

## **Independent Planning Commission**

### **Re: Kate Mitchell. Personal Submission responding to new information supplied by Daracon/Umwelt and The Department of Planning and Environment to the IPC re Martins Creek Quarry Project SSD.**

Whilst I appreciate that the Commission have allowed further comment from the public, I would also like to stress that Daracon's ongoing attempts to legitimise their large scale quarrying operations in an historic and tourism-rich rural area leaves community members exhausted and overwhelmed. The Christmas break and January school holidays, rather than a relaxing time to engage with family and friends, was again a time of high stress, where individuals, families and community groups are having to again defend the right to living a peaceful, safe existence, for ourselves, our families and visitors and trying to ensure the preservation of our local environment (including threatened and critically endangered native flora and fauna).

Daracon/Umwelt are yet again presenting underhand tactics by using the request for more information to make the Project seem slightly more palatable by making another slight reduction to road haulage rates with both Daracon and The Department stating that fewer community complaints were received with similar levels of road haulage (when Daracon and Rail Corp were acting unlawfully). It is incorrect for Daracon and the Dept to base the communities tolerance of truck movements on recorded complaint records. Personally I have been angered, stressed, worried about blasting, vibration, dust, environmental destruction and large numbers of truck movements through Vacy, Paterson and beyond for many years (not just when illegal quarrying operations were at an all-time high). Yet I did not realise at the time that I could file a complaint. Many, many people have hated what large scale quarrying operations have done to own small towns but have not formally complained. It is only when people have been given a forum to complain e.g. town meetings, submission processes, that people have responded in large numbers to voice their concerns and dissatisfaction about Daracon's ongoing quest to turn our township into an industrial hub and our roads into a trucking highway.

One hundred and sixty truck movements a day through our towns is still completely unacceptable and continues to pose an unacceptable safety risk to pedestrians, school children getting on and off buses (in town and along the haul route) and cyclists. Daracon also present this information as through road haulage of quarry product is the only problem for residents in our communities. However, for residents located close to the quarry, the expansion of quarry extraction to (1.1 million tpa) including 24/7 rail loading will cause stress and disruption to all (including physical and mental health problems). This sly attempt by Daracon to use the request for further information to make a variation to the Project (2.0) should all be discounted.

Not only this, Daracon/Umwelt's figures for trucking and train transportation of quarry materials do not make sense. While the total per annum proposed extraction rate is 1.1 million tpa (a stupidly massive amount in a small rural area with significant historical and tourism value), they also state "...a production limit of up to 1.1 mtpa is sought for rail haulage."

Daracon and Umwelt cite other factors related to the need for continued significant truck haulage including ‘rain delays’, ‘weather events’, ‘construction site logistics’ and ‘quarry production logistics’. Wouldn’t these things apply to all quarries? It is hard to see how these factors explain the need for large truck movement numbers or provide evidence that a mega quarry at Martins Creek is essential. The estimated annual average daily rate for truck movements is also a meaningless figure and should not be cited.

Daracon continue to claim ‘reduction’ figures and comparisons in this new response document based upon illegal quarry operations that they, and Rail Corp before them, got away with for many years. The unlawful behaviour of these big corporations should NOT continue to be presented by Daracon and the Dept as ‘historical’ and used continually as comparison data.

The suitability of the Martins Creek Quarry site has not been properly addressed by either Daracon or the Department, except to suggest that it is suitable by dint of its resource. However, they fail to acknowledge that it is nestled within a rural residential township with rural residential properties all around it. Common sense tells us that it cannot operate on a large scale such as that proposed by Daracon. It must operate at the 1991 level of consent to preserve the health well being and rural amenity which residents of this area are entitled to (and also protection of native species of flora and fauna which will be wiped out by expansion of the quarry into a further 52 acres of wooded wilderness).

