

**V.O.W.W.**  
**Voice of Wallalong and Woodville**  
**Including localities of Rural West Ward**  
**Incorporated ABN : 33 269 793 710**

31st January 2023

We thank commissioners for giving the community the opportunity to have input regarding the answers provided to the questions asked of both the DPE and Daracon.

Please accept this submission on behalf of VOWW. We understand that this looks like a 'wordy' submission, but we have made numerous references to lived experience which cannot often be expressed succinctly.

**Who is VOWW?**

- VOWW is a community organisation that represents residents of Port Stephens West Ward from the Williams River to Duns Creek and Woodville.
- VOWW has members who were on the Brandy Hill/Seaham Action Group sub-committee, set up in 2014 to be a voice of the residents who would be impacted by the expansion of Brandy Hill Quarry.
- VOWW became involved with the Martins Creek Quarry Action Group when Daracon began major hauling in 2014 along rural roads of Duns Creek, Butterwick, Brandy Hill and Nelsons Plains (Seaham Rd).
- VOWW has members who served as representatives on the MARTINS Creek CCC until it was disbanded.
- VOWW has 3 members currently on the Brandy Hill Quarry CCC, which has quarterly meetings.
- We speak from lived experience of problems with truck haulage and with an understanding of the process of the DA, interaction with DPE and with council involvement.
- We ask you to take this experience into consideration as we make our comments on the responses to the IPC questions.

We have also followed the submissions from MCQAG and support their responses.

## VOWW's Response to Umwelt's December 2022 Answers to IPC Questions.

### Executive Summary.

The changes proposed by Daracon and the DPE's answers do not change or mitigate the adverse social impacts that this quarry expansion has had, and would continue to have, over a 25-year period. In fact, some of the proposed changes increase social impacts.

- For residents along the haulage route-1 the dangers imposed by large haulage vehicles will be still the same. The noise of heavy vehicles all day long will still impact and cause stress, anxiety and depression. This route is through new residential subdivisions and older more established suburbs like Bolwarra where homes and yards are metres from route 1. These impacts relate to everyday lives where parents should be able to feel that their children are safe to walk or cycle to school. The lookout and children's park should be safe to enter or exit and a picnic in the park should be as free as possible from the noise of haulage trucks.
- The information in the new documents does not mitigate the adverse effects on the businesses or communities of Paterson and Bolwarra. Amenity, ambience and character will still be dangerously impacted with just 10% lower truck numbers than previous proposals. The survival of the business activity centre of Paterson would still be in mortal danger. Any loss of businesses would have an undeniable catastrophic impact on employment and the amenity for the area's population.
- Nothing in these new documents mitigates in any way the effect that this quarry has on the lives of the residents of Martins Creek. The increased rail quantity takes the total quarry output beyond even the initial proposal. There are no other quarries in NSW, that we are aware of, that operate so close to residential housing. There is no buffer zone. The fact that it has been working in this locality in the past does not address in any way the effect on health and well-being of residents. Or should it be used as an excuse for it to be able to continue. Daracon and the DPE use this reasoning time and time again with every aspect of this DA. Be it impact on Paterson, Martins Creek or haulage routes. As a society we have moved on from expecting that residents just have to "put up" with bygone era standards. We have learned more about pollution and dust impacts on our health and the noise impacts that can be the cause of so much stress, anxiety and depression.
- On the other hand, the DPE seeks a "contemporary" approval. None of the conditions offered in the answers shows any compliance to contemporary standards for amenity and character, noise, road standards, or buffer zones etc.
- Of great concern is the proposed increase in rail to 1.1mtpa, seemingly taking total production to 1.55mtpa. That takes the impacts of quarrying and rail loading and transport to a much higher level, which we believe is not addresses by the EIS.
- Of even greater concern is Daracon's statement "*It is estimated that 5-10% of annual production will be delivered locally.*" 10% of 1.55mtpa is 155,000tpa. If that uses local roads other than route-1 then Dungog and possibly Port Stephens LGA roads will fail, and road safety standards ignored completely.
- If road haulage is permitted, then much tighter definition and controls must be applied to the routes and/or number of trucks allowed on local roads for "local deliveries". (See our response to the DPE). This is not just an issue of haulage routes but of a living community which is being offered nothing by way of safety standards or mitigation of cumulative impacts.
- We know that the answers pertaining to Brandy Hill Quarry use selective quoting and therefore are highly misleading. If the information provided about other quarries and on other matters is similar, then it's validity must be very questionable.

