



Planning & Environment

Planning Services
Resource Assessments
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Mr Adam Kelly
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Dear Mr Kelly

Martins Creek Quarry Extension Project (SSD 6612)

The public exhibition of the Environmental Impact Statement (EIS) for the Martins Creek Quarry Extension Project concluded on Thursday 24 November 2016.

The Secretary requests that you prepare and submit a report that comprehensively addresses the submissions received on the project, as well as those raised in the community meeting held on 2 November 2016. A copy of the submissions received on the project and the Department's record of issues raised at the meeting can be viewed on the Department's website www.majorprojects.planning.nsw.gov.au.

In particular, the Department requests that you also consider and respond comprehensively to the comments set out in **Attachment A**, including requests for further information and/or revised impact assessments.


The Department notes that submissions received from residents in local communities are particularly concerned about traffic and transport (including the volume and frequency of truck movements and road safety), noise, blasting and vibration impacts, and impacts to the heritage values, rural amenity and lifestyles of Martins Creek, Paterson and other towns and villages located along the proposed haul routes.

Please note that the Department is expecting to receive comments from the Roads and Maritime Services and supplementary submissions from some members of the public, which will be forwarded to you as they are received. It is requested that these are also addressed in your response to submissions (RTS) report.

The Department also notes submissions from other stakeholders, including employees and businesses that support the project on the basis of employment and economic benefits, significance of the resource and the importance of the quarry to Daracon and its operations.

If you wish to discuss this matter, please contact Thomas Watt on 9274 6375 or myself on 9274 6308.

Yours sincerely,


Howard Reed
Director
Resource Assessments
as the Secretary's nominee

2-12-16

Attachment A

Issue	Section in EIS	Department's comments and request
Description of existing development, baseline of impact assessments and Land and Environment Court proceedings	EIS sections 2.5 – 2.9 inclusive and Appendices	<p>1. The Department notes the EIS has adopted the 2014/15 annual production of around 900,000 tonnes per annum (tpa) for the purposes of assessing the proposed increase up to 1.5 Million tonnes per annum (Mtpa). This means that impact assessments have been undertaken for a proposed increase of around 600,000 tpa (eg. Table 2-7 in the Traffic Impact Assessment).</p> <p>The Department has received submissions from the community that raise concern with this approach, particularly in the context of the current proceedings brought by Dungog Shire Council (Council) in the Land and Environment Court of NSW. These submitters are concerned that the use of 2014/15 annual production data may not accurately characterise the existing consent limits that apply to the quarry operation.</p> <p>More specifically, Council in its submission on the EIS outlines a significantly smaller scale operation, which involves a maximum extraction rate of 300,000 tpa from Lot 5 DP242210, a processing limit of up to 449,000 tpa on Lot 1 DP 1006375 and a maximum of 30% (or around 80,000 tpa) allowed to be transported by road, with the remainder dispatched by rail. Council also disputes the use of processing equipment, existing use rights, land clearing and stockpiling described in the EIS (sections 2.5 – 2.9 inclusive and Appendix B).</p> <p>The Department notes and accepts that the EIS provides an assessment of a proposed increase of 600,000 tpa. However, in light of the uncertainty around the existing consent limits, the Department considers that additional impact assessments, which consider the environmental effects of a proposed increase in extraction of 900,000tpa and 1.2 Mtpa and corresponding increases in processing, stockpiling and dispatch are necessary in order to ensure a robust and reliable assessment and an approval which can withstand legal and other scrutiny. Please provide a comprehensive assessment of noise, dust, traffic and all other key impacts based on expansion of approved production by increments of both 900,000 tpa and 1.2 Mtpa.</p>
Consultation	EIS and Appendix E	<p>2. The Department's Social Impact Assessment (SIA) specialist has reviewed the EIS, including the Stakeholder Consultation Issues Report (SCIR) (Appendix E) and the Social and Economic Assessment (Appendix O). The Department's SIA specialist has identified significant shortcomings with the Social Impact Assessment (SIA) and the consultation undertaken to date. This is consistent with feedback from the community during the Department's consultation meetings that consultation undertaken during preparation of the EIS did not result in the community's issues and concerns being addressed or resolved.</p> <p>The Department requests that a revised SIA is submitted as part of the RTS which, at a minimum:</p> <ul style="list-style-type: none"> a) Includes a comprehensive stakeholder identification or map with particular emphasis on potentially vulnerable groups; b) researches, analyses and qualitatively describe first-hand views (ie opinions, concerns and aspirations) of community members regarding the proposal; c) investigates and documents the views of other interested parties regarding the proposal;