Daracon claim that this is not a viable option for them. So be it! They need to step away from this quarry and allow rehabilitation to commence in an attempt to restore the significant environmental damage already done by years of unlawful quarrying operations. Daracon have not proven in any way that this quarry is essential for the quarrying product market. Supplies have been met by other quarries over the period of time Daracon have been forced to comply with court restrictions.

Daracon also use this request for specific additional information from the IPC to reiterate ad nauseum their ‘commitments to minimise amenity impacts in Paterson Village.’ These weak ‘mitigations’ were already in place and not new information for the IPC. These are repeated several times by Daracon in their 50 page response.

- No haulage of road product on a Saturday (already in place with the ADA, 2020 and not a **new** ‘proposed commitment’).
- No haulage between 24 December and 1 January inclusive. Big deal! It’s a normal Christmas closure for everyone and not a concession by Daracon.
- No trucks in Paterson before 6:45am (already in place with the first revised Project ADA, 2019).
- Reducing truck movements in Paterson village between 3pm and 6pm. Again, no hardship for Daracon as product is generally required earlier in the day.
- Restricted haulage during significant community events which may occur on the primary haulage route, including Tocal Field Days (one Friday per year as the field days are always scheduled Fri/Sat/Sun), and local funerals. So community spirited of Daracon! They will suspend the ‘trucking hell’ forced upon our local communities (between Vacy and along the haul route to East Maitland) for brief periods for major community events. Otherwise it will be a free-for-all for the Daracon-run quarry at the

expense of significant numbers of locals and visitors to our beautiful area for the next 25 years.

Both Daracon and the Dept attempt to explain how the Martins Creek Quarry Project is 'essential to meet regional market demand' by stating that the construction market is relying on the need to source construction materials from multiple quarries. This flies in the face of Daracon's regular claim that Martins Creek rock quality is essential due to its superior quality. In fact, multiple quarries are dumping quarry material in the same place for these jobs and it is being used for the same purpose.

**Q 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 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?**

Both Daracon and the Dept use anecdotal evidence to suggest there is a state-wide shortfall of quarry materials. This directly contradicts their very recent claims that truck haulage is essential to the Martins Creek SSD due to 'several competing quarries using the road system as a more commercially viable and flexible supply to service the same markets.' They can't have it both ways! How can they now change their arguments and state that it is not a competitive market but one with 'ongoing supply constraints'? It appears that Daracon and the Department are adjusting their arguments to get this mega quarry approved. It will result in a high revenue for a big private company but at a massive cost to present and future local communities.

The anecdotal evidence relied on by Daracon and the Dept to demonstrate short-term market constraints should not be used as a means to justify approval of the Martins Creek project. These constraints are identified as short-term (perhaps 6 months). That is a small inconvenience compared to the 25 years of suffering inflicted on a rural community with very real safety, health, wellbeing to many people and ongoing environmental damage on a massive scale.

Rather bizarrely the Department use a table listing seven new SSD applications for hard rock quarries in the Hunter Valley on one hand as demonstrating an ongoing need for quarry materials in the region but on the other stating that they cannot 'pre-judge the extent to which any of these applications could contribute to improving material supply until they have been subject to a merit-based assessment...' So it appears that the Department are relying on anecdotal evidence of short-term material supply constraints to continue to accept and no doubt approve (judging on the alacrity with which they accepted Daracon's assessments and recommended the project) several new long-term mining applications despite the fact that there are already several currently operating hard rock quarries in this same area. When do they plan to stop?

It isn't that hard rock quarries are exactly in short supply. We've got several in a very confined area of the Hunter Valley. It's just that Daracon happen to own this one.

### **In 3.0 High Demand for Quarry Products**

Daracon supply quotes from John Connors, Dungog Town Mayor around lack of gravel supply. This argument should not be justification for a State significant application for an expansion of Martins Creek Quarry. A very small proportion of gravel has been supplied by Daracon for local road projects in the past. Daracon are chasing big regional and Sydney markets not local jobs. If they were prepared to operate a small-scale quarry in line with the 1991 consent, materials could be sourced for local roads and projects and there would not have to be 1.1mtpa blasted and dug out of the quarry every year causing significant species and habitat loss and misery to hundreds of residents around the quarry and on the haul route.

