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**6 December 2016**

**Dear Sir,**

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

I am a resident of View Street, VACY and now provide a supplementary submission in support of my objection to the above project proposed by Buttai Gravel Pty Ltd (Daracon).

In my submission dated 17 November 2016 I provided general commentary on the Environmental Impact Statement (EIS) submitted by Daracon and the impacts that will affect the local communities if an expansion of quarry operations is permitted. I have now had an opportunity to review the EIS in greater detail and also I have received expert reviews on certain aspects of the EIS data. This has allowed me to amplify my previous comments on certain aspects of the EIS to further support an argument for the application of terms and conditions of consent that ensure that any development approval granted to Daracon takes account of the need to provide protection to the local social and physical environment in a sustainable manner.

Additional comments are as follows.

**Land and Environment Court**

I continue to object to the EIS being considered until such time as the current action being heard in the Land and Environment Court (LEC) has been resolved. It seems inconceivable that current illegal operation of the quarry can be ignored and overtaken/bypassed by consideration of a new agreement with the State Government. The attempt by Daracon to now seek a deferment of the LEC matter (set down for a hearing in LEC on 9 December) in favour of proceeding with the EIS is a blatant attempt to subordinate the legal standing of an Agreement with Dungog Shire Council in favour of securing a new agreement with the State Government.

**EIS Review**

In their supplementary submission the Martins Creek Quarry Action Group (MAQAG) has appended various expert reviews of certain sections of the EIS that identify inadequacies and miss-information provided by the proponent. Whilst I support the submission by MCQAG, being a member of that group, my comments on some of those reviews are as follows. Please note that I have not attached to this letter the various documents appended to the MCQAG supplementary submission.

**Consultation**

The SEAR's requires the proponent to consult *with relevant local, State and Commonwealth Government authorities, service providers, Aboriginal stakeholders,*

*community groups and affected landowners.* As previously advised consultation with community groups has been a one way dialogue (CCC) and consultation with affected landowners has not been demonstrated. The **Social Impact Assessment and Consultation Section Review** attached to the MCQAG supplementary submission clearly demonstrates the inadequacy of this section of the EIS and comprehensively identifies the lack of meaningful consultation and assessment of social impacts that will be caused by the project. As described in the second paragraph of the above review the EIS does not contain an SIA, but is merely a community profile providing pages and pages of 2011 census and other data, most of which is out of date. No attempt has been made to provide an analysis of how the characteristics of the community's affected by the project may be influenced by the project against specific social baseline indicators. Further examination of the above-mentioned review provides a detailed commentary on the deficiencies in this section of the EIS which is purported to be in accordance with IAIA Guidelines. It is suggested that such a statement is mere window dressing.

As well as the above review, reference is made to the Community and Business surveys undertaken by MCQAG that indicate specific impacts experienced by local residents and businesses in Paterson.

The poor quality of this section of the EIS calls into question the expertise of the Consultant engaged to undertake Community Consultation on behalf of the proponent, and it should be rejected outright.

### **Social and Economic Assessment**

The SEAR's *requires an assessment of potential impacts on local and regional communities including impacts on social amenity.* Notwithstanding the comments made above with regard to a lack of consultation it is noted that there has been no attempt made by the proponent in the EIS to address Social Amenity. The **Social Amenity and Precautionary Principle and perceived Impacts** review attached to the MCQAG supplementary submission has been prepared to identify a concept that has a significant application to the community consultation process. The definition of **Social Amenity** and the definition of **Precautionary Principle** together with the references to case law and their application in other jurisdictions, clearly demonstrates the characteristics that need to be addressed and the decision making process that must be adopted, if impacts on community – personal and collectively – are to be afforded protection from project impacts that are not sustainable.

Paterson and other settlements on the haulage route will be severely impacted by the collective impacts arising from truck traffic and decision makers are required under the above concepts to apply preventative anticipation to ensure prevention of damage at the outset rather than remediate it at some future date.