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		<p>d) considers and assesses the different ways in which the project might affect various groups in the community, with particular attention to distributive equity and hard-to-reach community members;</p> <p>e) conducts a thorough assessment of potential social impacts, directly informed by insights gained through community engagement;</p> <p>f) considers the potential significance of these impacts, in terms of:</p> <ul style="list-style-type: none"> i) <i>duration</i> – when the impact will occur and over what period; ii) <i>extent</i> – in terms of both geography and number of people potentially affected; iii) <i>severity</i> – the intensity of the potential impact on different groups; iv) <i>sensitivity</i> – the social value placed on the impact by different groups, and their capacity to adapt to change; and v) <i>level of concern/interest</i> – the degree to which the impact is viewed as significant by different groups in the community (based on outcomes from engagement); <p>g) proposes how positive impacts might be secured or enhanced;</p> <p>h) proposes responses to significant negative impacts (avoid, minimise or, lastly, mitigate); and</p> <p>i) provides a comprehensive monitoring plan for social impacts, including appropriate responses for unanticipated impacts.</p> <p>The Department considers that a further program of consultation and engagement with the community is necessary to inform the revised SIA. Such a program should be designed and carried out by an appropriately qualified and experienced person/s or organisation.</p>
	Appendix E	<p>3. As a mechanism to support and inform a revised SIA, the SCIR (Appendix E) requires further work including:</p> <ul style="list-style-type: none"> a) prioritisation and identification of significance of issues to determine the importance of each issue to different parts of the community; b) a discussion of whether the Applicant's responses to issues actually address the concerns (eg does restricting in-pit quarrying operations to between 6am and 6pm Monday to Saturday address community concerns around noise from this activity?); c) identifying the relationships between the issues raised and the parts of, or groups in, the community to whom they relate; and d) shifting the focus of engagement so that, as well as informing people of the Applicant's operational intentions, there is genuine, inclusive engagement around impacts on the social fabric and intangible dimensions of the community. <p>4. Additionally, the SCIR includes a description of proposed mitigation and management measures that are not discussed in relevant impact assessment reports elsewhere in the EIS (eg. relating to road noise mitigation measures, on-site truck parking and consultation with residents in View Street). The Department requests that any description of mitigation and management measures is properly considered in relevant impact assessments and clearly outlined in a consolidated section of the RTS.</p>

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Traffic and Transport	EIS and Engineering and Transport Assessment	5. The figures in the Engineering and Transport Assessment (Appendix H) appear to indicate proposed road intersection works would occur on privately-owned land. The Department requests revised figures of all proposed road intersection works that include the clear identification of property boundaries and privately-owned land. The consent of the relevant land owner must be provided for all parcels of land on which works are proposed to occur, including any privately-owned land and relevant Road Authorities (ie the relevant Council, or RMS).
	EIS and Traffic Impact Assessment	6. The Department is not satisfied that the EIS and TIA have proposed an acceptable road intersection upgrade in the village of Paterson. Specifically, the Department is not satisfied that a traffic engineering solution, such as physical separation, achieves an acceptable balanced outcome that considers the community's current use of the town centre, desire to preserve village amenity and heritage values and availability of on-street parking. The Department requests that careful and detailed consideration is given to avoiding traffic impacts to Paterson or alternatively the development of solutions that achieve a more reasonable outcome and considers the community's views on access and use of the village of Paterson.
	EIS and Traffic Impact Assessment	7. The EIS concludes that <i>"the existing road networks would be likely to manage traffic flows associated with the proposal, given that the hourly rate of truck movements will not increase compared to existing peak operations (ie 40 outbound laden trucks per hour in the mornings)"</i> . The Department considers further information is required to support this statement, including: a) monthly sales (production) data from the past three years; b) the highest daily volume of trucks dispatched in each month of these years; and c) the highest hourly dispatches each month of these years.
	EIS and Traffic Impact Assessment	8. The Department requests the following clarification and/or additional information relating to the TIA: a) a description of the proposed staging of construction works for the new haul road, including identification of interim mitigation and management measures that would be implemented while the quarry is operating and prior to the completion of this work (eg. temporary reductions in truck movements, limits on production, or other arrangements such as upgrading Station Street and Grace Avenue); b) SIDRA modelling of all major intersections on proposed haul routes (these have been identified in section 2.4.1 of the TIA) and a description of any measures that would be implemented to minimise or mitigate traffic impacts, if necessary; c) an amended TIA that considers those unquantified truck movements associated with deliveries of fuel, parts, pre-coat and other chemical additives, blending products such as fly ash and any other service or delivery vehicles likely to access the site (eg. the NIA indicates regular delivery of consumables to supply the pug mill each morning of operation however this has not been quantified in the TIA, or elsewhere in the EIS);

