located on Dungog Road will only exacerbate the impacts on local residents. The adverse longitudinal and horizontal geometry of Dungog Road at the proposed access point is less satisfactory than the current access along Grace Avenue and will not solve the current problem of trucks queueing doubled banked in Grace Avenue from 5am onwards to gain access to the quarry, It will in fact cause a greater impact on traffic using Dungog Road in a northerly and southerly direction due to poor sightlines.

### **Impacts on the Historic town of Paterson**

Notwithstanding the impacts that will be experienced in other areas and settlements on the haulage routes the Historic town of Paterson is the “**pinch point**” of the project proposal and every effort needs to be made to alleviate the impacts on the amenity of this historic settlement. Essentially, all impacts are associated with truck traffic in all it's forms – traffic volume/frequency, noise, road safety, pedestrian safety, shopping/business parking, pollution, road infrastructure and social amenity. In addition, the impact on tourism is significant whereby local establishments that cater for food and accommodation and other cultural activities are at risk from the impact of a continuous flow of truck traffic over extended periods.

The diurnal variation of truck traffic needs to be addressed in the context of local activities, typically drop-off and pick-up times for schools and week-end tourism activities. Existing road infrastructure is totally inadequate for truck and dog combinations (32.5t) where a railway level crossing, sharp 90deg bends and steep inclines restrict the free and safe passage of trucks. Safe parking for commercial purposes (shopping) in the main street is hindered by the threat of vehicle damage and pedestrian safety.

### **General comments on the EIS**

It is not my intention to comment in detail on the content of the EIS, however it is necessary to mention some of the obvious inaccuracies/miss-information that has been included in the text and also note disagreement with some of the proposals that affect all areas impacted by the proposal.

Examination of the Executive Summary reveals the following:

Under the heading **Background** the statement – “current operations include the extraction of on average 906,000 tonnes of hard rock material per annum”. The implication in this statement is that this a baseline figure. That is totally incorrect. The baseline figure, and only baseline, is the DA issued by Dungog Shire in the 1990’s which is for 330,000 tonnes per annum, 30% by road and 70% by rail. The figure of 906,000tpa is the illegal level of operation by Daracon, and specifically includes extraction and delivery of material to a major project at Hexham early in 2014, which necessitated the use of up to 600 trucks per day passing through Paterson. This is the event that gave rise to Community **outrage**, specifically in Paterson, and led to a Public Meeting in Paterson in July 2014 at which time the owner of Daracon, Mr Mingay, notably said in answer to a question from the floor as to what he would do if 600 trucks passed his door responded – “I would move house”.

Under the heading **The Subject Site** reference is made to the identification of the various lots that comprise the quarry areas to be developed. It should be noted that lot 6 has already been developed without any approval to date.

Under the heading **The Proposed Development** the proposal is summarised as follows:

- Extracting up to 1.5 million tonnes per annum.

Against an **implied** baseline of 906,000tpa that does not seem unreasonable but against the actual baseline of 330,000tpa it is a significant increase. The Community has already experienced 906,000tpa **without control or mitigation of impacts** and such a level of extraction is totally unreasonable and unsustainable. In the context of Paterson as a small country town with it’s inherent infrastructure restrictions and threatened social amenity value, the historic, community and physical fabric must surely be protected.

- Extending into new extraction areas and clearing approx. 36.8ha of existing vegetation

The proposal envisages a quarry footprint many times greater than the original quarry site and it encroaches on native vegetation and will impose a threat to endangered species.

- Increasing the hours of operation

Operation on 6 days per week for any of the component quarry activities is considered unreasonable. Construction sites, the recipient of quarry materials, typically do not operate on Saturdays and Sundays and the Community should surely be afforded a “**rest**” from all quarry and related activities during week-ends. Extended working hours during the week are again an imposition on the Community at large. Industrial type businesses typically do not commence operations before 7am, and undertaking some quarry operations up to 10pm, and truck movements up to 7pm is totally unreasonable.

Similarly, train operations on a 24 hour, 7 day per week basis would have a significant and unreasonable impact on the community of Martins Creek.

Under the heading **Purpose of the EIS** the proponent emphasises the need to identify benefits and key environmental and social impacts and propose measures to mitigate and manage negative impacts. As will be discussed later in this submission these elements have not been adequately addressed.