### **Clarification of Haulage Context for Listed Quarries**

Daracon's claim that Brandy Hill and Teralba Quarries also use the local road network (like Martins Creek Quarry) deliberately misconstrues the fact that Paterson Village, with its heritage village appeal and its dog-leg road should not be subjected to any increase in heavy articulated vehicle traffic. Paterson's shops, cafes, Pubs, Park and museum, attract significant numbers of tourists. It is a unique place and should not be desecrated with a procession of 160 truck movements swinging through the town and negotiating the 90 degree bend in both directions as pedestrians, tourists, visitors, school buses and other road users are subjected to the resultant diesel, dust, noise pollution and traffic risks entailed.

### **Q2 Reasons why the IPC should not grant a condition requiring a greater proportion of product transported by rail.**

As a member of the Vacy community living just a couple of kilometres from the quarry site, I am against any expansion of the quarry. Why should residents living around the quarry be subjected to the noise and pollution from 24/7 railway loading of quarry product for the next 25 years so that Daracon can supply Western Sydney markets?

The Department in their typical overreliance of Daracon's assessments of rail feasibility, trot out Daracon's usual arguments including the fact that the road system is more 'commercially viable' for them. But they keep their options open with their request for "...a production limit of up to 1.1 mtpa is sought for rail haulage."

### **Q 3 The CEAL reasoning argument**

Daracon have employed a legal firm McCullough Robertson to provide commentary on this question. They state that each case should be argued on its own merits but they go on to compare factual arguments anyway. This information has been used by Daracon to have another agency (not a Stakeholder in this process) to restate the terms of the project yet again – providing a positive spin for Daracon.

Although this document suggests that the IPC should not 'erroneously take the CEAL decision into account' the lawyer involved then uses it as a 'comparison exercise'.

## **Greenfield versus Brownfield**

On behalf of Daracon, they state that the ‘Project is a brownfield development pertaining to a quarry that has been in operation for more than 100 years’. However, they conveniently fail to identify that it was set up solely as a local railway ballast quarry. Its small size and limited operations meant that it could operate in harmony within the local rural townships and properties which surround it. The unlawfully expanded quarry operations (and change of operations from railway ballast to different hard rock materials) have occurred in more recent years, particularly under Rail Corp and then Daracon’s control and were always opposed by the community. The significant environmental damage to date is due to the unlawful blasting and clearing that has occurred when Daracon and Rail Corp leased the quarry.

As part of the additional ‘spin’ provided by the writer of this document they reiterate Daracon’s and the Department’s contemptible argument that ‘...road haulage from Martins Creek Quarry is not a new impact to communities located along the haul route.’ As before, the implication is that we have been subjected to unlawful and high numbers of trucking movements for a number of years and therefore we should be used to it and continue to put up with it for the next 25 years. After all, what is the alternative? Daracon miss out on their proposed lucrative contracts to supply the Regional and Western Sydney markets and these contracts are filled by several other already established quarries in the Hunter Region or perhaps quarries closer to Sydney?

**Question 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 lifespan of the proposal, how have intergenerational factors been measured and what are the possible outcomes of these impacts over the life of the project?**

The development would definitely result in ‘long-term adverse impacts on the amenity and character of these communities.’ The unlawful extraction and haulage that has been committed in the past has scarred our rural community as well as the native bushland in and around the quarry site. Daracon claim that Paterson village has survived whilst their unlawful running of the quarry has continued (implying that having a mega quarry operation in our rural community should be now legalised). In fact, our township and the thriving rural centre has survived in spite of the flagrant rule-breaking and disregard of Daracon, who were eventually forced to stop their unlawful operations due to a determined and passionate group of citizens and a desire by Dungog Shire Council to protect affected residents in the Dungog LGA which led to a successful 2019 Court challenge in the NSW Land and Environment Court.

