

Stephen Sneddon
481 Martins Creek Road
Paterson NSW 2421

Director- Resources Assessment
Planning and Assessment Department
Department of Planning Industry and Environment
Locked Mail bag 5022
Parramatta NSW 2124

25th June 2021

Re: Martins Creek Quarry (Application SSD 6612)

I **object** to the proposal and provide details for my objection within the attached submission.

The proposal and the revised amended development proposal does not adequately address the concerns raised in all submissions and the requests for additional information by the Department in the letter date 2/12/2016.

I have included in my submission that letter and my concerns supporting my objection to the granting of consent to SSD6612, as shown in red for your consideration.

The proponent for application SSD 6612 knowingly operated the quarry from 2012 to 2019 with little regard to the existing legally binding consent and the proponent has not met the requirements of Local and State Planning Legislation.

By 2014 the community had reached a state of outrage and despair and a community meeting was held.

In 2015 Dungog Shire Council commenced Class IV proceedings against Daracon and OHE seeking various declarations and orders regarding lawfulness of the operations.

In 2015 Daracon hastily and conveniently commenced the SSDA process which was exhibited in 2016.

In 2016 DoP requested Daracon respond to submissions and essentially rewrite the totally inadequate EIS, for an operation found by the courts as illegal.

From February to April 2017 LEC court case was heard over 5 weeks regarding the impacts of the quarry.

And in September 2019 Daracon was ordered to comply with Court orders and lawful consents at the quarry.

As a community member I believe I too have an entitlement, that being to expect all our community including the applicant to be fair and reasonable and all strive to maintain the

lifestyle and prosperity of our region. We moved to the area some 42 years ago and were aware of the quarry and local laws and rules. The Court of Appeal found operations at the quarry were not being operated for the purpose of which the 1991 Consent was granted.

I have heard that over the illegal operating period in excess of \$100million worth of material was extracted.

The SSD6612 application, as amended is not conducive to a long term, safe and sustainable future for our thriving regional community as the gateway to the Barringtons Tops and the broader Dungog Shire.

Thank you for receiving this submission and as per my previous submission, I again reiterate that the use of strategically located bulk handling facility receival/distribution hubs particularly for the applicant would position our planning process to better manage complicated land use issues.

We all agree we need livable communities and safe, responsible sustainable development. I do not believe SSD6612 meets this criteria.

I have not made any political donation ever.

By the way a public meeting held at Tocal Agricultural College in the vicinity of the proposed development in the evening 24th June, over 200 protestors attended and clearly and vehemently expressed total opposition to the SSD 6612 application. Surely the public interest demands the rejection of this proposal.

Regards Stephen Sneddon

Public Meeting 24th June 2021

The Department of Planning, Environmental Protection Agency and Roads and Maritime Service were invited to the meeting, but did not attend.



Residents of Martins Creek, Paterson, Vacy, Gresford and surrounds held a meeting at Tocal to share their thoughts on the expansion.(

ABC Upper Hunter: Bridget Murphy



Planning & Environment

**Planning Services
Resource Assessments**
Contact: Thomas Watt
Phone: 9274 6375
Email: thomas.watt@planning.nsw.gov.au

Mr Adam Kelly
c/o Monteath & Powys
PO Box 2270
DANGAR NSW 2309


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> <p>The proponent has not completed a comprehensive assessment of the impacts due to the increase in production proposed. The increase in production from a legal baseline of 300,000tpa has not been assessed to either the original 1,500,000tpa application or the revised DA of 1,200,000tpa as requested by the Department.</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; <p>The lived experiences continually expressed by the community were not adequately addressed in the SIA along with regional tourism planning. Aspirations of amenity and the social values of fear and disconnection are often hard to quantify. These values are real and the elderly weren't engaged in the generic process undertaken as part of the SIA and amended development application.</p>
--------------	--------------------	--

Issue	Section in EIS	Department's comments and request
-------	----------------	-----------------------------------

