

Peter Cook
2 Willovale Drive
Bolwarra Heights NSW 2320

27 June 2021

Director Resource Assessments
Department of Planning, Industry & Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Sir/Madam

Re: SSD 6612 Martins Creek Quarry Project

I am writing to **object** to the above proposal. I believe that the Martins Creek Quarry Project should not be allowed to proceed as proposed for the reasons listed below.

1. General

Daracon has operated Martins Creek Quarry illegally and not in line with its consent every year since it took control of the operation in December 2012. The only reason it was brought back in line was through the actions of Dungog Council via the legal system. I urge the Department of Planning, Industry & Environment and the Independent Planning Commission to take this into consideration when assessing the proposal.

The proponent is incapable of compliance to a licence and there have been eight reported non-compliances to the EPA (Dec 2012 to June 2020) under Daracon's stewardship, whereas for the 12 years prior to that there were two.

It is clear that Daracon has no interest in the community or acting as a good corporate citizen and is not worthy of a licence to operate.

2. Proposed 1.1 Mtpa

- The amended project proposes a reduction from a tonnage of 1.5 Mtpa to 1.1 Mtpa which implies a benefit to the community. When the quarry operated in 2013/2014 at the 1.1 Mtpa rate (see figure below) the impact to my family from traffic noise and vibration was substantial, to the point where we considered moving house.

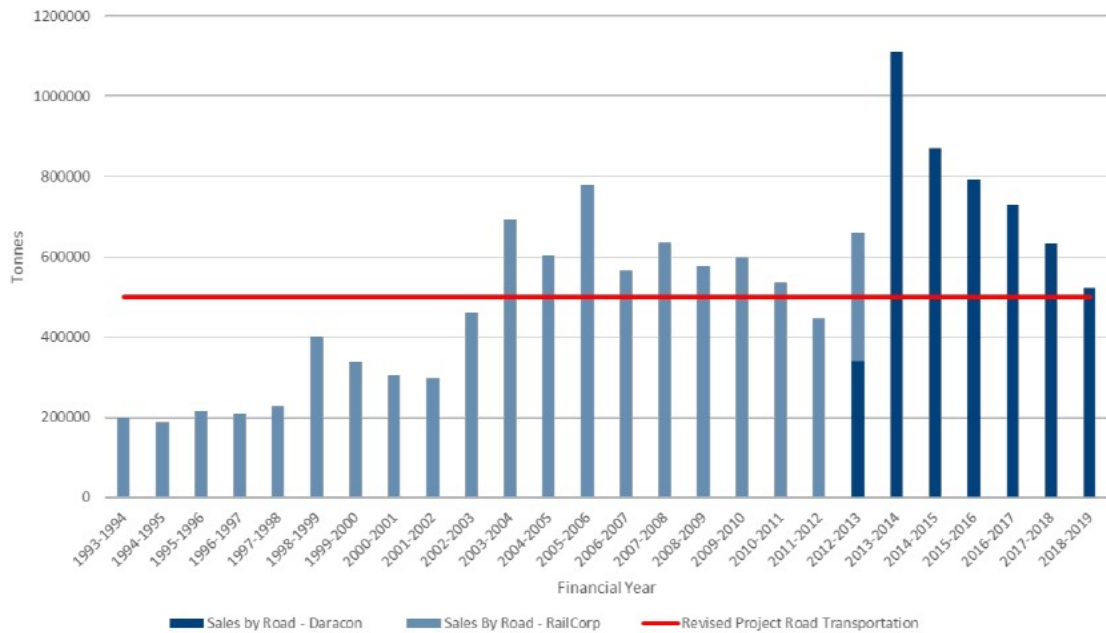


Figure E.1 Historical Road Tonnages – 1993 to 2019

3. Traffic Impacts

- Since Daracon was forced to cease its operations by the Land & Environment court ruling, the heavy vehicle volumes along Tocal Road have dropped to an almost insignificant level. The amenity has returned to a level which I can tolerate.
- The traffic assessment has a **peak** daily truck number at 316 on 29/4/15 (which was the time of local flooding), which was a nightmare on the roads. Trucks were travelling through the back streets of Bolwarra. The thought of 50 days per year of 280 truck movements per day is bewildering and makes me nauseous. It is just too much.
- Daracon is proposing to reduce truck numbers through the 3-6pm window, which by their traffic assessment (Appendix C) is not the peak time for truck movements; it is in the morning. On page 6.106 of the main document they admit that truck movements to the quarry drop off by 4pm. If they are truly concerned about school safety then they would include the morning period as well.
- The traffic assessment details the fact that the Pitnacree/Melbourne Street and Melbourne Stree/New England Highway intersections are at capacity. The addition of 280 trucks per day or 20 laden trucks per hour moving through these intersections will be intolerable.