Residents have had a wonderful reprieve over the last few years whilst Daracon were forced to stop running a large industrial mining operation in a rural residential area. Unfortunately they then found an avenue to try again with an amended SSDA. Valued long-term residents have left this area due to the stress, and destruction wreaked on our townships by Daracon’s long-term pursuit of large-scale quarrying at Martins Creek. Own towns endured during the bad years but have started to thrive again since the cessation of most quarrying operations in 2019.

Daracon and The Department fail to adequately answer the above question put by the IPC.

They discuss mitigations such as the proposed new quarry access road (a very short road, years off being built) which will reduce trucking noise and fumes/dust in Station Street Martins Creek but not do anything to ameliorate the social, health and environmental impacts caused by operations on the quarry site.

They refer back to the Social Impact Assessment which was a lengthy incomprehensible and meaningless document which significantly downplayed the negative social impacts of the proposed quarry project and conflated the effects of the supposed 'mitigations' to these effects.

Daracon incorrectly state that residents 'lived experiences' and 'perceived impacts' relate to the 2014 levels of quarrying operations regarding 'historical' (unlawful) quarrying extraction and trucking rates. Residents have been unhappy with quarrying levels for many years but were not given the opportunity to have a say until Daracon started trying to legalise their operations with the start of Daracon's DA and ADA's and the final SSDA in 2021.

Daracon and the Department don't provide any real argument for project factors that are supporting intergenerational equity. The Department makes the laughable claim that a 'modern' (read massive operation) consent will help monitor the construction, operation and closure phases of the project. This doesn't make sense. How will ongoing expansion to a total excavation footprint of 163 acres for the next 25 years be more easily managed, have less impact and be rehabilitated to support our future citizens (and wildlife) in this area compared to a return to a small, sustainable quarry (with no excavation into new forested areas and the commencement of rehabilitation of already created 'voids') that could meet **local** construction needs and also protect critically endangered flora and fauna in the area?

The other short-sighted and short-term argument offered by Daracon and the Department is that the massive expansion this extractive industry in this rural area will provide economic benefits to the State and supply materials 'critical' (not proven) to the construction industry more generally. This is contemptible commentary. It shows that Daracon and the Dept feel absolutely no moral obligation to protect the environment and think about the future citizens of the Dungog LGA. Also, they have only offered 'anecdotal' evidence of short-term supply issues with quarry product to argue that this project should go ahead.

It is clear that the parameters of this project are incompatible with factors such as intergenerational equity and long-term commitment to protect environmental resources, including critically endangered flora and fauna for the future generations to see and enjoy. Local tourism, hospitality and retail venues in our local rural townships will be negatively affected over a 25 year onslaught by Daracon to run their mega quarry operations. Intergenerational equity will not be met by Daracon providing 'effective communication channels and ongoing engagement in the form of employment and community contributions.' If this project is approved, there will be no thriving future for Paterson and the surrounding areas. The interests of this big business are in direct opposition to the interests of the community. Community life will suffer. People's health and well-being will suffer. Small businesses along the haul route will suffer.

The residents of this area are tired of these ongoing applications from Daracon to legalise a large scale quarrying operation in an area which is unsuitable, and indeed detrimental to the

people living here, both now and in the future. Although the question asked by the IPC doesn't directly encompass the preservation of the environment for future generations, it is hoped that environmental factors are an important consideration for the IPC when they examine factors related to intergenerational equity.

Environmental considerations are sadly lacking in Daracon's and the Department's responses to this question. Their answers focus on economic benefits for the State (and of course Daracon itself and its shareholders). The health, safety and well-being of local communities and environmental issues should be examined closely before any State monetary advantage is considered. After all, we will be the ones living in this area, for the next 25 years and beyond. Daracon's interpretation of sustainability is solely focused on the plan to extract, process and transport large quantities of rock to supply large contracts in Regional NSW and in Western Sydney, leaving vast barren voids, permanent destruction of wildlife areas and permanent interruption of the rural character of the townships of Paterson and Martins Creek. They have sustainability of a resource (which could alternatively be sourced by multiple other current and planned operating quarries which are not located within townships) for the next 25 years. After that, for Daracon – who cares!