--	--	--

		<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> <p>The duration, extent, severity, sensitivity and level of concern/interests of the proposed development has not been adequately addressed within the SIA process.</p> <p>My initial concerns re the process I attended were forwarded to department Melissa Anderson in correspondence dated 23 February 2021. (Attached copy).</p> <p>The meeting notes don't reflect my recollection of the event. For example when the Darracon representatives were asked how many local people are employed at the quarry? My recollection was the answer to be one.</p> <p>The community was not allowed to review the revised SIA following the meeting prior to its submission. This was requested at the meeting and denied.</p> <p>The risk ranking outcomes defined in the SIA were collated without community representatives. The ranking according to the community (at the session I attended) remained at highest level despite a minor reduction in tpa. The community risk approach is to look at the baseline and the increase in levels of production proposed in the original EIS and the amended DA. The duration, extent, severity, sensitivity and level of concern/interests of these proposals were all ranked extreme to the</p>
--	--	--

		<p>community and not acceptable. The lived experiences of the community was not taken into account in the SIA submitted.</p> <p>The extent and severity of the impacts have not been clearly defined. The extent of the impacts starts at the point source being the quarry, and extends throughout the Dungog and Maitland Council areas.</p> <ul style="list-style-type: none"> • Impacts on local and regional tourism have not been addressed • Impacts on local amenity have focused on implementing management plans solutions along with some engineering redesigns. The lived experience shows people are genuinely terrified of the excessive truck movements to the point where they didn't attend there regular social functions, they chose to shop elsewhere. These aspects will have extensive impacts upon the social fabric, health and wellbeing and economic sustainability of Martins Creek, Paterson, Tocal, Mindariba, Bolwarra Heights, Bolwarra, Pitnacree and East Maitland communities. • The sensitivity and extent of the impacts has not been truly tested as the communication process for the SIA was limited. (I personally live within 3kms of the quarry and have been told I was going to be visited on several occasions and are yet to see a Darracon representative on my property. I was informed by someone who was on an electronic list that the forums were being held). There are many new residents within the Dungog and Maitland Shires who have moved into the region since the ceasing of illegal operations and are unaware of the previous illegal operations and the impact this will have on their health and wellbeing and potential property values. • The SIA and amended application proposal for positive impacts is focused on donations, royalties, Council contributions. This reflects the culture of the operation which was confirmed when the most senior representative of the firm stood in front of over 200 residents in a public meeting in Paterson and told those concerned residents "if you don't like it to move" representatives of the Department were in attendance. Things such as building community capacity, resilience, sustainability and biodiversity not truly considered in the SIA or amended applications. <ul style="list-style-type: none"> • Avoidance of significant impacts is not fully explored in the revised DA or the SIA where lived experiences clearly identified to the proponent have not been investigated. These include where parked cars have been damage, portions of loads dropped on the road, the risk to parents dropping and picking up at preschools, primary schools and bus drop off points and the concealed driveway points along the haulage route.
--	--	--

	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> <p>The SIA didn't clearly identify the issues raised and the parts or groups of the community concerned.</p> <p>For example issues raised by concerned parents of early learning centers and the two primary schools along the haulage route were not discussed with the relevant Parents and Citizens groups. Issues raised by the community relating to the increase in rail movements from the 210,000tpa approved now to the proposed 600,000tpa have not been addressed. Noise to residents adjacent to the line and airbourne dust(silicas) have not been considered unless there is an intent to include these in the generic mitigation measures such as sound attenuation, reduced travelling speed and covering the wagons.</p>
--	------------	---

Issue	Section in EIS	Department's comments and request
-------	----------------	-----------------------------------