## VOWW's Response to Umwelt's December 2022 Answers to IPC Questions.

### **Detailed responses to the answer to each question (in blue).**

*Extracts from documents are shown in italic, followed by VOWW's response.*

*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?*

This question deals with other quarries within the Hunter Region and their production rates. We would like to bring to your attention that the restrictions on products mentioned for some of the quarries are short term:

*Metromix have advised Daracon that... Road bases, drainage aggregates and fills are not available until March 2023. (Teralba Quarry) p.11*

It is stated that the Karuah Quarry has nearly exhausted its resource. However little mention is made of the other quarries in that area that are already being assessed by the Department e.g. Deep Creek Quarry, Stoney Ridge Quarry.

As we have stated in our evaluation of the response to this question from DPE, Seaham Quarry / Boral has been granted permission to expand but is awaiting planning for a highway interchange to be constructed by Transport for NSW for this expansion to come online. The Boral delay in context is short term. Product is still being accessed and transported along the Pacific Highway.

As members of the CCC for Hanson/ Brandy Hill Quarry we are well informed with any activities from this quarry.

*Our industry continues to find itself in a state of strong growth and high demand. Demand for natural rock at our Brandy Hill Quarry has been well above expectations for the first half of 2022. As a result, we are approaching our consent limit. p.11*

Umwelt has stated that Brandy Hill Quarry is approaching its consent limit but has made no mention that was a 1983 consent and that adopting the 2020 IPC consent is imminent. The new consent will enable the quarry to access the high grades of rock that have been recently in restricted supply. Brandy Hill Quarry will also expand from 700,000 tonnes to 1.5 million tonnes thus, more than doubling the supply of quarry product to the market. In a phone call to the quarry manager Brad Nelson 16/1/23 he acknowledged that in line with other quarries there has been high demand and they have been constrained by wet weather and COVID restrictions like all other industries. The letter referenced by Daracon was sent as a courtesy to Hanson's customers and it should be noted that the letter stated for the remainder of 2022. Quote "This means that we will not be able to supply to you goods and services from the Brandy Hill Quarry for the remainder of 2022." p.12

The new Brandy Hill Quarry consent should come online in 2023.

*"The quarry has been closed to the general market since July 2022, with no indication of this changing to date." p.12*

Again, this is misleading. Residents observed (16/1/2023) that Brandy Hill Quarry was actually servicing a Daracon contract and Daracon trucks were seen travelling to and from the quarry. (Photographic proof available should commissioners wish to have this verified) This was confirmed by the Brandy Hill quarry manager, who confirmed that Hanson has not been taking on new customers but has continued to supply their customer base.

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We live on their haulage route, and quarry truck volumes have been normal to high in recent months. Over Christmas and new year there is always a lull for annual maintenance and leave in construction industry

We believe this negates the above quote from Umwelt.

It is a gross misrepresentation to use this as an example as the Brandy Hill quarry is not closed. This was and will be a short-term restriction only.

It is unprofessional for Daracon to use this short-term issue for its own long-term gain.

Umwelt has also commented that not all quarries produce the same product. We would like to emphasise that Martins Creek Quarry is not the only quarry to produce '*high quality materials and products*' p.12. Brandy Hill Quarry also services the same projects. E.g., Williamtown Airport, Local Councils etc. As do Boral and as will other quarries that are to come online within the next few years.

*The quarry provides a diverse range of products that are far more extensive than typically supplied within the hard rock quarrying industry. Often site specifications differ to that generally offered in the industry.* p.12

### **Could Daracon please provide us and the IPC a list of products that only Martins Creek quarry can provide?**

It is our understanding that several other quarries provide the same grades of product and are contracted to provide materials for the same jobs. For example, the M1 extension will require product from many of the local quarries and this is the case for many large infrastructure contracts.

*Whilst the quarry primarily produces high quality ballast and aggregates, it has also focused on the design and manufacture of high-quality road pavement materials, in particular Stabilbase (RMS Dense Graded Base) and Stabilstone (RMS Heavily Bound Base).* p.12

Hanson has been supplying this to the market for many years.

As Hanson management explained, the geology of this whole area is based on a volcanic product that is the same for all quarries.