The existing 1991 consent is not 'inadequate and uncertain.' This is just big business speak for 'we can't make truckloads of money unless we have a massive operation'. Fair enough! Daracon has plenty of other business operations to go on with. It is simple. Don't grant this project expansion. This is how the present and future local communities can be protected. Daracon don't want to comply (and have never complied) with operating levels that are ecologically sustainable for a quarry centred in the middle of scenic rural communities, bordered by natural bushland, timbered with significant numbers of critically endangered koala feed trees and home to many species of fauna including koalas.

There are no positive intergenerational outcomes associated with this project and clearly, if allowed to proceed, it WILL compromise the lives of both current and future generations in terms of health, biodiversity and local productivity of the varied local businesses in the area.

**Q 5. How do the recommended conditions ensure that those most directly impacted by road transport, are targeted in the proposed mitigation measures? Continuous improvement of these measures over the life of the project?**

There is nothing here that demonstrates any adequate mitigations, simply a rehashing of some of the project parameters. The Department make some waffling and meaningless statements such as 'Where necessary, the Department's recommended conditions also establish specific and targeted operating parameters and management requirements to mitigate road transportation impacts for those affected.' They go on to give an example of this as 'no road haulage is undertaken during the evening or night-time periods or on weekends' and 'no road heavy vehicles travel through Paterson prior to 6:45am each morning'. However these conditions were revised back in 2019 and 2020 and are inadequate as measures to protect those most affected by continuous movements of heavy articulated vehicles on our local roads. The Department state that these hours 'have been specified to minimise traffic and amenity impacts along the primary haul route and to avoid potential heavy vehicle interactions with cyclists and pedestrians on weekends.' Many community members at the recent IPC forum at Tocal Hall in November pointed out that people's lifestyles have changed significantly in recent years, particularly with the advent of Covid and employers

having flexible hours and working from home arrangements. Paterson township is busy every day of the week and, pedestrians and cyclists frequent our village throughout the week. Thus the many locals and visitors coming to the Paterson village Monday to Friday are still very much at risk of ‘potential heavy vehicle interactions’. If you have stood on the footpath outside the post office, or the Café as one of these huge vehicles has thundered past, you will identify with this risk. The size and noise of each truck does cause fear and anxiety in people, myself included. Trying to exit and enter your car safely when shopping locally is also an unpleasant and nerve racking experience when heavy vehicles are moving through town, along our narrow roads with cars parked on both sides of the road. Having 160 truck movements through our towns on any given day will continue to pose an increased risk to the wellbeing and potentially the lives of local residents and visitors.

**Q6: Examines 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?**

Local businesses WILL be affected by ongoing large numbers of truck movements. Daracon’s claim that because businesses have managed to continue during previous unlawful large-scale quarrying movements, it is justified to continue. With the latest assault by Daracon on the local community – getting Martins Creek Quarry assessed as ‘State Significant’, some businesses sold. New businesses were perhaps not aware of the Daracon threat as they bought during the time Daracon were forced to restrict their activities (from 2019). Again this smacks of the tired argument put forward by Daracon, ‘They put up with it before, they can put up with it now.’

Daracon/Umwelt suggest that tourism and productivity of businesses is mainly restricted to Saturday trade. This is certainly not the case. Local businesses are busy EVERYDAY. Daracon provide misleading information by inserting quotes from objections to the original project in 2016. We all know that Covid has changed our living and working lives and tourism, hospitality and retail industries everywhere are now very busy on weekdays as well as weekends.