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	<p>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.</p> <p>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.</p> <p>The revised Development application inadequately addresses the impacts and previously lived experiences raised by the community. The increase from the currently approved 24 truck movement per day up to 280 truck movements has not been modelled. The increase from 90,000tpa to 500,000tpa has not been assessed. The community has continually asked that the proponent develop a transport network independent to the existing road network. When the applicant acquired the quarry (and the courts determined) they were aware of the legal operating conditions of the quarry. To knowingly impact a community for their economic benefit is socially immoral.</p>
	EIS and Traffic Impact Assessment	<p>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:</p> <ul style="list-style-type: none"> 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. <p>Determining the impact on the existing road network from the information in the revised proposal is very confusing. There is no consideration for stoppages due to rail closure (Maitland Rail Station say Paterson crossing is closed six times between the hours of 7am-7pm in Paterson for passenger train movements this does not include freight trains) during the day and does not clarify a number of times haulage will not occur due to other social activities such as field days,</p>

		church events Paterson and Bolwarra. This is a commitment from Daracon without an implementation process.
EIS and Traffic Impact Assessment	8. The Department requests the following clarification and/or additional information relating to the TIA:	<ul style="list-style-type: none"> 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); <p>The commitment to staged implementation of mitigation measures is not clearly defined on minimizing impact assessment. It is more focused on a demand for product will necessitate impact mitigation.</p>

Issue	Section in EIS	Department's comments and request
-------	----------------	-----------------------------------

		<p>d) an impact assessment that includes a road safety appraisal of the proposed new driveway access to Dungog Road;</p> <p>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);</p> <p>f) a description of the measures that would be implemented to monitor and demonstrate that haul trucks do not travel through Lorn, as proposed;</p> <p>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);</p> <p>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</p> <p>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.</p> <p>There is no justification or modelling in increasing in truck movement from the currently approved 24 truck movements per day (1991 consent) to the 2016 application or the revised application to 280 truck movements per day. To assess the increase in cumulative impact including the Brandy Hill trucks it should firstly be undertaken on the 1991 consent figures then on the revised application figures. This will then indicate the real changes in cumulative impact from the proposal. This has not been included in the revised application. The lived experience shows that quarry trucks do use Lorn either empty or laden. Cumulative impacts of trucks from both quarries has not been thoroughly assessed/monitored for noise, air quality, vibration, wellbeing along the haulage route. A detailed assessment would have shown results of community engagements.</p>
	Rail Logistics Report	<p>9. The Department requests clarification and additional information in relation to the use of rail transport, including:</p> <p>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</p> <p>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).</p> <p>The viability and timing of using rail presented in the revised application is based on a commercial viability for Daracon, not on reducing the impacts to the community. The commercial viability of a proposed operation is not the responsibility of the community or the Department. It is the proponent's responsibility to operate in a manner consistent with legal requirements in a socially responsible manner.</p>

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: a) Assessment of different stages of the project</p> <p>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> <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> <p>The AQIA and the revised AQIA don't address the increase in production from the 1991 Consent criteria to the new proposed production levels. Modelling along the road and rail haulage routes has not been supported by quantitative and qualitative data.</p>
-------------	---------------------------------------	--

Issue	Section in EIS	Department's comments and request
-------	----------------	-----------------------------------

		<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</p> <p>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>Inconsistency still existing with the exceedances at DG3. The revised air quality impact assessment for the amended development application is now saying the exceedance were due to a dam wall that required regular maintenance. Sampling in accordance to Aust Standards would expect field note to be taken at the time of sampling. If undertaken these would clearly identify potential dust sources at the site.</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>Results from gauge 1-4 and Vacy are used for the revised assessment. The results from DG5 and DG6 if available are not included in the Revised air impact assessment.</p> <p>c) Assessment of potentially affected receivers along proposed haulage routes</p> <p>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>The revised modelling of the air impact assessment along the truck transport route assumes an even flow of trucks to a model emissions. The lived experience shows the trucking to be bunched and to approach in waves. What would be the impact along this route when the intensity of trucks</p>
--	--	--