*'Frequently these materials are difficult to source readily as evidenced during 2020, 2021 and 2022 without the availability of the quarry.'* p.12

These years were difficult not just because the product was unavailable from Martins Creek, but due to demand from extreme weather conditions and flooding as well as the supply constraints of COVID restrictions and labour shortages.

There are several references to messages from Dungog Shire Council. These must be taken in context. It is wrong to assume that sourcing gravel alone was the major problem for 2021 – 2022. All areas of NSW were severely impacted by ongoing flooding during this time. Even if Daracon was working at full capacity these product shortages would have still occurred. This period was extremely unusual with COVID impacting on labour, and as mentioned, the specific conditions at the time is not something that is an ongoing problem. Not when you consider the long-term life of the quarry. Here again Daracon is talking about short-term scenarios.

The issue of shortage of material is only one issue. There are other issues that exacerbated problems for the local council. However as can be seen from the local road network repairs that are ongoing these issues will be resolved.

## VOWW's Response to Umwelt's December 2022 Answers to IPC Questions.

**Brandy Hill Quarry** is mentioned time and time again as justification for Daracon's own transport wishes.

*Further, it is noted that two of the quarries listed in Table 3-2 in the Department's Assessment Report rely on road haulage on local roads, being Brandy Hill Quarry and Teralba Quarry. Neither quarry has direct access to the State Road network and also transport product through residential areas in order to access State Roads transporting through residential areas. p.14*

Commissioners may not be aware that in 1983 the quarry at Brandy Hill was given a consent to operate but only if they were able to bypass Seaham which would have been impacted just like Paterson is now. Local residents were not prepared to sacrifice the heritage of the area, nor compromise the safety of children at the local school, customers of the local shop, the use of the local hall and church and the general ambience and character of the area.

Consequently, Brandy Hill Drive was constructed specifically to haul product from this quarry. At the time 27 laden trucks with no dogs per day used Brandy Hill Drive. Port Stephens Council was the consent authority and allowed rural residential subdivision to occur (whether this was wise of the council is another question) with strict rules such as all houses needed to be set back 50m from the road. There was a 30-year licence to operate and much has changed over that time. The size of the trucks is one example. Now with another DA and given SSD status, residents have to endure another 30 years of quarry traffic but at least there are still the 50 metre set-backs and other conditions that Hanson has to undertake before it can expand.

Daracon implies that residents here are quite ok with this situation but that is far from the truth. However, the village of Seaham was spared.

As with other quarries in the area, Brandy Hill has no rail option to fall back on and it does not have housing as close as Martins Creek is to the actual quarry area of Daracon.

Our concluding comment to this question is that the constraints from many of these quarries are short term only. Daracon is seeking a licence to operate for 25 years, and these short-term constraints should not be used as a justifiable reason to transport by road. We believe that Umwelt has overstated Daracon's current and future importance to the market. The region has managed quite OK without Martins creek supplying general aggregates under the interim orders. With Brandy Hill quarry's imminent adoption of new consent giving access to more high-quality aggregate, and leading to a doubling of capacity, any short-term issues will be addressed.

*Question 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?*

The Umwelt report is littered with the word 'currently'. Daracon needs to start thinking long term. This is a long-term proposal and within that period the rail situation will change especially once the inland rail corridor opens to traffic.

*'Without an approval in place, Daracon has been unable to confirm the quantum of future rail markets.'* p.16

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This is very unprofessional for such a large company. There is no reason why modelling could not have taken place to answer this question fully. Terms such as '*reduce road transportation if possible, in the future*' p.16 is too vague and open ended.

As far as regional development is concerned, we understand that local quarries should service local development however it should not be at the expense of existing residents who will bear the burden of safety, health and amenity impacts.

The cost benefit mentioned:

*There is also a cost benefit to local and regional markets having road-based delivery rather than double handling for rail-based delivery.* p.16. This will always favour the company rather than the residents.

Some of the largest contracts e.g. M1 extension, Hexham to Sandgate widening are directly adjacent to a rail corridor. With coal production set to diminish perhaps there is an opportunity to tap into this facility. Or perhaps those facilities are already being under-utilised.

*Other quarries in the state that distribute their materials by rail, still have to reload onto trucks to deliver to market.* p.14

This is true but it happens within the context of an industrial environment and usually these hubs are close to major road systems and not residential or business centres.

