

Dr Hedda Haugen Askland
E: Hedda.Askland@newcastle.edu.au
M: 0405066470

Dr Louise Askew
E: laskew80@hotmail.com
M: 0408262026

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To Whom It May Concern,

The following advice presents the findings and recommendations of an expert review of the *Martins Creek Quarry Extension Project Social Impact Assessment (SIA) May 2021*, currently on public exhibition. The SIA was prepared by Umwelt (Australia) Pty Ltd on behalf of Daracon.

The expert views outlined in the letter include those of Dr Hedda Haugen Askland, an anthropologist and Project Director of the University of Newcastle's Centre for Social Research and Regional Futures (CSRRF), who has extensive experience in research and analysis of people's connection to place and their lived experiences of environmental and social change in the context of large-scale development projects. The expert review has also been conducted by Dr Louise Askew who has extensive experience working in social impact assessment for large development from both a consulting and government perspective. Both experts have had ongoing roles in the development and application of the original (2017) and updated (2021) *Social Impact Assessment Guidelines* prepared by the NSW Department of Planning, Industry and Environment.

Overall, the expert review demonstrates that the SIA is misleading in its use of a comparative baseline for the project that does not reflect the currently approved operations. It also significantly understates the 'lived experiences' of the proposed project features that have been experienced by local communities during an extended period of unlawful operations. Although the research and consultation process contained in the SIA is rigorous, it has been used in ways that have led to misleading and inaccurate assessments of impacts, risks and management options.

Drawing on the material presented in the SIA it is our assertion that the risk assessment and evaluation of significance of social impacts are inadequate, with likelihood level and consequence level underestimated. From the submissions analysed and based on the amended project parameters and mitigations, a number of residual social risks should be more correctly rated as "Almost Certain" to occur, having a "Major" social impact that will result in an "Extreme or Very High risk rating". We are of the opinion that the mitigations exhibited are inadequate and the residual negative social impacts, based on lived experiences, will be unacceptable to a significant cohort of the impacted population.

We recommend that the social impacts and mitigations are reassessed and the SIA resubmitted to address the key issues identified in this review (see attached).

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'H. Askland'.

Dr Hedda Askland

A handwritten signature in blue ink, appearing to read 'Louise Askew'.

Dr Louise Askew

Findings	Evidence	Recommendations
An incorrect baseline is used to undertake the assessment.	<ul style="list-style-type: none"> • The SIA incorrectly uses the EIS exhibited in 2016 as a baseline for current operations and for the proposed 2021 amended Development Application (DA) project features. This baseline, which establishes the comparative measure for impact to that during the period of unlawful operation, significantly skews the evaluation of risk and impacts and leads to misleading proposals for mitigation and management. • The incorrect baseline renders the assessment invalid and misleads the public by presenting proposed project features as ‘reductions’ ‘restrictions’, ‘amendments’ (see pages 6-9) – when they are, in large part, increases to the current approved operations. 	<p>We recommend that the SIA is assessed as invalid and a request made to resubmit.</p> <p>The revised SIA should use the existing social research presented in the report to reassess impacts against the current approved operational baseline.</p>
The current operations and project history are misrepresented.	<ul style="list-style-type: none"> • The SIA report overlooks the current approved operations by using the misleading baseline (as described above). • The project history and Land and Environment Court ruling on the unlawful operations undertaken on the quarry from around 1998 to 2019 is not adequately described in the ‘Operational Context’ and ‘Historical Operations’ sections, nor reflected throughout the report [Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd (No 2) [2018] NSWLEC 153 (Molesworth AJ)]. The outcomes of the ruling are often referred to as ‘limited’ operations instead of ‘legally approved operations’, for example: <ul style="list-style-type: none"> – “the quarry previously <i>appeared</i> to be operating outside of its consent conditions” (page 226) – “following the Land and Environment Court’s decision in 2019 to <i>limit</i> operations” (page 209) – “although communication provided by Daracon expressed that the quarry was placed into a <i>limited</i> operation while the DA process is completed” (page 225). 	The context and project background should be rewritten as part of the revised SIA to accurately represent current and historical operations and the project history.

