

Ms Phoebe Jarvis
Senior Planner
Office of the Independent Planning Commission NSW
135 King Street Sydney NSW 2000

31 October 2022

Via Email

RE: Martins Creek Railway Ballast Quarry - Site Notes - IPC Case Number P-12347-20

Dear Ms Jarvis

Further to my telephone conversation with you on 27th October, please find attached of site notes recorded by myself during the Commissions visit.

As discussed, I note in your online records there are a number details regarding the physical attributes of the Project Area including the proposed haulage route that were pointed out to the Commission on their visit that are not included in your current online version, therefore I provide you with a copy of my own notes for completeness.

Could you kindly pass this correspondence on to the Panel for their further reference and information.

Thank you in advance.

Yours Faithfully



James Ashton MCQAG Secretary



Bolwarra Heights (Intersection of Tocal Rd and Paterson Rd)

- JA pointed out the physical urban environment and the key features of the carriage way in terms of width, location of footpaths etc.
- JA highlighted that before and after school the Panel would physically be able to see numerous school children walking along the footpaths and cross the carriage ways
- JA highlighted to the North along Tocal Road that the adjacent area has been characterised as a physical pinch point for carriage way perspective by Maitland City Council owing to the private property boundaries and the limitation on not being able to achieve Ausroad standards because of that pinch point.
- JA pointed out to the North along Tocal Road the land use zoning of the physical lands being observed was R5 and that one of the objectives of that zone was to provide residential housing in a rural setting and preserving rural setting and scenic quality. JA submitted the proposal's impacts were not compatible with that land use objective.
- JA pointed out the physical approximate location of Tilly's Day Care centre located on Paterson Rd who lodged an objecting submission
- JA pointed out the physical approximate location of Bolwarra School and noted to the Panel that the P&C lodged and objecting submission
- JA pointed out the physical approximate location of Bolwarra Uniting Church and pointed out to the Panel that they lodged and objecting submission
- JA pointed out the approximate physical location of Hunterglen Estate intersection and pointed out the traffic concerns
- JA pointed out that Paterson Road and Tocal Road was the physical location where downstream impacts of Brandy Hill Quarry (60 truck movements per hour) and proposed Martins Creek Quarry movements (40 trucks per hour) would combine.
- The Panel and JA physically witnessed a South Bound empty quarry truck and trailer (maroon in colour) emergency braking and skid-

ding to avoid a rear end collision into a left turning light vehicle into Paterson Road

- JA clarified to the COMmission that a number of financial members of MCQAG resided in this physical area and their position was that the proposed scale and impacts to rural and urban amenity and the likely impacts to traffic safety and network efficiency in terms of cumulative impacts were completely unacceptable.

Tocal College Main Entrance

- JA brought to attention of Commissioners the physical layout of the Tocal College access on Tocal Road drawing particular attention to the unsheltered nature of the driveway accesses on Tocal Road
- JA brought to the attention of Commissioners the physical location of the NSW DPI Office and College meeting rooms located on the Eastern side of Tocal Road and the main college facility located on the Western side of Tocal Road
- JA brought to the attention of the Commissioners the walking path used by students and staff to cross Tocal Road from the Western Faculty buildings to the Eastern Faculty buildings. JA noted one would physically observe staff and students utilising this walk way throughout any given day.
- JA brought to the attention of the Commissioners in terms of the physical uses of the college, that the facility was the location for Tocal Field Days and numerous other events throughout the year (Commissioners would have seen indications of such events on the drive North into Paterson noting the buses, tents, persons and vehicles within the paddocks on the Western side of Tocal Road
- JA brought to the attention of the Commissioners the approximate location where a Tocal College teacher was fatally injured by a heavy vehicle, suspected quarry truck, whilst cycling to work
- JA brought to the attention of the Commissioners the physical location of Tocal Homestead that they would observe as they drove North from the College used as a function venue and wedding venue, operating 7 days per week.
- JA brought to the attention of the Commissioners that as they drove from Tocal to Paterson they would see physically and visual-

ly, the scenic and rural qualities of the region consisting of cultivated agriculture, scenic rural vistas consisting of rural residential large lot residential land use and native vegetated hill sides funnelling into the historic village and activity centre of Paterson.

- JA confirmed to the Commission that the Tocal College had provided comments and raised concerns in regards to the proposal.

Historic Paterson Village Activity Centre

- Commissioners drove into Paterson activity centre, the Commission parked in parallel parking immediately adjoining Duke St Carriage way
- Commissioners met at the village square adjacent to the Paterson Post Office where they met the PPA President and Historical Society Presidents.
- The PPA President pointed out physically each activity centre local business including the Service Station and Cafe, the Country Cafe, The CBC BnB and Lodge Accommodation and Cafe, The pharmacy, the Doctors Surgery, The Court House Hotel, the hair dressers, the Post Office. The PPA President pointed out that the majority of businesses objected to the proposal
- The Commissioners had it pointed out to them the activity centre function, the Commissioners witnessed pedestrians crossing Duke St and King St to socialise and to conduct their commerce.
- It was highlighted to the Commissioners that visitors and users attend and used the historic activity centre of Paterson seven days per week.
- The President of the Historical Society also highlighted that Tocal have events weekly all year round and host numerous school and government events involving many thousands of people annually.
- The Commissioners had it pointed out to them that the physical Village was overlain by the Dungog LEP as Heritage Conservation Area.
- The Commissioners were also advised that the physical lands they were observing, under the Dungog Shire Council LEP generally zoned RU5-village.

