

**Independent Planning Commission
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18 November 2022

Dear Commissioners,

**Martins Creek Quarry Expansion – Application No SSD-6612
Submission of Objection to Development**

I am a resident of View Street, VACY and now provide a submission to the Independent Planning Commission (IPC) in support of my **objection** to the above project proposed by Buttai Gravel Pty Ltd (Daracon).

I refer you to my submission to the Department of Planning Industry and Environment (DPIE) dated 24 June 2021 which details the various matters which are in my view detrimental to the proposal to now develop the Martins Creek Quarry as an all-purpose aggregate quarry as detailed in the proponent's Environmental Impact Statement (EIS) dated May 2021. I also refer you to my presentation at the Public Hearing held at Tocal this week.

Notwithstanding the details contained in my earlier response to the EIS which still hold true, I wish to highlight matters that I believe should be given particular attention by the Commissioners in assessing the validity of the data provided in the original EIS and the more recent DPIE assessment report and recommendations that have now been referred to IPC for determination.

DPIE Mission Statement

While I can find no Mission Statement as such, there are two statements on the DPE website that outline the intent or purpose of the organisation namely,

Together, we create thriving environments, communities, and economics

As a department, we want to make a positive difference for the people of NSW by ensuring our work and services incorporate the views and perspectives of the community we serve.

Those aims have not been met in the Department assessment process and recommended conditions of approval for this project. The **...creation of thriving environments, communities, and economics...** are far from being achieved when the settlements adjacent to the Quarry, in Paterson and along the haulage route are threatened by environmental and social/amenity impacts resulting from quarrying and product transportation activities that in

the main cannot be controlled or ameliorated to an extent that no harm is caused. The Department work and services to *...incorporate the views and perspectives of the community...* have clearly not been achieved when 94.6% of the submissions in response to the EIS objected to the project.

History

The creation and development of the Martins Creek Quarry in the early 1900's as a source of railway ballast for the construction of the East Coast Railway and subsequently for railway maintenance purposes, has been a facility that local communities have accepted and lived with for the overall good of the region and state of NSW. It has provided little benefit in terms of local employment or economics, but it has not caused any significant impact environmentally or from a social/amenity perspective.

In this regard it is to be noted that the 1991 Development Approval (DA) constrained the operation of the quarry and the transportation of “**predominately railway ballast**” to 300,000 tpa with 70% of product to be conveyed by rail and 30% by road, the latter being further restricted to 24 trucks per day. The DA imposed these conditions to provide environmental and social/amenity impact protection to local communities.

If these restrictive conditions were necessary in 1991, they are surely necessary in 2022 and for the next 25 years if the project should proceed.

Present Proposal

The present proposal seeks to develop a quarry that will continue to produce railway ballast but **predominately all-purpose construction aggregate and other products**. The proposal envisages the production of 1.1mtpa with the transportation of 500,000tpa by road haulage at the rate of 280 truck movements per day and a maximum of 40 trucks per hour., the remaining 600,000tpa to be transported by rail. The following table indicates the comparison between past and proposed production and haulage of product.

Table of comparisons – 1991 DA Baseline against Project Proposal

Component	1991 DA	Project Proposal	Increase (%)
Annual tonnage (tpa)	300,000	1,100,000	333
Tonnage by road (tpa)	90,000	500,000	555
Tonnage by rail (tpa)	210,000	600,000	285
Peak day trucks (no)	24	280	1166
Peak hour trucks (no)	2.4	40	1166

1991 DA tonnages reflect the road/rail components (30/70%)

If the restrictions imposed in 1991 were required to protect environmental and social impacts on local communities at that time, how is it possible that the DPIE can recommend the proposed development of the quarry at its proposed scale even allowing for an appropriate

level of growth over time. The above table clearly demonstrates the excessive scale of the proposal now proposed when compared against **a baseline represented and protected by the 1991 DA.**

In the SEARS issued after the rejection of the first EIS submission the proponent was specifically required to address baselines. In the amended EIS, the proponent persistently noted that the amended scale of development would be reduced from 1.5 to 1.1 million tonnes per annum. This has clearly no relevance since the 1.5mtpa was never evaluated or approved, so the true baseline is the 1991 DA including the restrictions imposed on road/rail split and daily truck limitations. It could be argued however that **the baseline is zero** since the quarry was abandoned by Railcorp and was never acquired by Daracon on a “continuing rights basis” It is now proposed to be a general-purpose construction material quarry, which is a significant change of use and market. What was a restricted railway ballast market is now proposed to be a wider, geographically, construction market.