<p>The lived experience of social impacts by the community are not adequately taken into account as part of the assessment.</p>	<ul style="list-style-type: none"> • The Land and Environment Court decision in favour of Dungog Shire Council made clear a number of unlawful operations at the quarry from 1998-2019 including: <ul style="list-style-type: none"> – Extracting material from areas/land not approved – Contrary to their consent conditions, quarrying for material other than rail ballast (the quarry consent only allows them to produce rail ballast) – Contrary to consent conditions, transporting more product by road than rail (consent required that 70% of railway ballast be transported from the site by train, however most was transported by road) • These unlawful operations peaked at the site around 2014 when they extracted 1.1 million tonne of product (up from the 1991 EIS consent limit of 300,000 tonne), with 30-40 truck movements per hour and 100-600 truck movements per day along the 23km of local roads and through residential communities, rural villages and urban residential areas. • The unlawful operations are the same or similar to the operations proposed as part of the amended DA – for example, the amended DA seeks approval for extraction of up to 1.1 million tonnes per annum of quarry product material and hourly peak truck movements of 40 trucks per hour. • The fact that the local residents have endured real-time impacts of the proposed development during the time of unlawful operations presents the Umwelt social impact assessors with a unique opportunity to gain a deep understanding of the impacts that the proposed development will have. These are not ‘perceived social impacts’ but rather ‘real social impacts’ that the local community have endured for many years. • Although the SIA speaks directly to how various components of the proposed development impedes on the everyday experience of place, belonging, rural character and amenity, this is undermined in the evaluation of risk and significance of impact. The local residents’ past experiences speak directly to the significance of this, with clear indication that on a number of Project Aspects (e.g. Presence of operation; Product haulage; Onsite Quarry operations) this should be—in line with the risk matrix of the 2017 SIA Guideline to which the SIA has been conducted—Extreme, A4 or A5 (Likelihood level: A [Almost certain]; Consequence Level: 4 [Major] and/or 5 [Catastrophic]) and not High or Moderate. • Taking account of the lived experience of place is essential in understanding notions of place attachment and community (Askland and Bunn 2018) and 	<p>The revised SIA must appropriately represent the social impacts as ‘lived experiences’ of the local community. The unique nature of this case enables measurement of the lived impacts of the proposed development and its implications for people’s sense of place, belonging, rural character and amenity. Rather than forwarding this as ‘perceived’ social impacts that can attain a prediction of significance, the significance can and should be measured based on the lived experience of living with the impacts of the proposed development. This ‘lived experience’ must be taken into account when revising the risk assessment process and ratings.</p>
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	<p>central to forwarding a sound assessment of social impact as this relate to the SIA categories, specifically way of life, community, culture, health and wellbeing, surroundings and fears and aspirations.¹ Amenity—as this relates to both scenic quality and noise, movements and mobility (in this instance truck movement)—relates to both aesthetic values, sense of place and other intangible qualities often highly valued in rural and regional areas, such as Dungog. The project’s impact on amenity is, as such, something that must be seen in relation to the lived experience of place and sense of place.</p> <ul style="list-style-type: none"> • Lived experience is embedded in people’s sense of place and it shapes people’s perceptions, responses and experiences of social and ecological change (Rajala, Sorice and Thomas 2020) and to adequately understand social impacts of proposed development a rigorous analysis of people’s sense of place must be undertaken and folded into the social impact assessment matrix and consideration of mitigation and management measures.² As Lawrence explains ‘sense of place is the “everyday connection individuals have with their local spaces that gives their life meaning in the present. Having a sense of place contributes to a person’s wellbeing, general health and life satisfaction”’ (cited in Preston 2019).³ • As indicated by Judge Brian Preston’s judgement in the case of Gloucester Resource Limited v Minister of Planning in the Land and Environment Court, carefully addressing the lived experience of place through the notion of sense of place is essential for social impact assessments of state significant projects, with this measure being one of the central elements in his rejection of the proposed development in Gloucester.⁴ • The proposed development will have social impacts that have been lived (directly experienced) by local residents during the time of the proponent’s unlawful operations. As such, these measures are not simply perceived but lived, endured and felt. Whilst it is important to emphasise that so-called perceived impacts are real impacts equal to measurable technical impacts (see 2017 SIA Guideline, p.7) we want to emphasise here that as the community has already lived with the identified social impacts, the evaluation of this can move from modelling and projections to measurement. 	
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¹ Askland HH, Bunn M. 2018. Lived experiences of environmental change: solastalgia, power and place. *Emotion, Space and Society* 27: 16-22

² Rajal K, Sorice MG, Thomas VA. 2020. The meaning(s) of place: Identifying the structure of sense of place across a socio-ecological landscape. *People and Nature* 2(3): 718-733.

³ Preston CJ. 2019. *Gloucester Resources Limited v Minister for Planning*. NSWLEC 7.

⁴ Ibid.