- JA brought to the attention of the Commissioners that two of the objectives of RU5 was to promote the growth of individual settlements as local service centres and enhance the character, including the cultural and built heritage, of each village.
- JA detailed that the impacts and proposed new use and scale of the Proposal in MCQAG's opinion was not compatible with those RU5 zone objectives.
- JA also detailed that the impacts on the activity centre function, village amenity, pedestrian safety, sense of place was completely unacceptable and that position was derived from lived experiences of the unlawful operations.
- The Commissioners had it pointed out to them the car park space that was proposed to be removed under the proponents plans adjacent to the Post Office
- The Commissioners had the heritage features pointed out to them by the Historical Society President. The Commissioners heard from the Historical Society President that the Heritage features were physical but also intangible, he noted since the quarry had been restrained to lawful operations the heritage values of the locality had been significantly restored and improved and that an approval of the Proposal would significantly and unacceptably impact upon the heritage values of the village.
- JA brought it to the physical attention of the Commissioners the rural ambience and village amenity that was valued so greatly by residents and visitors alike, noting the ambient background noises of wind in trees and noises of wild life and village activity.
- The Commissioners witnessed the physical intermittent light vehicle traffic flow with an occasional heavy vehicle
- The Commissioners witnessed an articulated truck turning through King and Duke St taking up a substantial portion of both carriage ways through the turn.
- The Commissioners had it pointed out to them the physical location of the Northern Rail line crossing, the St Ann's Church being converted to a B&B to the West of the railway crossing.
- The Commissioners were then escorted in a southerly direction down Duke St towards John Tucker Park, as they walked JA pointed out to the Commission the location of Paterson School of Arts Hall utilised daily for ballet and other events, JA pointed out

the St Pauls Anglican Church, IGA Grocer and Butcher, JA pointed out the car parks used by residents and customers located parallel to the carriage way, JA Pointed out to the Commissioners and they were able to physically witness residents and customers crossing the road with groceries and entering and egressing their vehicles including with children noting that involved their persons and car doors entering the carriage way.

- The Commissioners had it pointed out to them a heavy vehicle crossing over the double white line to make room for open car door and pedestrians accessing their vehicles.
- The Commissioners then crossed to the eastern side of Duke Street just to the North of Prince St
- The Commissioners walked along the grass verge and were then shown the Old Church of England Rectory, Sunny Side Residence and John Tucker Park Open Space
- The Commissioners had it pointed out to them the location of Paterson Tavern located on Prince St, it was clarified that this was visited and frequented by locals and visitors seven days per week
- JA pointed out that the Duke St and Prince St intersection was another problem area with insufficient sight lines, nil sheltered turning bay etc
- JA pointed out to the Commissioners that almost all residents along the route within the historic village of Paterson had made objecting submissions and that the vast majority were based on lived experiences as opposed to fears and perceptions.

Quarry Site Tour

In addition to the notes on the IPC website from the Site visit:

10) West Pit

- The location of the new weigh bridge was pointed out to the Commission adjacent to the Lot5/6 pit
- The approximate cadastral boundary between 5 and 6 was pointed out, noting that there was no approval in place for the clearing or

extraction of material in Lot 6 and that had occurred unlawfully by both Railcorp and Daracon historically.

- The Commission commented on the visible location of a dwelling(s) that could be seen to the West of the extraction pit

11) Dungog Road, Location of New Quarry Access

- Commission asked if product will turn right and head North along Dungog Road from the proposed new entrance, AK answered only for Local projects. Commission asked what is their definition of local project AK answered “Any Customer who wants our product”
- Commission were able to see adjoining private residence driveways located on the Western side of Dungog Road where the mini bus stopped at this location
- Commission were shown approximate location of new bridge proposed across the main north rail line

Grace Ave and Station Street - Martins Creek Village

- JA pointed out the physical location of an additional 30 odd dwellings along Grace Avenue located to the South East of the site
- JA pointed out that Station Street was a residential street zoned RU5 village, JA highlighted that the impacts from the proposal are incompatible with those land use objectives.
- JA pointed out that Station Street contains residents with children and that after school and during school holidays those children can be seen physically playing on the road way
- JA pointed out the rural / village amenity the natural background environmental noise of wind in trees and wild life.
- JA pointed out that a number of the dwellings in Martins Creek were occupied by financial members who objected to the proposal based on their lived experiences of from past unlawful operations at the now proposed scale having regard to the cumulative and individual impacts relating to air quality, industrial noise, noise and vibration from trucking, night time/after hours movement of trains and blasting vibration.

Wakaya Close and View Street Vacy

- JA pointed out the physical location of Lot 6 being the North West-ern Corner of the extraction Pit, JA indicated the location of that Pit was at and adjacent (Not behind a hill) of the near view timber tree line
- JA informed the Commission that this subdivision had occurred in the mid/late 1990's
- JA confirmed that a number of residents were financial members of MCQAG and that these dwellings and residents lived experiences were most impacted by blasting vibration, industrial noise and air quality impacts along with impacts also incurred whilst utilising the activity centre of Paterson and transiting the proposed haulage route.
- JA inform the Commission of the reported impacts and lived expe-riences of a brick cavity dwelling and the sound of motar and sand falling through wall cavity after blasts, and of ongoing reports of blasting damage and impacts to residents adjoining the proposal's land.
- JA confirmed to the Commission that the land zone was R5 large Lot residential and that the proposal was incompatible with and at odds with a number of the zone objectives.

Gostwyck Bridge

- JA pointed out the physical features of this bridge were not in line with Ausroad Standards in terms of lane widths etc. and that the bridge was a single lane heritage listed bridge.
- JA informed the Commission that other modern quarries that MC-QAG have studied have been required to upgrade entire haul routes and MCQAG's position was that the use of a single lane bridge for the proposed hourly and daily intensity of truck move-ments was completely unacceptable