

28 June 2021

I vehemently object to this Amended Development Application. (ADA). SSD-6612

This ADA submission is a series of falsehoods and miss-truths professed by the proponent, Daracon, and facilitated by Umwelt.

I understand, like many government departments, the NSW Department of Planning and Environment is underfunded. This lack of resources makes it near impossible to fact-check every claim made by Daracon and Umwelt. Let me enlighten you.

If approved, the damage to the existing pleasing amenity of Paterson will be lost forever. A town that has at its foundation is its history. It will essentially become a ghost town - another NSW dying town.

Commercially the town survives with passing trade and residents purchasing everyday items. For a small town there is quite a lively 'café culture' with five outlets offering sustenance. The town is also the base for many wedding guests attending weddings at venues across the region. The town currently has a wonderful country village feel.

All of the above will be lost if the ADA is approved. 31,000 trucks per annum for twenty five years thundering through this town will be its death knell. No one will enjoy a coffee with a dusty, noisy, smelly truck and dog passing only metres from where they sit. No wedding guest wishes to be woken by the clang, bash, bang of trucks as they pass by their accommodation. If these businesses are not supported they will close. Many will become unemployed. The overstated employment numbers at the quarry site will come nowhere near compensating the loss of employment in the town. Daracon claims twenty two local jobs will be available at the quarry. They claim 'local' to be within a 40 km radius. That is not local! The only purpose of this enlarged employment catchment radius is to improve their potential employment statistics. This plays to the government's absolute obsession with employment numbers at the cost of environment and social issues. If this claim is further investigated I suspect the 'local' employment numbers to be more like two or three. Nothing like the numbers employed by local businesses. Truck drivers should not be considered part of this employment cohort as they are sent to any site their employer wishes. This is the case for both Daracon and contract drivers. No Martins Creek Quarry (MCQ) site employees or truck drivers lost their job in September 2019 when it was deemed, by the NSW judicial system, was operating illegally and must adhere to the 1991 consent conditions. In both cases Daracon site employees were reassigned to other Daracon quarries and drivers, both contract and

Daracon, were re-routed to other quarries. The overstated employment numbers were exposed at a recent Umwelt convened Collaborative Assessment Forum (CAF). When pressed, Adam Kelly, Daracon Group Business Development Director, admitted that only one local, a man from Paterson, was employed at the quarry, not eight as previously stated. (Prior to September 2019).

Both Daracon and Umwelt are duplicitous in what they claim and what is the actual lived experience. Do not be hoodwinked.

Pedestrian and vehicle safety is also an issue in Paterson. The prospect of crossing from the corner of Duke Street and Gresford Road with upto 280 trucks passing a day by will be a challenge for any pedestrian. Especially children and the elderly. I have read nowhere in the 21 amendments submitted by Daracon/Umwelt where these concerns are addressed. Another major intersection of concern and not addressed in the amendments (because it cannot be solved), is the blind dog-leg at the corner of Prince Street and Tocal Road. Nothing can be done at this junction because the two historic homes on the opposing corners restrict any road width expansion. Another reason why truck and dog quarry trucks should not be allowed to travel through Paterson.

Another area of concern is the loss of fauna and flora if the quarry was to be expanded. The Biodiversity and Offsets amendment is a highly technical document. What did stand out for me was this paragraph on page 100.

*'In keeping with SEPP 2020, the site is also likely to contain Core Koala Habitat as a resident population of the Koala is considered to be present, as evidenced by recent sightings and historical records of a Koala population (refer to Figure 4.8).'*

Should not this vulnerable and loved species be protected? And that is not to dismiss the importance of all the other wildlife and plant species that will be bulldozed and destroyed.

Another sad reminder of the quarry operations is that long term residents that live near the quarry and those that reside on the haulage route have moved from the area. Citing that they are not prepared to undergo the stress they have experienced previously from the operation of the quarry. These residents are an enormous loss to this small community as they were involved in many local organisations. Many more will leave if the expansion is approved. Daracon will rip the heart out of Paterson and the surrounding area.

There is no distributive justice when considering the ADA, objectively, without spin and over-promise from Daracon. All the benefits go toward bolstering the coffers of Daracon

and the Susan Mingay Family Trust Fund. (.50c for every tonne extracted from the quarry - A nice earner. Based on 1,100,000 mtpa = \$550,000). Benefit to Daracon = 100%. Benefit to Paterson = 0%.

In regards to the quarried product at Martins Creek there is no shortage of nearby existing and proposed quarries. Brandy Hill Quarry, Boral Quarry, Hunter Quarries, Buttai Gravel Quarry and Teralba Quarry. There are also two nearby proposed quarry sites, Eagleton Quarry and Karuah St Quarry. There is a major difference between all these quarries and MCQ. They are all close to major arterial roads. MCQ is twenty three kilometres from a major arterial road. Trucks from the MCQ must traverse small rural roads to get the product to a major road. Many quarries throughout NSW have built substantial road or rail networks so as to drastically reduce the impact to residents. Not Daracon. Basically they are greedy and have zero social licence. They don't care about the welfare of those surrounding the quarry or those living on the haulage route. The spin espoused by Daracon and Umwelt is obnoxious. In regards to extraction amount and truck numbers they spin it as if they are doing the community a great favour, claiming they have reduced the amount to be extracted by 27%. No, no, no! As court findings found they were never given permission to extract the amount of material they extracted prior to September 2019. Justice Molesworth wrote, in his judgement, that Daracon treated the quarry "*as some sort of andesite Magic Pudding*".

'Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd (No 2) [2018] NSWLEC 153'

They talk as if the 1.5 mtpa was approved and are now reducing extraction to 1.1mtpa. Some in the community have bought this propaganda but the numbers reveal something quite different. The proposed ADA will increase extraction by 370% on current consent - which should be considered the baseline. (From 300tpa to 1.1mtpa). 500,000tpa transported by road will increase by 370% on current consent. (From 24 to 280 trucks per day). Umwelt and Daracon have completely ignored the cumulative impact on the road network from the recently approved Brandy Hill Quarry expansion. It is calculated that approximately an extra 54,688 trucks per year (assuming a MCQ approval) will snake their way to the New England Highway.

According to the Traffic Impact Assessment in the ADA made by Seca Solutions on behalf of Umwelt/Daracon. Items 5.1 and 6.1 pages 62 & 64.

*'The review of the performance of the signal-controlled intersections on Melbourne Street highlight there are capacity issues currently occurring along this length of the road, due to the volume of traffic in this location. As part of the regional road network, TfNSW will continue to monitor the performance of this intersection and upgrade this*

*intersection if required. However, it is noted that this intersection is physically constrained on each approach and corner and no additional physical capacity can be provided at this intersection.*

*The signal-controlled intersection of the New England Highway with Melbourne Street currently suffers from a poor level of service on all approaches in both the AM and PM peak periods, however this intersection is physically constrained on all approaches and the 4 corners bounding the intersection. The maximum of 20 laden truck movements per hour associated with the Revised Project will enable these roads to continue to operate in a similar manner to the recent operations. The proposed cap of 20 trucks outbound and 20 trucks inbound per hour (including inbound material trucks) is significantly less than the historical use of the site. The cap of 15 trucks between 3.00 and 6.00 PM could also provide a minor improvement to the overall operation of this intersection'.*

The above does not consider the cumulative effect of the Brandy Hill Quarry expansion. It will indeed be interesting to see how this intersection copes with the increased truck movements. After speaking with Maitland Council Mayor and General Manager they both expressed concern with congestion, safety and the effect on retail stores along Melbourne Street.

Also, scattered throughout the traffic assessment is the assertion that as route 2 is no longer considered a primary haulage route the T intersection of Paterson Road and Tocal Road at the bridge is no longer a safety concern. I have two comments in regards to this. One is that this intersection is dangerous now as vision is extremely hindered by large trucks entering on to the bridge to travel along Paterson Road. When making a turn in either direction when exiting Paterson Road on to Tocal Road it can be dangerous if a truck is present. To make matters worse the speed limit along this section of Tocal Road, where the bridge to Paterson Road is situated, has a 100kmph speed limit. Secondly, if Daracon believes they can control which route their contracted drivers take they are delusional. This is confirmed by David Mingay, then Daracon managing director and owner of Daracon. His comment at a community meeting in 2014 was, "Daracon has no control over contract drivers". Further to this, I see nowhere in the ADA confirmation that empty trucks returning to the quarry must use route 1. Adam Kelly claims they will use route 1 because they have signed the Daracon Code of Conduct and must adhere to that document. Really! Daracon drivers may adhere to Code of Conduct but past experience has proved that contract drivers will not.

With regards to the conditions that Daracon claim they are going to enforce on - noise, dust, water pollution, operating outside conditional hours, driver misbehaviour

(speeding, use of compression braking, not travelling designated route, tailgating, overweight trucks, poorly maintained trucks, etc) who is going to police these conditions? Daracon? Unlikely. NSW Police? No. Members of the public? Mostly. Previous experience demonstrates that Daracon are quite comfortable with breaching lawful conditions. i.e. Operating an illegal quarry for eight years. My understanding is that Daracon were made well aware by their legal representatives, during negotiation for purchase of the MQC lease, that there might well be legal operational issues regarding the width, depth and type of product they intend to extract from the quarry. (This was exposed during the court case). But against legal advice they proceeded anyway. Once again no consideration for the community.

Extract from Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd (No 2) [2018] NSWLEC 153.