The vivid experience during the period 2013 – 2019 of illegal operation (NSWLEC 153 2019) was upwards of 1million tonnes per annum and truck movements of up to six hundred trucks per day. This level of operation was the lived experience that the community contends (96.4% objections) is not sustainable from an environmental and social/amenity perspective,

Transportation of Product

An essential component of this proposal is haulage of product by road and the impact that has, particularly, of truck traffic on the community of Paterson and settlements on the haulage route of 28kms of rural roads before accessing an arterial road at East Maitland. While various controls and protections are proposed to reduce the impacts arising from noise, dust, vibration, water pollution etc at the quarry site to meet regulatory requirements, the impact on the environmental and social fabric and amenity of Paterson and other settlements along the haulage route by multiple truck movements – **at a scale of one truck every 90 seconds** - cannot be reduced or ameliorated by a Social Impact Management Plan (SIMP) that includes a Driver code of conduct, a Community Engagement Program, a Monitoring Program and VPA payments to “buy off” the community. **There is no nexus between the SIMP and the social/amenity impacts.**

Martins Creek Quarry has a unique advantage in that it has a direct link to the East Coast Railway system (with a siding that can be extended to increase capacity) to facilitate haulage by rail. Yet while the proponent proposes that some product is to be conveyed by rail, such proposal is qualified to the extent that it is subject to restricted access to the rail system, unknown market demand and lack of off-loading facilities. This proposal lacks commitment and given the history of this proponent it is not difficult to believe that the rail component will be found, subsequently, ineffective/uneconomic, and no doubt an application will be made in the future to increase the road component accordingly.

Transportation of product is the fundamental problem with this project and the proponent’s EIS and the DPE assessment and recommendations comprehensively fail to address this matter in providing adequate protection to the environment and social/amenity of Paterson and the settlements on the haulage route.

Road Capacity and Safety

In the DPE assessment report mention is made of the adequacy of the road network to absorb the projected truck haulage rates represented by 500,000tpa, i.e., 280 trucks per day and a maximum of forty trucks per hour. This is not the essential criteria by which to judge the effect of the project on the community. Road and junction improvements along the haulage route though necessary, are not critical to the assessment process. The real problem is road geometry and adjacent community activities in Paterson that will be severely impacted by excessive truck movements in this historic village.

The Panel of Commissioners will have witnessed in their site visit the confluence of poor sightlines, sharp bends and a rail crossing all within 100 metres of one another and the confines of busy commercial and social activities around the Gresford Road, Queen Street and Duke Street activity centre. This is the “**pinch point**” where 70% of traffic/pedestrian community interaction takes place.

The only proposed solution to deal with this interaction of traffic/pedestrian activity is the removal of roadside parking spaces in Gresford Road, Queen Street and Duke Street that are essential for the elderly members of the community. **This action is said to improve (marginally) the road geometry but only at the expense of community convenience.** The proposal to provide off road parking on an adjacent site, which is wholly unsuitable for the purpose, does not solve the problem. Impacts imposed on the community by trucks passing through Paterson remain.

No proposals are included for addressing the safety issues associated with truck movements at times of peak pedestrian usage and school bus pick up/drop off, other than reduced truck volumes during the afternoon. This aspect would seem to be more associated with the convenience/market demand for product at that time of day rather than mitigating the risks. Notably, there is no concession to avoid the risks in the morning at school bus pick up times. The only concession is for funerals!