		<p>is magnified? Has this worst case been assessed in the built up areas of Paterson and Bolwarra and what actual monitoring has taken place along the road transport route to assess the impact of the proposal from the 1991 base consent criteria.? There is no commitment for real time air quality monitoring in the EIS or the revised application to proactively manage air quality.</p> <p>The proposed increase in rail haulage from 210,000tpa to 600,000tpa and the proposal for 24x7 rail loading has not been assessed in either the original EIS or the revised AQIA.</p> <p>d) Emissions discount applied to noise walls as wind breaks</p> <p>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> <p>Has the bassline for air emission been undertaken for rail haulage?</p> <p>The impact of increased rail haulage has not been assessed in the revised air quality impact application. Issues raised by the community relating to the increase in dust due to the increase in rail movements from the 210,000tpa approved now to the proposed 600,000tpa has not been addressed.</p> <p>In the revised application the proponent has stated loads will be covered to minimize airborne dust and silica emissions. If this is the case the rail wagons should also be covered to minimize the impacts on receptors and residential areas along the entire route.</p>
--	--	--

Issue	Section in EIS	Department's comments and request
-------	----------------	-----------------------------------

		<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).

Issue	Section in EIS	Department's comments and request
		<p>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.</p> <p>In the noise assessment it is said that the quarry noise is generally inaudible other than adjacent to the quarry zone of affection. I live approximately 3km due south of the quarry, the crushing and dumping activities under certain meteorological conditions are very audible eg mid-morning on the 7/06/21, my neighbours also made comment.</p>
	Noise Impact Assessment	<p>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.</p> <p>The revised Noise impact assessment states that noise impacts currently exist from the operations and that marginal to moderate exceedances are expected from the revised proposal. At the same time there is no commitment to install real time noise monitoring as a management tool for the operation.</p> <p>Haulage route noise impacts have not been assessed for the baseline 1991 consent criteria and as such determining the impact from the increase to the revised product road haulage criteria can't be fully assessed.</p> <p>How has the cumulative impact from other approved quarries such as Brandy Hill and the increase for Martins Creek been assessed for impacts on areas such as Bolwarra Heights, Bolwarra and East Maitland.</p> <p>There is no noise assessment for increased rail haulage.</p> <p>There is no commitment for real time noise monitoring to proactively manage noise impacts.</p>
	EIS and Appendix I	<p>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.</p>

	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	<p>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:</p> <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. <p>The only heritage assessment undertaken in the revised assessment is on damage from vibration due to truck haulage. The amenity of a historically significant village is destroyed when dissected by a transport haulage route. The lived experience has shown this to be the case, with a loss of a sense of place occurring during the illegal quarry operating period. "Cultural Heritage is an expression of the ways of life developed by a community and passed from generation to generation including customs, practices, places, objects artistic expression and values" end of quote. The project proponent has not addressed issues or the impacts to historic or cultural heritage</p>
Water	Water Quality Impact Assessment	<p>17. The Department requests the following additional information is provided as part of the RTS:</p> <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; <p>The revised water impact assessment indicates an increase of 110% in potable water usage and includes water for dust suppression (section 6.1.2). With the surface water storage facilities I can't understand how this is to be the case when the facility discharges treated water suitable for dust suppression purposes.</p> <p>There is no current monitoring or proposed monitoring of schedule 2 water parameters to fully understand the regional waters and the quarry waters. The receiving water ultimately being the Paterson River has numerous users with stock and domestic rights. The suggestion that the</p>