*Daracon have committed to increase the amount of quarry product transported by rail. Daracon are planning to expand rail markets and gain access to rail unloading capacity, in order to enable greater transportation of product by rail to service the Sydney market.* p.14 - 15

The whole rationale for Daracon has been to service the regional market.

*Road haulage for regional development is an important use for the quarry material* p.16 yet here they are prepared to sacrifice the regional market for the Sydney market. If that is where they want to send their product that is their choice, and it can be done by rail so why labour their point of the importance they place on the regional market?

The cost of road haulage must include the wear and tear on roads, the safe interaction between trucks and cars, pedestrians, cyclists and trucks. But these are never mentioned within this report.

### 3.2 Transport and Haul Route

*Question 3. The Commission notes the judgment of CEAL Limited v Minister for Planning & Ors [2007] NSWLEC 3021, 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?*

Transport and haulage problems along local roads is something that we can address with confidence. Many of our members of the VOWW community live on roads that are either totally unacceptable for heavy truck haulage e.g., Butterwick Rd, or on Brandy Hill Drive and Seaham Rd where even a reasonable surface produces problems. The lived experience must be taken into consideration unless the proponent or writers of this report live on a haulage route, they are not in a position to discount our experiences.

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The statement '*...whereas the quarry is well established, and the Project will not result in unacceptable noise impact along the haul route.*' p.17

There is no logic to this argument that because it is established it is therefore ok to continue a practice that causes angst. What rubbish! Should we be able to apply this logic to other social issues? If a husband has beaten his wife over a number of years does this make it ok for him to continue to do so? I think not!

Trucks are bigger, notoriously noisy braking etc can be heard well before the truck is in sight, rattling on uneven / potholed surfaces can become unbearable. Commissioners must remember some homes are within 3m of the route through Paterson and 10m through Bolwarra. No amount of 'code of conduct' will address those drivers who insist on ignoring signage such as '*no compression braking in residential areas*' or those who take their chances with driving over the speed limit.

*... case studies that demonstrate situations where development consent has been granted for quarry projects that involve substantial truck haulage on local roads. There are a number of quarries throughout NSW that transport product on local road networks through rural villages, rural residential areas, and/or lower density fringe urban areas, for example Brandy Hill Quarry ...it can be demonstrated that Martins Creek Quarry is not unique and, in some instances, has less potential for impact than other quarries with comparatively recent development approval updates. p.18*

We have already mentioned the circumstances surrounding the Brandy Hill quarry expansion. In our opinion, and in hindsight, Port Stephens Council was wrong in agreeing to allow development along the haulage route. However, Brandy Hill Drive was always a road built by the quarry for the quarry, and while we may disagree with the continued operation, we accept that the quarry has always used this road for a major part of its haulage to the highway. There is no comparison to a quarry with a rail siding.

The village of Seaham was successfully bypassed, and the locality of Woodville bears no comparison to Paterson. Woodville is a rural community with a historic shop and a historic church that is now used as a wedding venue. There are 6 other houses along this section of road at Woodville certainly not on the scale of Paterson.

*The proposed further changes are in addition to previous commitments, including:*

- *no trucks through Paterson Village before 6.45 am. p.19*

A problem occurs here as this is difficult to achieve. Subcontractors by their very nature will arrive outside of Paterson at any time before they are allowed to travel through to the quarry. Where are they supposed to park to wait if they arrive before 6.45am? Our experience at Brandy Hill is that they park wherever they can on the side of roads, in front of houses with engines idling, and then at a designated time they all move on, and it has a convoy effect. This is not ideal. If they are causing problems the practice has become that they just drive through Brandy Hill before the designated time and hope no one reports them.

*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 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?*

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*The Revised Project is within an area which has been subject to quarrying since the early 1900s, with this quarrying activity coexisting with neighbouring land uses for over 100 years.* p.19

It must be remembered that 100 years ago things were very different. Output was via rail. The road system was built to service rural activities, bridges were built that are not fit-for-purpose in modern times with modern trucks. And the quarry was used exclusively for rail ballast. The population and suburbs along the proposed haulage route are now markedly different as well.

Quarrying operations are also different with more machinery needed to produce the extra tonnage, more frequent blasting, dust and noise impacts on people and their homes.

Daracon has not acknowledged that they are literally quarrying on the doorstep of the village of Martins Creek. There is a huge difference to quarrying 300,000tonnes/annum to 1.5 million tonnes.