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		<ul style="list-style-type: none"> d) an impact assessment that includes a road safety appraisal of the proposed new driveway access to Dungog Road; e) a description of the measures that would be implemented to avoid or minimise haul trucks exceeding the speed limit on parts of the proposed haul routes (as reported in the TIA); f) a description of the measures that would be implemented to monitor and demonstrate that haul trucks do not travel through Lorn, as proposed; g) clarification of the hours of operation during which haul trucks travel to (first arrival) and depart from (final load) the site (the TIA indicates an 8 hour day, but states under section 4.4.1 that this actually occurs over 10 hours between 5 am and 5 pm, each day); h) provide further justification for the method used to quantify the proposed additional 488 truck movements as accurately reflecting the existing approved level of trucks that may be dispatched from the site (refer section 4.4.1 in the TIA); and i) provide a cumulative impact assessment of the proposed volume of truck movements as they relate to existing approved and proposed truck movements from the Brandy Hill Quarry.
	Rail Logistics Report	<p>9. The Department requests clarification and additional information in relation to the use of rail transport, including:</p> <ul style="list-style-type: none"> a) revised analysis of the viability of using rail transport to dispatch material via a stockpile site in light of Daracon's current ownership of the Ardglen Quarry, which also has an existing rail siding; and b) identify the particular circumstances under which the rail siding and and transport would increase (ie the circumstances required to make this viable focussing on the current primary market, being the Newcastle and Hunter regions).
Air Quality	EIS and Air Quality Impact Assessment	<p>10. The Environment Protection Authority (EPA) has raised a number of issues with respect to the Air Quality Impact Assessment (AQIA) in Appendix F of the EIS, including that it has not been undertaken in accordance with the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i> (Approved Methods). The Department also has specific comments on the AQIA, including:</p> <ul style="list-style-type: none"> a) Assessment of different stages of the project The AQIA does not include a plan, or reference to other parts of the EIS to identify the scale or stage of the proposal that has been assessed. Rather, the AQIA predicts emissions in a single scenario that assumes all activities would occur concurrently and in the same location on the site. The Department does not consider this sufficiently represents the proposed staging of the quarry, particularly activities in new extraction areas, the operation of mobile plant in different locations and the use of the new haul road to Dungog Road. <p>It is also unclear whether the AQIA has considered the proposed relocation of part of the existing stockpile areas in the southern part of the site. Accordingly, the Department requests the revised AQIA provides an assessment of predicted emissions from each key stage of the development to potentially affected receivers.</p>