Daracon’s and the Department’s response to ‘manage and mitigate negative social impacts’ on the viability of local businesses on the haul route is to collect information via a survey. Who will collect these, collate the information, identify the problems and make changes as necessary? This is just a tick-a-box strategy. It’s a pretty safe bet that Daracon will not make any commitment to significant reductions that will make a difference. These impacts won’t be ‘unexpected’ but certain.

**Q7: 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?**

It is all very well for Daracon and the Department to identify that TFNSW feels that overall ‘the current road network is assessed to be generally satisfactory for road safety issues.’ People who live, work and travel along this road do not feel safe with the many heavy articulated trucks moving north and south along the haul route – often passing each other through the narrow confines of Paterson streets and even on the 90 degree dog leg. Getting children to and from the buses each day, crossing the road opening the car door to exit cars at



the local shop - is dangerous. The build-up of traffic with convoys of truck and dog vehicles when the railway gates are down - is potentially dangerous. The addition of big trucks approaching the Gostwyck Bridge (one lane) - is dangerous. Minor changes such as road marking changes and vehicle activated signage will not ameliorate the real risk to other road users. School buses pick up and drop off children at unsheltered/unmarked spots all along the haul route. That is the nature of rural living. However, rural living generally doesn't include large numbers of heavy truck and dog vehicles travelling to and from a quarry inconveniently situated 23 km from a main road. These heavy vehicles pose an inherent increased risk of danger to these school children (regardless of the Dept suggestion that it is an 'acceptable level of risk'?) What does that even mean? Acceptable until there is an injury or a fatality?

The Department completely disregard to risk to pedestrian, school bus passengers and other road users within Paterson village by stating simply that 'With regard to pedestrian safety, the rural nature of the locality means that the vast majority of pedestrian movements occur within the urban locations'. The contingent of individuals from the Department who most recently visited the town of Paterson in 2022 (and met with members of MCQAG) must have had their eyes and ears closed during their visit. Even more telling of their lack of awareness of current safety risks caused by significant numbers of heavy vehicles in our locality, they say 'The Department considers that the existing footpaths and pedestrian crossings, or those proposed by local councils in **future** works programs within Paterson, Bolwarra Heights and East Maitland would allow for the safe movement of pedestrians in these urban centres.' So there will be safety for pedestrians - at some time in the future. It is interesting that they classify Paterson as an 'urban centre'.

The Driver Code of Conduct is dragged out again as a road safety measure. It's a voluntary and unenforceable measure which relies on consistent compliance of many different drivers every day.

**Q9: When servicing local projects, trucks will utilize local roads outside the primary haul route. How are local projects defined? What proportion of total proposed product hauled by road would this comprise, and how will this be monitored and reported?**

Daracon state 'It is not intended that (the) quarry would service a substantial amount of local projects'. Of course not! Small local supplies are not 'economically feasible' to a company chasing the lucrative big contracts in Western Sydney.

Without any awareness of the irony involved they state 'We firmly believe that providing a source of construction material locally is far more sustainable than such material being transported from outside the locality. It is not only the most energy efficient and cost effective way to deliver the material, it minimises the cumulative impacts on local and regional communities.' How about they follow this premise to its logical conclusion and leave the Western Sydney contracts to quarries significantly geographically closer to Sydney rather than cause long term 25 year disruption a rural community who have fought to hold onto their rural amenity for several years? Daracon's concerns for local and regional communities seem to be restricted to areas geographically distant from Martins Creek Quarry. It is clear that the ongoing negative cumulative effects of extraction, processing and transporting quarry materials from an unlawfully inflated rural quarry site is not their concern when chasing large lucrative contracts. This is yet another example of the way Daracon has

continued to trample over the rights of our local communities in their selfish quest to market this money spinner for all its worth.

In summary, please also consider the personal written submission I made to the IPC in November 2022 as well as the spoken presentation made during the IPC Public Meeting. Please consider the many objectors to this large scale quarry project and say 'no' to the proposal.