And Daracon is seeking to provide for a completely different market and use an unsuitable road network.

*The haul route utilises the existing road network which **has historically** been utilised for product transportation from the quarry.* p.19

Beware the term **historically**. This is an oft used term to justify all manner of things.

In context:

- Historically the quarry was used for rail ballast and hauled by train, thus the rail siding.
- Historically, once Daracon bought the quarry it changed the rules to suit themselves without a second thought to the impact on the residents of Martins Creek or Paterson.
- Historically Daracon used any road and during peak operations around 2014, transported huge tonnage through Paterson, along Butterwick Road which is not suitable for any kind of haulage trucks, and along Brandy Hill Drive.
- Historically Daracon did not listen to any community concerns and consequently Brandy Hill had to endure the cumulative impact of between 1000-1200 trucks /day and into the night for a contract that both quarries were servicing.

*Further, the haul route primarily utilises a Regional Road (MR 101) that connects from East Maitland (at the New England Highway) via Bolwarra, Paterson, Wallarobba, Wirragulla, Dungog, Dingadee and Walshpool Bridge to The Bucketts Way. Regional Roads are intended to perform an intermediate function between the main arterial network of State Roads and Council controlled Local Roads. As discussed in Section 3.1, there is a current application for MR 101 to be converted to a State Road.* p.19 - 20

It may take many years for the State Government to assume responsibility for MR 101. And then many more years to provide more funding for its upgrade. In the meantime, the haulage trucks would impact on a road that is heavily used by local residents and tourists and is already considered dangerous with many pinch-points at narrow bridges and culverts. Funding for regional roads is often dependant on grants from Federal or State governments and this is a notoriously slow process.

There is a significant difference between a State Roads (funded by the state), and a road being reclassified from being a GML road to being compliant with the standards for a heavy transport (PBS) route. The road pavement strength, lane and shoulder widths, intersection turning and acceleration lanes, and capacity of all bridges and culverts etc must all comply with higher standards before heavier PBS axle loads and truck masses can be allowed. Until any required upgrades are completed along the entire route, the road will remain a GML road. For example, Brandy Hill Drive is not a state road but is a PBS route, while the route to Maitland is GML



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As previously mentioned, GML restricts axle loads and truck payloads thus requiring more truckloads, increasing costs and social impacts, while perpetuating an inefficient operation compared to other quarries.

Until either the state government agrees to take responsibility for these roads, or they are required to be upgraded at the expense of the quarry, they will never be of a standard required for heavy quarry haulage. It is the condition of the roads and the proximity to dwellings that is the issue. At the time the roads were constructed, it was not envisaged that haulage trucks of the current size were even possible. Some houses in Paterson and along the haulage route are 3m to 10m from the road. The roads were once constructed for rural activities. These roads do not meet Austroad or Transport for NSW standards for heavy haulage. It is apparent that trucks from the quarry are not appropriate.

Therefore, Daracon's vision for The MR 101 to become a road suitable for their haulage vehicles will take years to be resolved, if ever in the lifetime of the quarry and therefore should not be considered a viable option to rail transport.

*It is understood that **perceived** impacts of the community are influenced by the 'lived experiences' of residents' along the haul route. This must however be put into context. The 'lived experiences' referenced generally relate to the operations during 2014 which **Daracon has acknowledged was unacceptable** (refer to Section 2.1). Based on consultation feedback and residents' testimony, the 'lived experience' during the Railcorp road haulage was acceptable. p.20*

Again, this is very selective reporting. Please refer to the MCQAG material that shows that the proposed level of road transport is still well above the threshold of lived experiences that were regarded as unacceptable for residents amenity and business survival.

Residents are annoyed and deeply offended by the term **perceived impact**.

There was nothing perceived about it. It was real, constant, distressing to many and caused severe mental anguish to many residents on the haulage route through Paterson and Brandy Hill. Daracon may have accepted that it was **unacceptable in hindsight but at the time, even with numerous complaints, they did nothing about it**.

In fact, when mentioned to Daracon management the response was...if you don't like it just sell up and move elsewhere. Hardly acceptable as a response.

The ongoing change to amenity and character of the rural villages is dismissed as **acceptable**. The SIA acknowledges numerous shortcomings but every single complaint by residents is deemed as **acceptable**.