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		<p>From this, the Department would expect the identification of additional receivers, for example, those residences located on Merchants Road, which would be closer to extraction activities as the quarry expands into new extraction areas.</p> <p>b) Consideration of past monitoring results The AQIA reports that the dust monitor at location DG3 has recorded continual exceedances of between 1 and 7.9 g/m²/month) compared to the deposited dust criterion of 4 g/m²/month in the Approved Methods. The AQIA states that these exceedances, which in some cases are almost double the relevant criterion is the result of dust from nearby cattle paddocks rather than from the existing quarry operation. In the Department's view, this explanation seems unlikely.</p> <p>The Department notes this justification was also not accepted by the EPA in 2014 as part of the quarry's request to vary its Environment Protection Licence (EPL) to remove this monitoring location. The EPA refused this licence variation and recommended that Buttai Gravel Pty Ltd investigate the source of the exceedances.</p> <p>The Department considers that without the results of this investigation, it is unable to support the justification that nearby cattle paddocks are the cause of the exceedances, particularly considering the predominant winds at the site are from the west and north-west (as identified in section 7.1 of the AQIA).</p> <p>The Department requests that the revised AQIA consider the results of the investigation, if undertaken, or investigate the source of the exceedances reported at DG3. The Department further requests that dust monitoring results from locations DG5 and DG6 (which are not included in the EIS) as well as more recent data from DG3 are included and discussed in the revised AQIA.</p> <p>c) Assessment of potentially affected receivers along proposed haulage routes The EIS and AQIA state that <i>"Due to the proximity of residences in the villages of Paterson and Bolwarra to the main road proposed to be used as a haulage route, the likely impacts of dust from truck movements have also been considered in the AQIA"</i>. Neither the EIS nor AQIA identify these potentially affected receivers, or present predicted emission levels. The Department requests the revised AQIA include this impact assessment.</p> <p>d) Emissions discount applied to noise walls as wind breaks The AQIA states that a 30% reduction in PM₁₀ and TSP emissions has been applied on the basis that the proposed noise walls designed to mitigate noise emissions from the quarry would also mitigate dust emissions. The Department requests a more detailed justification in support of this factor that includes consideration of the predominant wind conditions at the quarry and results from dust monitors at locations DG3, DG5 and DG6 (see b) above).</p> <p>e) Dust dispersion contour maps</p>

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		<p>Revised dust dispersion contour maps are requested based on the additional impact assessments requested in a) above (ie for each stage of the development). In addition, it is requested that these revised maps are provided at a higher resolution to enable identification of potentially affected receivers and monitoring locations.</p> <p>f) Assessment against the NSW <i>Voluntary Land Acquisition and Mitigation Policy</i> (VLAMP) The AQIA has not identified, or assessed, two vacant parcels of land, being 438 Dungog Road and 10 Vogels Road. It is requested these vacant land parcels are assessed in accordance with the VLAMP in the revised AQIA.</p> <p>g) Review and revise Table 10 in AQIA It is requested that the calculation error in Table 10 is corrected in the revised AQIA. It appears that the predicted incremental emissions have been subtracted from the background level but should have been added to generate the cumulative predicted emission.</p>
Noise	Noise Impact Assessment	<p>11. In addition to the EPA's submission, which raises several issues in respect of the Noise Impact Assessment (NIA) (Appendix I), the Department requests clarification and further information on the following matters:</p> <ul style="list-style-type: none"> a) a description of all treatments proposed to be implemented to minimise noise from processing plant and the timing of implementing these treatments; b) clarify that the rail noise assessment has considered the use of longer trains, as identified in the Department's SEARs, to make rail transport viable (as opposed to shorter ballast trains); c) a more detailed discussion of measures that may be applied to minimise, or mitigate noise emissions (eg construction of temporary noise bunds to shield potentially affected receivers from stripping activities); d) provide an impact assessment of sleep disturbance levels on potentially affected receivers, including predicted levels taking into consideration the different stages of the proposed development; e) provide a revised road noise impact assessment, which considers trucks travelling through Paterson and Bolwarra (and any other affected urban areas) from before 5:30 am (based on the identification in the NIA that consumables are supplied to the pug mill from this time); f) clarify the statement "<i>The quarry generally remains inaudible at all other receivers</i>" in section 6.4.2 in relation to which receivers, under what operating conditions/stages and in noise assessment periods; g) revise predictions in section 6.5.1.2 to reflect noise levels from current approved truck volumes and then assess the incremental road noise impact from the proposed additional truck volumes (see above); h) revise noise contour drawings to provide finer resolution that enables identification of receivers and existing and proposed monitoring locations and with an improved legend; i) provide additional noise contour drawings to reflect all stages of the proposed development (eg. there is no noise contour drawing that depicts noise levels from stripping and extraction in the northern part of Lot 6 and associated emissions to receivers and vacant land to the north).

