

## **Martins Creek Quarry Project (SSD-6612)**

### **Submission by Paterson Historical Society and Dungog Regional Tourism to the IPC**

January 2023

The position taken by these organisations in opposing this development remain the same as in earlier submissions (July 2021). This position was further outlined in the address on behalf of both organisations to the public hearing 7 November 2022.

Daracon's recent proposal to reduce road haulage by 10% would have little effect on reducing the adverse social and economic impacts of the trucks on the village of Paterson. It seems that the proposed reduction in truck numbers is really just an exercise in playing with numbers.

It is noted that peer reviews of social, economic and acoustic impact reports commissioned by Dungog Shire were not provided to the Commission.

These reviews highlight major deficiencies in evidence presented by Daracon.

The Commission is urged to closely consider these peer reviews. Each are most critical and below are extracts from each one:

#### **Social and economic impacts (Judith Stubbs and Associates)**

That review has showed significant flaws in both documents. Because of the impact of the flaws on the findings and conclusions of both reports, those findings and conclusions cannot be relied upon. (p1)

On balance, the adverse social impacts outweigh the positive social impacts. (p2)

#### **Noise Impact Assessment (The Acoustic Group Pty Ltd)**

From my review of the NIA, it would appear that the NIA presents misleading and inaccurate information and has not addressed/assessed the actual acoustic impact or taken on board the responsibility of acousticians to protect the health and well-being of the community. (p15)

These are damning assessments and they are really saying that evidence supplied by Daracon and Umwelt needs to be taken as unreliable.

The lack of rigour in presenting information and evidenced based material is demonstrated in pages seven and eight of the recent response where Umwelt uses evidence of three people from court cases to demonstrate the truck numbers, they are now proposing was acceptable. The comments are taken out of context and were made years ago.

The following pages provide comment on the responses from the Department and Daracon to the questions raised by the Commission.

## Comments on the responses by the Department and Daracon to questions put by the Commission.

1. Table 3-2 of the Department's Assessment Report identifies six other approved hard rock quarries within the Hunter Region that could provide significant volumes of quarry material to the regional market and which also have more direct access to the State Road network. Given the impacts of increased truck movements associated with the proposed Martins Creek Quarry project along the local road network why is this project essential to meet regional market demand?

The region's construction industry has continued with the Martin's Creek Quarry being closed since 2019. Approval for this quarry will last for 25 years and possibly another 25 years.

There are alternative sources of material and there are more quarries planned with much more suitable access to highways.

It is noted that Brandy Hill supplies Sydney so there is no reason why the Hunter cannot be supplied by quarries further afield.

2. If the Commission grants consent to the Application, and considering the proposed works to be undertaken to the rail siding, are there reasons why it should not impose a condition requiring a greater portion of product (recommended condition A15) to be transported by rail? If so, what are these reasons?

There is no independent information provided on this matter—how hard have they tried? They have had many years to set in place a strategic position to operate the quarry, one of few in the state linked to a railway line.

The response says Daracon *have committed to continuing to explore opportunities to increase rail transportation from the quarry.*

These are only words with no commitment and it seems that Daracon has not been committed to this option to date despite saying they have. Their actions have not matched their words.

3. The Commission notes the judgment of CEAL Limited v Minister for Planning & Ors [2007] NSWLEC 302, in which the Court refused consent to a proposed sand and hard rock quarry at Ardmore Park. The Commission appreciates that all development applications should be treated on their merits. However, the Commission notes the reasoning adopted by the Court in that judgment with reference to the number of truck movements, the haulage route and people living along the haulage route. What is the Applicant's view as to whether the Commission should or should not adopt the reasoning adopted by the Court in that judgment – and why?

The reasoning used in the judgment of CEAL Limited v Minister for Planning & Ors is important. The response by Daracon uses a number of precedents to advance their argument for the quarry but dismiss the reasoning within this judgement as being irrelevant.