*Given the **constant** nature of the quarry in the region for over 100 years, its operation including road haulage is part of the region's context. p.21*

How many times over the past 100 years of the operation of the quarry was the community consulted on expansions to operations or changes to haulage from rail to road?

**Constant** but ever changing.

*The TIA found that the traffic movements associated with the Revised Project will have an acceptable impact upon the overall operation of the principal intersections along the primary haul route. Whilst the two signalised intersections are predicted to suffer from increasing*

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*delays, this would be due to the continual traffic growth along the New England Highway in this location rather than a direct impact of the Revised Project. p.22*

We disagree with this statement. We acknowledge that there is continual traffic growth around the Melbourne Street road system however, the extra quarry trucks are part of this and therefore **contribute to direct impact and are not separate from it.**

By the nature of the weight carried and the number of axles per truck and dog research shows that each truck has the equivalent impact of 10,000 other vehicles. This is direct impact.

*Air quality emissions are predicted to remain well below the nominated NSW Environment Protection Authority criteria and are therefore unlikely to lead to any adverse air quality impacts. p.23*

Please note that the corner of King/Duke Streets in Paterson is a 'pinch-point' for truck traffic. Here trucks brake and then accelerate out of the curve. Diesel fumes are unpleasant at best and toxic at worst. Noise is a deterrent to the ambience the cafés are noted for. There are 2 cafes on that corner with popular outdoor dining and not just at weekends. Historic buildings, country ambience and truck noise and fumes are not a good mix for these businesses.

### **Intergenerational equity.**

If you had asked anyone in the community about the meaning associated with "intergenerational equity" I doubt they would answer with reference to the:

- *provision of a long-term secure supply of quality hard rock construction material p.23*
- *maximising operational efficiencies within the quarry site p.23*
- *flexibility and contingency to adapt to future market and specification requirements p.23*
- *...the continued supply of construction materials in the Hunter Region is severely constrained and the Martins Creek Quarry is a key source of supply of a range of quality construction materials that are essential to delivery of essential infrastructure and sustained economic development consistent with regional and state plans. p.24*

These answers refer to Daracon's perception of its importance to the market. The social and economic benefits to the communities of Martins Creek and Paterson hardly rate a mention. The interpretation of 'intergenerational equity' should include questions such as:

- For how long the village of Paterson will be able to sustain its heritage value as well as economic feasibility?
- Will future generations be able to benefit from a local product that is being used much faster than envisaged 100 years ago?
- Will future generations appreciate the destruction of local environmental habitat with the resultant loss of native fauna and flora? When the only thing important to the proponent is the monetary value of the product.

Daracon makes much mention of Hanson Brandy Hill quarry and compares the 2 as if what happened in that case should also happen with the Martins Creek proposed expansion.

Daracon have never mentioned the environmental requirement imposed on Hanson. Part of the conditions of consent imposed by the Federal Environment Minister, Susan Ley, was to revegetate 73 hectares in the buffer zone of the quarry to counter/compensate for the loss of the 52-hectare expansion of the Brandy Hill quarry. It would have to include koala feed trees and other habitat trees in line with what is to be cleared. This, of course, is in addition to the offsets normally required. Environmentally a time-consuming exercise but it will retain an important koala and other native wildlife corridor and ensure the community will still be able to live within a natural environment.

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This shows an understanding of the term intergenerational equity without needing to justify themselves to the community on purely commercial grounds.

So, how does this compare to the understanding of 'intergenerational equity' by Daracon?

### Question 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?*

Daracon's argument has always been that there is no need for mitigation on a road system that is fit-for-purpose. The residents of Bolwarra, for example, have continuously shown concern for the safety of a notoriously dangerous intersection of Paterson Road and Tocal Road. This has been mentioned before in many submissions and reports from the local community. Does Daracon even acknowledge the dangerous situation at this intersection where the pedestrian refuge to be able to cross to the children's playground/tourist park and lookout is not wide enough to accommodate a pram and an adult or for a child with a bicycle? With Daracon proposing to send up to 200 trucks/day it could be assumed that they would volunteer to make an upgrade to this situation but that is not the case. Yes, other traffic uses this road however, 200 trucks certainly add to the danger with safety severely compromised. There is a social impact here and it is regarding the safety of children who cross roads with the care a child would give. The risks are often not appreciated by children and the key issue of perception of speed and distance through the eyes of a child is not given any thought or value to the SIA.

