

[REDACTED]

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Subject: Martin's Creek Quarry (SSD-6612) - Response to Additional Information

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Thank you to the Commission for providing the opportunity to respond to new material relating to the Martins Creek Quarry Project (SSD-6612). I have read through the documentation provided and set out my response, in relation to each of the questions raised by the Commission.

Q1: The Department notes they are 'anecdotally' aware that several existing hard rock quarries are unable to keep up with current demand yet Daracon have advised that construction industry customers are now willing to accept quarry materials more flexibly, e.g. smaller quantities over a longer period, enabling Daracon to reduce the proposed road haulage from 500,000tpa to 450,000tpa. Similarly, if Daracon haven't been able to find a way to speed up the construction of the rail spur extension, now looking like a 6-8 year plan as noted at page 36 of Umwelt's Martins Creek Quarry Project – Additional Information document dated December 2022 (Umwelt's Additional Information document) to enable increased availability of product, does that not also suggest demand is not as critical as they would have us believe?

Q2: With regard to Daracon's response to this question, at page 16 of Umwelt's Additional Information document, it is noted that Daracon are committed to exploring opportunities to increase rail transportation from the Quarry, and will aim to maximise rail transportation and proportionally reduce road transportation if possible in the future. It further states '*The now proposed road haulage limit of 450,000 tpa will remain the upper limit, and Daracon seeks approval to transport up to 1.1 Mtpa by rail, in anticipation of potential future market and rail logistics potential to continue to increase the volume transported by rail, over time.*' Given the Project is seeking approval to extract 1.1million tpa, are Daracon suggesting that at times in the future there will be no road haulage at all?

With that in mind, if the Commission accepts the Department's and Daracon's position and choose not to impose a condition requiring greater portion of product to be transported by rail, then perhaps they could impose a condition that requires Daracon to immediately commence the rail spur extension. Further, if such extension is not completed within a designated reasonable timeframe, then the annual road haulage limit begins to reduce. This ties in with the question 1 above whereby Daracon have noted a potential 6-8 year period before the extension might be constructed.

Q3: I don't have a legal qualification and can't comment on the legal opinion supplied, other than to say there are always two sides and no doubt another legal practice would find an opposite argument or position to some of those provided by Daracon's legal advisers.

Q4: The Department's response to this question does not appear to offer any new information, in that it basically re-states the information contained in their Assessment Report. If the Project is approved, with its 25+-year lifespan, I will be into my early 80's. Will I still be living in the area and in good health, with possible grandchildren coming to visit? I don't know. But I did listen to those various people who spoke at the Public Hearing, who have either lived in the area for much longer than myself, or those who have moved back to the area with their young families, and these are the people who are trying to ensure the health, diversity and productivity of the environment is maintained and enhanced for the benefit of their future generations.

Approving a quarry with a 1.1million tpa extraction limit, with road haulage of 450,000tpa, plus associated vehicle movements taking equipment to and from the Quarry, can hardly be said to enhance the environment. Figure 6.1 in the Department's Assessment Report and Figure 3.1 in Umwelt's Additional Information document provide historical road haulage which indicates 500,000+tpa for the 2018-19 period and it was impossible to be unaware of their movement through Paterson and on the haulage routes. The now-proposed volume of truck movement through Paterson, not including all the other associated Quarry traffic, will be only around 10% less than that 2018-19 period, and even with the proposed mitigation measures, it is hard to see how the constancy of that heavy traffic over a 25+-year lifespan won't adversely impact the amenity and character of the communities on the haul route.

I hope my understanding is correct that, as per the Department's Recommended Condition A9 which allows for 20,000tpa of coal ash to be delivered to the site, those trucks movements form part of the total allowable truck movements (which specifically includes arrivals and dispatches), as per Recommended Conditions A12 and A13.

Q5: Again, the Department's response to this question does not give any new information, rather it essentially sets out what was already included in their Assessment Report and recommended Approval Conditions. Objectors to the proposed expansion have already detailed the shortcomings of the proposed mitigation measures.