They suggest that the application ought to be reviewed on its own merits but then draw in other quarries as examples to suit their case.

The commission ought to be able to do the same in assessing the application

4. Submissions presented to the Commission note that given the predicted frequency of truck movements and the characteristics of the towns and residential development along the proposed haul route, the development could result in long-term adverse impacts on the amenity and character of

these communities. Noting the 25-year life of the proposal, how have intergenerational factors been measured and what are the probable outcomes of these impacts over the life of the project?

Daracon continually infers the rates of haulage 2002 – 2011 were acceptable to the community. The community had no say but had to put up with it. It was unacceptable then and is unacceptable now.

There is no recognition by Daracon that having 160 truck movements per day on the haul route would have *any long-term adverse impacts on the amenity and character of these communities.*

The concept of *modern consent* was raised in the Daracon response. This means a triple bottom line consent meaning social impact is thoroughly considered not brushed aside,

Their response does not address the question.

The peer review report by Judith Stubbs provides clear evidence that:

On balance, the adverse social impacts outweigh the positive social impacts. (p2)

5. How do the recommended conditions ensure that those most directly impacted by road transport are targeted by the proposed mitigation measures, including but not limited to social impact mitigation measures? What measures are in place for continuous improvement of mitigation measures over the life of the project?

Their response is no different than previous responses.

The Traffic Management Plan ought to be in their application- not submitted later.

There are no plans providing detail of the modifications to the corner of King and Duke Streets and parking arrangements especially in front of the Post Office.

There is no reference in any documentation as to mitigate the impact on the other end of Duke Street – corner with Prince Street. This has been ignored at all times.

Comments with respect to social impact are made elsewhere.

6. Submissions to the Commission identified a risk that the ongoing haulage of quarry products by road could affect the commercial viability of businesses along the primary haulage route including in and around Paterson. What evidence is there that this will not occur?

Daracon has given no assurances or evidence that there would not be adverse impacts on businesses.

Paterson is busy every day with tourists and residents going about their business. There are no quiet days, it is getting busier, much more than it was between 2002 and 2011

Their position remains as their concession to local business is not to run trucks on weekends. This by implication means that the impact of trucks is recognised by Daracon.

7. In reference to paragraph 94 of the Department's Assessment Report, how was the conclusion reached that the impacts of the increased road haulage associated with the Application on road users, including cyclists, school bus passengers, and pedestrians, present an acceptable level of risk?

Despite the long response the question has not been answered.

A few comments:

To say there have been no reportable accidents does not mean there is not a risk.

As stated earlier the mitigation proposals at the corner of King and Duke Streets will do nothing to improve safety – all it will be to make it easier to drive a truck and trailer around the corner most

probably increasing their speed compared to the present configuration.

The idea that Daracon should be installing a Camera Monitoring Station in a public place is not acceptable on the grounds of the privacy of the public.

If there is to be monitoring each truck ought to be monitored and all truck movements be available on a real time website. Mines do this as a matter of course – see below.

<https://insite.yancoal.com.au/mount-thorley-warkworth/data>

A real time monitoring publicly available system should be installed as part of the conditions of consent based on evidence from the community as expressed in these submissions.

The Department makes no suggestions at any stage as to the sanctions which should be imposed on Daracon if there are breaches to any of these proposed conditions.

8. If the Commission grants consent to the Application, are there reasons why it should not impose a condition requiring the proposed road upgrades and transport mitigation measures to be in place prior to the commencement of any increase in road haulage of quarry product?

Noted

9. When servicing local projects, trucks will utilise other local roads outside the primary haul route. How are local projects defined? What portion of total proposed product hauled by road would this comprise, and how will this be monitored and reported?

This response is noted.

There is one question - how regular is regular when it comes to reporting information on Daracon's website?

These controls include recording planned destinations for all road hauled material, GPS monitoring of trucks travelling to and from local delivery locations, and real time reporting of road haulage on Daracon's website.

This needs to be real time not after the event as noted in the comments on question 7

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