*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**. p.25*

It has already been shown in the skewed decisions made by the DPE that there has been extreme lobbying of the DPE by Daracon and the quarry industry. We do not trust that this will not happen again and that there could be compromises agreed to by the Planning Secretary.

We therefore request that the commissioners make a binding rule that ensures that Daracon must complete all infrastructure projects associated with the expansion before any expansion can take place. There can be no 'wriggle-room' for Daracon.

*...no road haulage of quarry products on Saturdays (or Sundays and public holidays) or between 24 December and 1 January, inclusive. p.26*

This is hardly a concession as most projects have closures during the Christmas to New Year timeframe.

*The Traffic Management Plan would also include the **Drivers' Code of Conduct** p.26*

Please consider the lived experience of a code of conduct on the residents of Brandy Hill. A drivers' code of conduct looks good on paper but in practise is hard to monitor. Drivers from the Brandy Hill quarry sign a code of conduct at the weighbridge upon leaving the quarry. It relies on the driver understanding the implications for the communities he is driving through should he ignore the rules.

Brandy Hill Drive and Seaham Road residents know only too well that this code can be ignored. For example, one of the most annoying and distressing issues with trucks is the

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condition of the brakes and the propensity of drivers to use engine/compression braking. This noise can be heard for over a kilometre before the truck is even visible. It is then up to the residents to report the incident to the quarry. It is not a quick resolution. And the noise has already occurred. There are 8 "please do not use engine braking" signs on these 2 roads and these are often ignored. As an affected resident I get annoyed that it is up to me to police this code of conduct. The Brandy Hill Quarry Manager told the resident members of the CCC that there is really nothing he can do once the trucks have left the quarry. It is up to the community to report the incidents. "Get the number on the side of the truck or the number plate, date and time and then he could take it further". That simple request has its problems when you are woken by the noise of the truck early in the morning.

Other residents report speed as an issue. When Hanson voluntarily asked the Hanson employed drivers to reduce their speed from 80 to 60 along Brandy Hill Drive it caused unexpected dangers. Other road users became frustrated and abused the drivers or worse still overtook the trucks illegally on unbroken lines. That speed reduction was abandoned.

The burden is on the community to report infringements to the code. When this burden becomes too great residents just give up in frustration.

These are just some of the lived experiences of the effectiveness of a "Code of Conduct".

The SIMP must include....

*procedures for analysing and comparing the results of monitoring and surveys against the predicted social impacts and results of previous monitoring and surveys p.27*

As shown from my observations above there is a huge burden on the community to help with monitoring and surveys.

*Further, recommended Condition B65 requires a Social Impact Management Plan (SIMP) for the development, to be developed in consultation with Dungog Shire Council, **the Community Consultative Committee (CCC) and affected stakeholders (including Martins Creek, Vacy and Paterson residents)** and other interested parties, to the greatest extent practicable. p.27*

Here Daracon has emphasised the reliance on the community, and this will be for the lifetime of the quarry!

*.... a program to monitor, review and report on the effectiveness of these measures including....*

*three-yearly independent surveys of current community attitudes concerning the development (unless the Planning Secretary agrees to **less frequent** surveys) p.27*

There is some confusion here. Does this mean that there will be a survey every 3 years?

Surely there should be at least annual reporting on community issues to the Department/Planning Secretary.

If issues are not resolved in a timely manner the communities suffer.

*Question 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 indicated all manner of surveys, discussions, consultations, proposals, strategies, frameworks etc and ALL have and will continue to require input from the local communities. At the expense of their time and their knowledge with no cost to Daracon whatsoever. What are the guarantees that after all the work done by the community, Daracon

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will change its practices if those consultations etc are not in their favour? In our opinion there will be no guarantees at all as has been shown in past responses to concerns by businesses or community.

### Question 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?*

#### **In no way has this question been addressed adequately.**

We ask commissioners to be aware that "near misses" don't count and minor accidents are not reportable. This is confirmed in:

*Daracon have confirmed that since operating the quarry there have been no record of any **reportable or significant** accidents associated with the truck movements in and out of the quarry site along the haul route. p.31*

Please cast your mind back to the places you visited and the roads you travelled while you visited the area in November, 2022. If referring to any of the local roads you would recall the road shoulders are either very poor or non-existent in many cases. Cyclists would need to ride on the road itself. Over the years with the increase in haulage truck traffic, cyclists and pedestrians made conscious decisions to avoid these roads. Therefore, the exercise opportunities for local residents is curtailed, something that Daracon may not even be aware of. In addition to this, the government rule regarding a safe distance for passing a cyclist, 1.5m, is sometimes disregarded by drivers.