### **Noise**

The SEAR's *requires a quantitative assessment of potential construction, operational and off-site transport noise impacts etc.* The section of the EIS dealing with noise has been expertly reviewed by **Bridges Acoustics** in the report appended to the MCQAG supplementary submission. The report finds *that significant issues exist with a high potential to materially affect the results and conclusions of the EIS.*

Notwithstanding the comments throughout the review with regard to deficiency in data and interpretation of noise policy (INP) the information provided on truck traffic noise is concerning. Specifically, the adoption of baseline noise parameters using existing truck traffic as a norm would seem to be totally at variance with the concept

of showing the difference between (normal) traffic noise without trucks and actual and projected traffic noise with trucks. The argument adopted by the proponent in this regard is the same as the attempt to show baseline extraction/transportation levels as being related to the current illegal operation at up to 906,000tpa. Similarly, the argument with regard to the shoulder period - operation during night time i.e. before 7am - seeks to use current illegal operation truck traffic noise impacts as the baseline and therefore justification for operation of the quarry earlier than the night time restriction contained in the INP. The proponent admits to currently operating outside of the stipulated criteria of 55dBA and 60dBA, night time and day time levels respectively, but justifies that by seeking to use an invalid baseline as discussed above.

There would also appear to be some doubts about the impact of quarry blasting on residents in the area to the north of the quarry in the vicinity of Dungog Road, Horns Crossing Road, View Street and Wakaya Close. The residents' perception of blast impacts does not accord with the proponents data, and the Bridges Acoustics review suggests various reasons for this inconsistency. It is suggested that this section of the EIS also needs to be critically examined, particularly so as it is believed that the blast monitoring process followed by the proponent may not have been provided by an independent assessor i.e. independent from the blasting contractor.

Since blasting and truck traffic noise are core impacts of the operations of the quarry it is suggested that this section of the EIS should be critically examined as to accuracy, assessment of impacts with regard to INP and other policies and having regard to social and environmental sustainable impacts on the community.

## **Tourism**

It is noted that the SEAR's makes no specific mention of Tourism and the Historic nature of Paterson. It is indeed curious to understand why the Department of Planning would not highlight the need to examine project impacts on Paterson as a significant tourist destination in the Hunter Valley given it's historic past. Could it be that these aspects are not valued by State Government? The historic profile of Paterson dates back to the early 1800's and the current available hospitality facilities in and around Paterson (including wedding venues) rely upon a congenial and restful environment for their survival, particularly so at week-ends. The **Tourism Profile and Perceived Impacts review** appended to the MCQAG supplementary submission, has been prepared to highlight the historic nature of Paterson and the nature of the tourist facilities that provide for visitors to the area. Visitation statistics and motivators for visitation are provided as indicators of the patronage afforded local tourist type businesses.

It is noted that the proponent has provided no information in the EIS as to consultation with local businesses; has not identified project impacts on these businesses or other local amenities e.g. the Court House Museum. This is again evidence of the poor quality of the consultation process adopted by the proponent.

## **Economic Assessment**

The SEAR's *requires a detailed assessment of the costs and benefits of the development as a whole*. The EIS provides pages of historical ABS type data pertaining to the Dungog LGA and similarly background data on Extractive Industries. It also provides a commentary on a major quarry on the Gold Coast, Qld, but it is noted that this quarry has no meaningful relationship to the scale of operations at Martins Creek and therefore the employment, expenditure, income and

multipliers and other parameters have no relevance whatsoever. Further discussion on multipliers, construction impacts etc. are all very interesting but *the Overview of Costs and Benefits* is very academic and provides no detailed assessment as required by SEAR's.

It is understood that the rationale for the economic assessment is based on a quarry life equivalent to 30 million tonnes. An examination of the **Geology Review Report** prepared for MCQAG and appended to their supplementary submission indicates that the projected life is only 14 million tonnes. If this should prove to be the case then the Cost and Benefit Analysis prepared by the proponent is clearly invalid.

In my submission of 17 November I dealt with truck traffic impacts generally and the effect that they have currently and will have, if expansion of the quarry/transportation of product is consented at a rate higher than the current DA terms and conditions. I would reiterate that all impacts emanating from truck traffic need to be carefully assessed as to their sustainability. Unless there is a sustainable traffic management plan for the village of Paterson and other settlements on the haulage routes, which takes account of local community restraints, other than just market demand, then these settlements will be severely and irreversibly damaged. The need for a plan that reflects diurnal restraints and demands is a paramount requirement of any terms and conditions attached to a future Development Approval.

As a footnote I am surprised at the extremely poor quality of the EIS document in both content and structure, and I am of the opinion that the Department of Planning ***should not have accepted it as an adequate document for Exhibition***. The Department of Planning letter dated 2 December 2016 addressed to the proponent would seem to support that view.

I have not made a reportable political donation.

Yours faithfully,

Owen Coakes