The Department's Recommended Conditions that define operational hours of course avoid potential heavy vehicle interactions with cyclists and pedestrians on weekends, not just in Paterson but elsewhere on the haul route. But they don't avoid those same potential heavy vehicle interactions on weekdays when there are also pedestrians and cyclists. Even with the proposed December 2022 reduction in daily truck movements, there will still on average be a truck passing through Paterson every 4-5 minutes (across the 7am-6pm period), not allowing for closer proximity of trucks if held up at the railway crossing or due to other factors on the haulage route. Again, this does not include the other associated quarry traffic.

At page 25 of Umwelt's Additional Information document, the Department's Recommended Condition B39 is included and states *'The Applicant must as soon as is reasonable and feasible, and no later than two years following the date of commencement of development, construct the new quarry access road intersection off Dungog Road as described in the EIS, unless otherwise agreed by the Planning Secretary.'*

Then at page 27 of that same document, it is noted the Planning Secretary can also amend the frequency of independent surveys of current community attitudes concerning the development, from a 3-year frequency to less frequent surveys, without specifying how much less frequent or what might trigger less frequent surveys.

Will this potential referral of various matters to the Planning Secretary reduce the measures supposedly put in place to mitigate risks and alleviate concerns of affected communities? How will the affected communities be made aware of matters referred to the Planning Secretary, and their subsequent outcome?

Q6: In past submissions, I have noted my regular support of many of Paterson's local businesses, as well as noting the sometimes precarious nature of parking in or crossing Duke Street or turning into the Paterson Service Station. Over the past couple of years, there have been many property sales within Paterson itself and the surrounding areas, bringing new people to the area. I don't know if they support the local businesses but generally speaking, they will not yet have experienced the volume of trucks and other Quarry-associated traffic that the proposed project will bring. And if/when they do experience trying to park and/or safely cross the roads in Paterson with the proposed volume of trucks, they may decide to shop elsewhere or have their groceries home-delivered by one of the big supermarket chains.

Q7: What is an acceptable level of risk when weighing up increased road haulage and its impact on other road users? Leaving aside the proposed road upgrades, Daracon have also proposed implementing a Driver's Code of Conduct for not only their branded vehicles but all trucks carrying Quarry product, which would enable other road users to easily identify the truck in cases of not adhering to the Code of Conduct.

During November and December 2022, I observed numerous truck-and-dog combinations at varying times of the day, including many travelling along Butterwick Road, and don't recall any with Daracon-branding, and many had no obvious insignia. There were also many smaller dump trucks (with single tip tray) passing through around this time. I am not suggesting all or any of these various vehicles were either travelling to/from the Quarry or that the vehicles were being driven in an unsafe manner, although I was a little alarmed for a small vehicle that found itself sandwiched between two trucks travelling into Paterson (from the south), still in the 100kph zone.

Maybe the Driver's Code of Conduct, and the proposed road upgrades and other mitigation measures, will reduce risk to an acceptable level for a while but the law of averages suggest that one of these heavy vehicles will at some future time be involved in an accident, at which time the question of acceptable risk will no doubt arise.

Q8: At page 36 of Umwelt's Additional Information document, reference is made to Recommended Condition B40 and Daracon's preference to design and construct road upgrades within 18 months of project approval, while also transporting 250,000tpa by road. Given the potential for a delay in the new access road (as noted in Q5 above), I definitely support Dungog Shire Council's stated position that all necessary road upgrades should be in place, prior to increase of road haulage limits, that is from 150,000tpa to 250,000tpa.

Q9: Daracon have indicated in their response that local projects would account for around 5-10% of annual production, so when the annual production limit reaches its peak of 1.1milliontpa, this would potentially see 55,000-110,000tpa allocated to local projects. I hope that I correctly understand any allocation attributed to local projects would be included in the 450,000tpa maximum road haulage, rather than additional to that maximum.

Thank you again to the Commission, and I finish by saying I remain an objector to the proposed expansion of Martin's Creek Quarry.

Michelle Toews
31 January 2022