<p>Final risk assessment scores are understated and not well-evidenced</p>	<ul style="list-style-type: none"> • The social research undertaken to inform the risk assessment is rigorous and includes submissions (887 submissions) and consultation (285 stakeholders) from the original and amended EIS process. However, the risk assessment scores do not adequately or accurately represent the baseline operations, the lived experience of these social impacts, cumulative impacts from other nearby quarries, or the mitigation measures. <ul style="list-style-type: none"> – Firstly, the risk assessment includes a comparison between the original and revised project features, instead of the current approved operations – this provides a misleading sense of the mitigation effort and therefore the final risk assessment scores. – Secondly, the ‘perceived’ social impact ratings do not appear to adequately represent the ‘lived experience’ of the local community who have experienced many of the proposed operations under an extended period of unlawful operations. For example, there are no ‘extreme’ rankings for perceived impacts and only 33% are rated ‘high’ – despite the fact that many would be perceived as ‘likely-almost likely’ and ‘moderate-major’ in consequence.⁵ – Thirdly, many of the ‘mitigation’ measures are misleading: they do not address the change from baseline current operations; they rely largely on the technical studies and do not address the <i>social</i> impacts of those technical risks; and, the change from unmitigated to mitigated ratings are not well-evidenced. For example, 33% of the negative social impacts originally rated ‘high’ remain ‘high’ even with mitigation. In addition, the increased rating in the four identified positive impacts is not adequately justified (e.g. the number of employees as a proportion of local workers is insignificant, and there is a major unstated assumption that there would be enough local employees to prioritise for employment). – Finally, the cumulative impacts of Martins Creek and Brandy Hill quarries, while noted in the SIA report, do not appear to be adequately considered as part of the risk assessment process. 	<p>The risk assessment is redone using existing research, the accurate baseline, with particular attention paid to ‘lived experiences’ and cumulative impacts and greater transparency in the process of evaluation (the arguments underpinning the resulting risk and significance score).</p>
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⁵ Out of submissions on the original EIS, social impacts were the second most frequently raised theme in submissions, with concerns centred around the loss of social amenity (227 submissions), including: traffic and transport (373 submissions); public health and safety (291); noise (257); air quality (160); blasting and vibration (160); visual amenity (15). In addition, the consultation undertaken as part of the revised SIA confirms these lived experiences and fears of social impacts are ongoing with the top three impacts identified as: impacts on amenity from trucks and transport; sense of community; and social amenity impacts from quarry site operational impacts. An additional local community survey conducted in 2015 with 82 respondents further confirmed these social impacts

<p>The process of risk assessment is not transparent.</p>	<ul style="list-style-type: none"> • The process of undertaking the risk assessment ratings is not transparent in the report so it is difficult to understand who was involved and how the process was undertaken. In addition, there is not enough detail in describing why the ratings were prescribed for ‘perceived’ or ‘mitigated’ impacts, as evidenced by the fact most (65%) of the identified impacts have no ‘comments/assumptions’ attached in the risk assessment table. • In addition, it appears that the risk assessment process has not involved consultation with stakeholders as advised under good Social Impact Assessment practice. 	<p>As above – and include a description of how the process was undertaken and more clarity around any change in ratings. In addition, consult with stakeholders as part of the risk assessment process.</p>
<p>Mitigation and management strategies do not appropriately target key risks and impacts, or community concerns.</p>	<ul style="list-style-type: none"> • Of the 15 proposed mitigation/management measures, only 3 directly address the operational features causing the key social impacts, and of these, the measures are presented as ‘reductions’ and ‘restrictions’ against the original DA not the approved legal operations. These do not adequately represent the ‘lived experiences’ of the local community or the suggestions on management and mitigation put forward repeatedly by the community – thereby further reinforcing already very low confidence levels in the company.⁶ • Some of the mitigation/management measures are not specific or measurable – for example, “regular consultation with local bus companies”. In addition, several measures seem vague or impractical to implement – for example “investigation of use of radar variable message signs”, “reduced speed limits for quarry trucks through Paterson village” (pages iv-v) • Most of the mitigation measures are a standard part of any SIA (e.g. Social Impact Management Plan) or part of normal operations for a project of this scale (e.g. Community Contributions Scheme, Community Engagement Strategy, Voluntary Planning Agreement). 	<p>Mitigation and management strategies are reviewed as part of a revised SIA to provide more targeted measures that directly address the identified social impacts and reflect the views and ‘lived experiences’ of local community.</p> <p>The SIA must translate into the risk assessment and mitigation management strategies, and a no-development scenario must be established.</p>

with 40.6% of respondents stating they believed their normal daily activities have been affected by Daracon operations to some extent, and a further 37.5% affected very much (*Community Attitudes towards the Martins Creek Quarry Proposal 2015*, survey undertaken by Martins Creek Quarry Action Group)

⁶ See: *Community Attitudes towards the Martins Creek Quarry Proposal 2015*.