The assessment has noted only a minor (2%) increase in vehicles, but has failed to see the fact that the length of a truck is more the issue clogging up turning lanes at the intersections. For most of the day, the right-hand turning lane at the New England Highway/ Melbourne Street intersection only lets 3 light vehicles through. Returning trucks will just cause further congestion.

The additional impact will be that trucks will use Lawes Street to bypass the Melbourne Street/New England Highway intersection. Also, to avoid the queues they will likely go through Lorn.

- The traffic assessment mentions the Brandy Hill quarry traffic but does not detail the numbers. It is my understanding that 25% of the heavy vehicles from Brandy Hill have to travel via Flat Road. This will further exacerbate the congestion at Melbourne Street.
- It is well known that heavy vehicles damage road pavements far more than light vehicles. Even if Daracon makes some contribution to their repair, Maitland and Dungog residents will still have to foot the bill and suffer the inconvenience of poor pavement condition and more frequent roadworks.
- The traffic assessment (p18) admits that trucks from the quarry exceed the speed limit by 10% whilst travelling along Flat Road. Any conditions of consent will need to address this.
- The traffic assessment discusses no trucks to travel through Paterson before 6:45am, but no thought or detail has been discussed where the trucks will park waiting prior to 6:45am. At the moment several trucks park on Flat Road. Each driver wants to get loaded and away as quickly as possible. This needs to be addressed.

4. Drivers' Code of Conduct

- Daracon has a Drivers' Code of Conduct but it is not accessible on their website, so it is unclear how they are going to manage truck numbers, times of operation etc.

5. Noise

- I have not been able to ascertain from the Umwelt's noise assessment whether a LA_{eq10} criterion has been considered for traffic noise or whether they are all 9 hour averages. It is an incomplete assessment without considering the proper impacts to residents for periods when residents' sleep (before 7am) will be interrupted.
- The road traffic noise assessment is flawed as the noise testing conducted in May 2018 had trucks travelling from Martins Creek Quarry. This is not the level of noise currently being experienced with the quarry operations being curtailed by the Land & Environment court. The assessment is trying to suggest only a slight 2 dBA change when in reality it is much higher than the current background or baseline. It is therefore no surprise that the RNP criteria are being exceeded by the baseline data of May 2018. The assessment talks about no person noticing the increase, which is true, but the baseline from which Umwelt is assessing is incorrect. Furthermore noise levels of 56-60 dBA are not amenable in rural settings.
- On a personal level, I expect that some trucks will continue to use Lang Drive as they did previously. I used to be woken at 5:15 am by them. The new proposal will likely cause the noise (it sounds like rolling thunder as empty trucks pass by in convoy) to start from 6:15am onwards; these types of daily impacts have not been considered in the assessments. There needs to be a limit on the number of empty trucks travelling to the quarry prior to 7am.
- Disappointingly, no road noise mitigation measures are proposed by Daracon. The only mitigation measure I see being appropriate is to not haul gravel by road but to transport it by rail.

6. Rail Transport

- Despite the high silica (a known carcinogen) content of the dust associated with the product, there does not appear to be any mitigation measures used for transport of gravel product via rail. The wagons need to be covered. This would be as per other rail wagons that I see on this section of the northern rail line. I ask the DPI&E to include that in any conditions of consent.
- It is unclear whether Daracon really intends to move material by rail as they state that the quarry is unprofitable unless trucks are used. This seems to be untruthful, or at best misleading, as I understand from the court proceedings that Daracon has made \$100 M profit over their ownership of Martins Creek Quarry, which for a production of ~5 million tonnes is a profit of ~\$20 per tonne. There is plenty of financial capacity to move material by rail for markets regionally and within the Hunter.

7. Fauna

- The loss of koala habitat is both disappointing and not acceptable in 2021. I cannot see how the sentiment of the Environmental Planning & Assessment Act 1979 (EP&A Act) can be upheld with that sort of impact.

8. Voluntary Planning Agreement (VPA)

- There does not appear to be any details around the VPAs proposed in the EIS with Maitland and Dungog councils. This needs to be addressed.

9. EP&A Act 1979

Despite Umwelt's statement, I do not see how this proposal meets the aims of the EP&A Act, reproduced below, in particular sections 1.3(a), (e) and (j).

1.3 Objects of Act (cf previous s 5)

The objects of this Act are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

Please note that I apologise for the lack of referencing within my submission as I have found it very difficult to read, absorb and respond to the EIS in the 4 week period allowed by the DI&E. Some consideration of section 1.3(j) of the EP&A Act should be made when determining exhibition periods.

In summary,

1. the traffic impacts at the proposed road transport rate of 500,000 tonnes per annum are excessive and detrimental to my enjoyment of my land. The thought of 31,250 truck movements per year is extremely upsetting. The traffic congestion at Melbourne Street will be exacerbated by this proposal. Daracon should be limited to transport via rail only and should prove they can adhere to this.
2. The loss of koala habitat is unacceptable.
3. I therefore **object** to the proposal.

I confirm that I have not made any political donations.

Yours faithfully

Peter Cook