*862. The Company Respondents submitted that, in exercising its discretion, the Court should take into consideration that the Company Respondents acquired the Quarry from RailCorp with limited information and opportunity to scrutinize the history of the permitting, alleging that "RailCorp refused to disclose that information". The Court finds these submissions unpersuasive as the Company purchasers were obliged to carry out whatever due diligence was required in order to be satisfied to proceed with the acquisition of the Quarry. Being corporate commercial entities with resort to professional and legal advice, negotiating with a government corporation, the portrayal of the Company Respondents as naive innocents is not credible. The old adage of "buyer beware" is apposite. The Court does not accept that the Company Respondents were ignorant of the 1991 Consent, nor does it accept that the Company Respondents were not fully aware that they were acquiring a quarry primarily for the extraction of railway ballast, limited to specified land, with operating conditions tailored to such an enterprise. However, even if in fact they were so ignorant, they ought not to have been.*

I have attended three Collaborative Assessment Forums. (CAF). These have either been in an in-person group setting or online via Zoom/MS Teams. In every case I have found these sessions to be completely inadequate. The format has been PowerPoint presentation based. Far too much information in too short a time. Unsatisfactory answers to questions from the floor and way too short a time for the community to glean the required information to make an informed decision. They were an invite-only forum, via email, that excluded a large number of the community. Either because they were not aware of the CAF or they do not have the technological wherewithal to participate or in

some cases both of these reasons. Also, there is a discrepancy in the Umwelt meeting notes/minutes of the CAF's. In the notes of the most recent CAF, the SIA, there is a marked difference between the questions and answers from those participating and what has been recorded by Umwelt.

Below is an extract from the SIA CAFminutes held 20 February 2021, 2pm. (Page 12)

### ***Positive impacts***

- *Question to Daracon, what do you see as the key positive social impacts of the Project?*
  - o *AK noted employment is a key one.*
- *How many locals are employed?*
  - o *AK noted that about 115 of the 800 employees of the Daracon Group are located within 40km of the Quarry. When the quarry was operating the majority of employees lived locally but there were also additional subcontractors from the local area.*

This is a complete fabrication of the conversation that occurred at the CAF. There was no mention of 115 employees or 40km from the quarry. When pressed, Adam Kelly (AK) admitted that the quarry employs just one local from the Paterson area. (As per pages 1 & 2 of this submission)

I have confirmed this disparity with others that attended the same session. I suggest that Umwelt's account of the CAF has been misrepresented to make the proposed project appear more palatable to the DoP and the IPC. I expect they assume, if the DoP and/or IPC read the minutes, they will be none the wiser as neither attended the CAF. Is this a breach of process?

After the 2016 EIS was exhibited I took the time to examine 386 public submissions from supporters and where they live. Interestingly but not surprisingly only two residents from Paterson expressed support for the expansion. Supporters came from far and wide. Revesby, Gosford, Wamberal, Moree, Umina and Scone to name a few. With respect, these people DO NOT have a lived experience of blasting, dust and trucks. They live well away from this stressful intrusion into everyday life. When looking more closely at the support submissions many have an uncanny similarity to each other. Why, because Daracon management instructed employees and contractors to complete a standardised form. How can a submission from a Daracon employee that lives many,

many kilometres from the MCQ have the same value as a resident that lives near or on the haulage route of the quarry and has lived experience? I understand that Daracon has taken the same approach this time around by emailing all staff and contractors to make submissions supporting the ADA. How can this process be fair?

There is a way to address most of the community's concerns listed above. Either adopt the community accepted 1991 consent that stipulates that not more than 300,000 tpa of rail ballast only be extracted. 70% by rail and 30% per road or adopt the approach many NSW quarry owners have taken, particularly in the Southern Highlands. These companies have invested considerable funds to ameliorate concerns of local residents. Holcim Lynwood quarry has funded 50% of a road transport interchange. Cost \$34 million. Multiquip has constructed a 6 km town bypass road at their Bungonia quarry. They have also upgraded 22 km's of Jerrara Road to Ausroad standard. Boral, at the Peppertree quarry, has constructed rail loading facilities. As have Holcim. Both these companies have also constructed offloading facilities in Sydney. Gunlake quarry has built a 4 km bypass around the town of Marulan. Holcim has also constructed a light barrier screen to prevent light pollution to neighbouring homes. Cost \$3 million. So that the impact of onsite processing is reduced Holcim has constructed enclosed processing facilities. Holcim contributed \$50,000 to a local community fund. The quarry owners also contribute \$0.45 to \$0.75 per tonne per kilometre of road transport. These companies have considerable social licence with the community and rightly so as they have earned it. These are examples that it can be done. But conversely it demonstrates Daracon's complete contempt for the community. They will do nothing that will impact their financial bottom-line. Daracon has zero social licence in this community. I recall comments from David Mingay when questioned from the floor about trucks and blasting noise, "if you don't like it, move".

Peppered throughout the ADA, Umwelt/Daracon have referenced past product extraction quantities and truck movements among other things. What they fail to state is that during this time the quarry was operating illegally. Their extensive data and elaborate graphs are completely meaningless, irrelevant, of no consequence and should be dismissed with the contemptuousness they deserve.

If Daracon were sincere about community welfare they would move all quarried product by rail. They would invest in a bypass road around Paterson. If they are unable or unwilling to carry out this infrastructure the ADA should not be granted. If they are to have some sort of an epiphany and start considering residents and construct onsite noise suppression, bypass roads and a larger rail facility, no increase in product extraction should occur until all infrastructure is complete and compliant.