Under the heading **Key benefits of the Proposal** the emphasis is on the quarry and completely ignores the impacts on the Community, local (Martins Creek and Paterson) and other settlements on the haulage routes. In fact, subsequent sections continue to discuss matters associated with the quarry site and pay little attention to impacts beyond the boundaries of the quarry site.

Under the heading **Consultation** mention is made of the Martins Creek Quarry Community Consultative Committee (MCQCCC) “which is the main mechanism for information sharing between the proponent and stakeholders”. In a review of Section 7 of the EIS and the Stakeholder Consultation Issues Report it is quite clear that there has been little engagement with the Community at large and the process of interactive (two way) discussion has not been the proponent’s intention or the purpose of the MCQCCC. The proponent has used the MCQCCC as a means of transmitting information on a one way basis and has not entered into meaningful discussion and identification of Community concerns/impacts and their mitigation.

Martins Creek Quarry Action Group (MCQAG) as a member of the MCQCCC, and on behalf of local residents, consistently sought discussion on Community concerns/impacts without success. In the absence of the proponent undertaking a meaningful Consultation Program with the wider Community, MCQAG undertook it’s own Community Survey and Business Survey as a means to establishing the key concerns/impacts identified by the local Community and Businesses. Not surprisingly, truck traffic and all attendant impacts were the key concerns. Reference to the Community and Business Surveys conducted by MCQAG may be found in the submission made in response to the EIS by Martins Creek Quarry Action Group.

In response to the MCQAG Community Survey, and with respect to truck traffic specifically, the EIS deals in monotonous regularity with road infrastructure requirements and traffic modelling and completely fails to propose a **traffic management strategy that may in some way mitigate the impacts on community safety at key times of day**. Diurnal traffic volume/frequency predictions in the EIS are all related to market requirements and **NOT** to Community impact risks.

The conduct of the MCQCCC has not been an independent forum, as envisaged by the Department of Planning, and consequently the proponent’s actions and proposals in this forum have not been sufficiently tested for adequacy, accuracy or response to the Secretary’s Environmental Assessment Requirements (SEARS).

A demonstration of Community **outrage** to this project was reflected in the comments and concerns raised at the Department of Planning meeting held in Paterson on 2<sup>nd</sup> November, which has continued to reflect the Community attitude toward a proponent who has consistently portrayed a **“could not care less attitude”** to the Community since embarking on the major Hexham project early in 2014.

I have specifically not commented on the detailed data contained in the various sections of the EIS. The adequacy, accuracy and veracity of that information has been the subject of a detailed submission made by MCQAG, and I therefore totally associate myself with that submission in that regard.

## Summary

**I object to the EIS being considered at this time in view of pending court proceedings in the Land and Environment Court in relation to the current DA issued by Dungog Shire Council.**

When the EIS is examined by the Department of Planning I make the following comments.

- Notwithstanding the need to correct inadequacies and inaccuracies in technical data submitted in the EIS, the proponent should be required to undertake a comprehensive and responsive Community Consultation Program, before a final determination is made on the proposal.
- I recognise the existing use status of the quarry and consider that continued operation of the facility should reflect the conditions contained in the DA issued by Dungog Shire Council, i.e 30% by road and 70% by rail.
- I consider that the impacts of blasting (noise, dust and vibration) on the residents local to the quarry should be further addressed in order to mitigate the timing and magnitude of those impacts. I also consider the proposed alternative access to the quarry from Dungog Road to be a potential road safety hazard.
- I consider that expansion of the quarry and export of material should only be permitted between the hours of 7am to 5pm Monday to Friday and if account is taken of the significant Community and Social impacts on Paterson and other settlements on the haulage routes. Specific attention should be paid to the need to adopt a truck traffic management strategy which reflects time of day impact risks.
- I consider that truck traffic should be capped at a maximum truck rate per hour that is commensurate with sustainable impacts imposed on the community, environmental and social fabric and amenity values of Paterson and other settlements on the haulage routes. Export of material at rates exceeding the capped truck traffic rate per hour should **automatically** trigger a requirement for export of material by rail.

I request that the above comments be examined in the context of providing reasonable and sustainable protection to the local community.

I have not made a reportable political donation.

Yours faithfully,

Owen Coakes