It is evident that quarries in the Southern Highlands and other extractive industry sites in the Hunter Valley are all subject to strict, and various forms of traffic controls to protect their local communities. Most of these facilities have access or are adjacent to arterial roads. It seems that the problem in Paterson is all too difficult and therefore the community are being asked to endure the impacts and the subsequent environmental and social/amenity costs.

Social Impact Assessment

The amended EIS of 2021 dealt in detail (502 pages) with this aspect of the project. It provided significant information on the methodology (NSW SIA Guidelines and International SIA Principles) adopted in the consultation processes required to identify community concerns. In the main the processes were comprehensive, but they were not collaborative, nor did they provide timely feedback on the key issues. The Social Profile was inevitably data driven and made little relational reference to the project and its impacts locally in real terms.

The results of the community consultation process were extensive and provided a very real description of the community concerns and views of the impacts that would be experienced if

the project should proceed. The negative responses were numerous and very descriptive and there is no doubt that the community felt threatened by the impacts that would be imposed on their way of life, health, well-being and general sense of community and comfort resulting from the potential for degradation of the social and community fabric of an historic and rural settlement.

Two significant omissions in the assessment process concerned a meaningful examination of the impacts on local businesses and the mobility of the community around the Gresford Road, King Street and Duke Street intersection where 70% of the pedestrian/traffic interaction takes place.

The assessment process very accurately reflected the concerns of the community and the impacts that would be imposed. The tables and figures associated with Social Impact Category and Social Risk Matrices showed a level of “**high to extreme**” in all cases. That being the case the project must surely fail irrespective of apparent compliance with regulatory technical criteria for noise, dust, vibration, water quality etc and road pavement capacity at the quarry site, in Paterson and at the settlements along the haul route,

The DPE SIA merit review undertaken in August 2021 is extremely limiting in its assessment of impacts imposed should the project be approved. It reflects the view, expressed by DPE representatives at the Public Hearing this last week, that intangible impacts are not measurable and therefore cannot be considered.

Another serious deficiency in the DPE assessment process is to recognise not just the immediate impacts but the intergenerational impacts that will arise during the proposed life of the project (25 years) and beyond.

There is much commentary on precautionary principle, intergenerational equity, and distributive justice in the social science literature and specifically by Chief Justice B Preston in his many judgements related to resource projects, notably the case of Gloucester Resources where sense of place was particularly highlighted as a point of impact.

Conclusion

This quarry facility has a long history of co-existence with the local community as a railway ballast quarry, until unapproved and illegal levels of operation during the period 2002-2019 resulted in significant environmental and social/amenity impacts being imposed on rural communities, between the quarry site at Martins Creek and other settlements on the haulage route through Paterson, Bolwarra and the businesses in Melbourne Street East Maitland.

The proposal to regularise the prior unapproved and illegal operational levels of extraction and transportation of product, at a rate of 1.1mtpa as a general-purpose construction product quarry, is not compatible with the rural environment in which the quarry is located, and the settlements through which significant road transportation of product over rural roads is required before accessing an arterial road at East Maitland.

The social/amenity impacts have not been properly addressed and there is **no nexus** between the proposed controls (SIMP) and the actual impacts caused.

There is no employment or economic benefit to the local community, only an incremental commercial gain for the proponent.

In my view it is not sufficient to argue that the resource is necessary to support development in the Hunter region when quite clearly other quarries of similar material and size are available, are nearer the market and have direct access to arterial roads.

The DPE assessment report has been poorly framed and little attention has been paid and weight given to the magnitude and consequence of the impacts that will be imposed on the environmental, social, amenity and rural components of the communities affected.

Finally, though you are not able to assess the corporate responsibility of the proponent, it is quite clear from past behaviour that the proponent's suitability to operate any proposed expansion of this quarry is seriously in doubt, and for that reason alone the community would not be accepting of a decision in favour of the project.

I look forward to hearing of your rejection of the proposal.

Yours faithfully

Owen D Coakes