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		j) Table 14 in the Acoustic Report does not include haul trucks, which based on the proposed volumes during peak hours, are expected to contribute to noise generated at the site.
	Noise Impact Assessment	12. The NIA seeks to characterise the existing quarry as a legacy noise source. However, the past and existing operation of the quarry within its development consent is disputed by Council. The Department is, at this time, not satisfied that the EIS provides sufficient evidence to justify that existing operations are consistent with extant development consents (see 1 above). Accordingly, this justification for not considering further measures to avoid, minimise and mitigate significant exceedances to project specific noise levels (PSNLs) determined in accordance with the NSW Industrial Noise Policy is not accepted. Please provide a revised assessment that considers further measures to avoid, minimise and mitigation noise impacts.
	EIS and Appendix I	13. The NIA states "...secondary haulage routes such as Butterwick Road were not identified as being potentially significantly affected by changes in the proposed quarry operations". Provide justification in support of this statement that considers the revised incremental assessment following response to 1 above.
	EIS and Appendix I	14. Appendix I of the EIS includes drawings for the proposed noise wall on the western side of the rail siding at the quarry. The Department requests drawings of all proposed noise walls and/or bunds prepared to scale, with dimensions to Australian Height Datum AHD and identifying any relevant nearby features eg. privately-owned properties and residences.
Blasting	Blast Impact Assessment	15. Provide predicted blast levels for potentially affected receivers based on the different stages of the quarry extraction plan.
Historic Heritage	EIS	16. The Department requests a historic heritage assessment of the listed items and conservation areas located on the proposed haul routes (ie Paterson, Morpeth and any other relevant location) by a suitably qualified and experienced professional/s. The historic heritage assessment should consider the: <ul style="list-style-type: none"> a) potential vibration impacts (if any) of the proposed number and frequency of trucks on the structural integrity of listed heritage items; b) potential impacts to significance of the conservation area as a result of the number and frequency of trucks travelling through a conservation area; and c) the impacts of proposed intersection upgrade works on the curtilage and significance of listed items and any conservation areas.
Water	Water Quality Impact Assessment	17. The Department requests the following additional information is provided as part of the RTS: <ul style="list-style-type: none"> a) justification as to why a set of three water samples is considered sufficient to fully and accurately determine surface water quality conditions, or provision of a more comprehensive sampling regime; b) provide an assessment of the frequency, scale and potential water quality impacts of planned and unplanned water discharges from the site;

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		c) justification as to how the limited groundwater monitoring data (three events at four locations) is sufficient to fully and adequately characterise existing groundwater conditions, provision of a more comprehensive sampling regime.
Rehabilitation	EIS	18. Provide a conceptual rehabilitation plan/s that identify the anticipated staged rehabilitation of the site having regard to the staged quarry expansion plans.
SEPP 33 – Hazardous and Offensive Development	Handling of dangerous goods on site	19. Further information is required to demonstrate that storage of substances on site would not exceed the screening threshold under SEPP 33, including: <ul style="list-style-type: none"> a) a drawing that identifies the location of all substances to be stored in the proposed quarry footprint (ie. the footprint after the stockpiles are relocated behind the noise wall); and b) if substances are proposed to be stored within the same bunded areas, a further assessment under SEPP 33, including a preliminary hazard analysis if screening thresholds are triggered.
SEPP 55 – Remediation of Land	EIS Main Report - Hazards and Risk and Appendix J	20. The EIS identifies potential contamination of land due to leaks from the existing diesel storage bund. Further information is required to demonstrate: <ul style="list-style-type: none"> a) how the land affected by this potential contamination would be made suitable in its contaminated state (or would be suitable, after remediation) for the proposal; and b) the mitigation and management measures that would be put in place in the event that the railway is used more frequently
Other matters	EIS and Appendices	21. Resolve inconsistencies in the EIS, which include, for example: <ul style="list-style-type: none"> a) the EIS main report identifies 29.6 hectares (ha) of Koala habitat impacted by the proposal, however the BAR states the extent of this impact is lower at 21.61 ha; b) the TIA describes the current production at the quarry to be 900,000 tpa while the SMEC report states this is 906,500 tpa; and c) hours of operation of truck arrivals in the TIA and NIA are different.
	Business and Extraction Report	22. Revise and update the quarry staging plans, if required, due to revisions to the project and/or recommendations of various impact assessment reports. It is requested these plans are provided as separate documents (ie not embedded in a report) with appropriate drawing annotations.
	EIS and appendices	23. The timing of specific mitigation measures is uncertain (eg. completion of new haul road, construction of noise walls and relocation of stockpile areas) and the EIS is unclear as to what measures, if any would be implemented in the interim to manage impacts until these works have been completed/installed (for example, the NIA indicates the rail siding noise wall would only be constructed if and when an increase in rail transport becomes viable). It is requested that the timing of these mitigation measures and any interim measures are clearly outlined in the RTS in the form of commitments.