		proponent will implement a management and mitigation measures should the project be approved is not consistent with having a full and proper understanding of impacts and being proactive in identifying and managing them.
Issue	Section in EIS	Department's comments and request
		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	<p>18. Provide a conceptual rehabilitation plan/s that identify the anticipated staged rehabilitation of the site having regard to the staged quarry expansion plans.</p> <p>The revised rehabilitation plan is not consistent to the re-establishment of the significant Koala habitat that will be destroyed by the project. The significance of this habitat was discussed in the original EIS and according to locals the area accommodates a significant transient koala population.</p> <p>Has this revised proposal omits to discuss the endangered species. Has this revised project and the original EIS been assessed Under Part 5 of the Environmental Planning and Assessment Act 1979 where it mandates that the approving body assess to the fullest extent the impacts of the activity on the environment, which also includes impacts of its activities on the Koala?</p>
SEPP 33 – Hazardous and Offensive Development	Handling of dangerous goods on site	<p>19. Further information is required to demonstrate that storage of substances on site would not exceed the screening threshold under SEPP 33, including:</p> <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	<p>20. The EIS identifies potential contamination of land due to leaks from the existing diesel storage bund. Further information is required to demonstrate:</p> <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	<p>21. Resolve inconsistencies in the EIS, which include, for example:</p> <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. <p>The areas to be impacted is identified as significant koala habitat. This is supported through sighting and photographic recording by local community members Has this revised proposal omits to discuss the endangered species. Has this revised project and the original EIS been assessed Under Part 5 of the Environmental Planning and Assessment Act 1979 where it mandates that the approving body assess to the fullest extent the impacts of the activity on the environment, which also includes impacts of its activities on the Koala?</p> <p><i>See below notes taken directly from the biodiversity study for the existing and proposed amended operation</i></p> <p><i>Koala Occupancy PolygonThe occupancy polygon for this species covers an area of 21.13 ha as mapped in Figure 4.8 and includes all plant community types. State Environmental Planning Policy (Koala Habitat Protection) 2020 SEPP (Koala Habitat Protection) 2020 applies to rural zoned land in the Dungog LGA. The SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas. While, the SEPP only applies to development applications to be approved by a local Council, that is it does not apply to SSD applications, it provides definitions for potential and core koala habitat that have been applied in this assessment. Potential koala habitat is defined as native vegetation supporting at least 15% koala feed trees. One Schedule 2 Koala Feed Tree Species, Eucalyptus tereticornis (Forest Red Gum) is present within the Proposed Disturbance Area. This species constitutes 20% of the trees present within the upper strata of the tree component within Plot U2 mapped in Figure 3.2. The site therefore contains areas of Potential Koala Habitat, in accordance with this SEPP. 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). While the requirements of this SEPP do not apply, as the proposal is a State Significant Development Application, should the project be approved, it is recommended that a Management Plan be prepared to provide measures for the management of Koalas on site, in keeping with the intent of the SEPP</i></p> <p>Surely the DPIE will protect this habitat given the decimation of koala habitat during the recent bushfires. Data by the Threatened Species Scientific Committee shows Koala numbers on the NSW north coast will decline by a further 50% over the next ten years to around 4000.</p>
---------------	--------------------	--

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	<p>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.</p> <p>The revised project plans don't commit to timings on any impact mitigation and monitoring measures. Nor is there a commitment to the staging of production to eliminate impacts until the mitigation measures are in place. Once again I say. The commercial viability of a proposed operation is not the responsibility of the community or the Department. It is the proponent's responsibility to operate in a manner consistent with legal requirements in a socially responsible manner..</p>

Economic benefit to the state and region:-

The projected economic benefit to the state and regional economy can still be achieved whether Martins Creek Quarry exists or not. Within the local region there currently exists at least six legally operating quarries with another two in the project pipeline. The product requirements of the area can be amply met within the other quarries legal consent limits as has been demonstrated since 2019 when Daracon the operators of Martins Creek Quarry were ordered to comply with Court Orders and lawful consent of the site. There are numerous other quarries serving the Sydney and metropolitan markets.

If the project was to proceed the **economic downturn not discussed in the EIS or revised application** would undoubtedly occur:-

- a downturn in local and regional tourism and general visitation, with the loss of local jobs – many of these jobs are part time and
- provide the youth of these areas with an opportunity to develop a work ethos which they will carry for the rest of their lives. This will be felt from East Maitland through to Dungog
- A down turn with the Paterson Shopping precinct as safe accessibility to these shops is restricted due to truck movements. The result being the loss of more local job opportunities and services for the community. This impact will be felt along the entire transport route including East Maitland where the current traffic congestion restricts opportunities for service providers. These negative flow on impacts extend to the transport sector who service these communities.

- And the livability index of Martins Creek, Paterson, Tocal, Mindaribba, Bolwarra Heights, Bolwarra, Pitnacree and East Maitland will decline proportionally along with the amenity and as such a reduction in projected property values.

Greenhouse and Energy

- The greenhouse and energy statement of the revised project statement omits the inclusion of rail haulage emissions and the associated rehandling of the product to end use.