Even route 1 has some dangerous sections especially from the quarry entrance to Paterson. Bolwarra is not mentioned even though there is a burgeoning population. Even though there are footpaths in this locality, children need to cross the busy road to access the local school. This is an area where children are given the freedom to walk and cycle to and from school or to visit friends. As mentioned before, the pedestrian refuges are hardly adequate for a parent with a child and perhaps a stroller.

*There are a high number of **informal school bus stops** along the haulage route which are generally agreed between bus operators and parents and are not sign posted or developed as formal bus stops. p.32*

These informal bus stops are characteristic of rural living. However, on narrow rural roads with no shoulders or verges and are not suitable for heavy haulage these become a problem as truck drivers are often impatient and swerve around the bus which may be halfway on the road. This has its own road safety consequences for oncoming vehicles. I am referring in particular to roads such as Butterwick Rd, which could be used for local haulage and Tocal Road on route 1.

*...restricted use of compression braking within East Maitland, **Brandy Hill**, Bolwarra, Paterson and Martins Creek or any other residential areas unless necessary for safety reasons. p.34*

We hope the inclusion of Brandy Hill does not indicate that this route is still being considered. Unless they are hauling out of Brandy Hill Quarry there should be NO Daracon trucks on Brandy Hill Drive. The residents would not condone any more haulage truck traffic on a road system soon to be impacted by the expansion of Brandy Hill Quarry. In addition to this Daracon has not advised Port Stephens Council that it intends using the LGA's roads and

## VOWW's Response to Umwelt's December 2022 Answers to IPC Questions.

is not offering any levies to Port Stephens Council for maintenance of its roads. As mentioned before, Butterwick Road, which is the conduit to Brandy Hill, meets NONE of the standards for heavy haulage vehicles as stipulated by TfNSW.

... *maintaining regular communications* with Hanson via its Daracon Community Liason Representative with the equivalent role within Hanson to identify ongoing issues of community concern, possible cumulative issues and joint responses to these. p.35

This needs particular attention as Hanson denies that this practice has ever occurred, or is feasible in the future. According to Hanson's Brandy Hill Quarry Manager and the Hanson East Coast Development Manager, this position **does not exist** and they have never been consulted about it and therefore there is no communication to be **maintained**. Hanson will comply to their conditions as set down by the DPE and the IPC. Any communication between Hanson and Daracon is on a contractual basis only and they have no bearing on the Daracon DA now before the DPE.

**In consideration of the previous lack of accidents during quarry operations, detailed assessments undertaken in accordance with the SEARs, proposed mitigation measures and further reductions in road haulage levels, the impacts of the increased road haulage associated with the Revised Project presents acceptable level of risk on road users, including cyclists, school bus passengers and pedestrians.** p.35

Why will Daracon not admit to the accidents that have been caused by trucks needing more room to turn at the intersection of Duke and King Street. There have been several reports of cars being side-swiped while parked in front of the local cafe/ store? It only takes one inattentive person to open a car door in such restricted parking widths, one child to be standing too close to the edge of the road to be knocked over and the risks become more apparent. This intersection alone is a **risk**.

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

*Daracon's answer: When considering this matter, it is important to recognise that under the previous IEMP, Daracon was able to transport up to 450,000 tpa via road on the existing network. The IEMP was supported by Dungog Shire Council and there were no recorded safety incidents during that time.*

This is not answering the question and ignores the vital point that the IEMP allowed railway ballast only. Seemingly, this answer tries to hoodwink the IPC. There is a big difference between what daily/weekly/or annual truck or tonnage limits have applied historically, and what actual quantities were moved. As the IPC will be aware, the actual tonnages well exceeded the legal limits at times and have been well below the IEMP limits because of the railway ballast only condition.

Regarding "Dungog Shire Council also had an agreement on place with Railcorp to transport up to 550,000tpa by road in the years 2010-2012, just prior to Daracon taking operation of the quarry. p.36 This is plainly wrong, as we are sure DSC will attest. DSC took the matter of the excessive tonnage of general aggregates being transported over the 1991 consent limits, to the LEC.

## VOWW's Response to Umwelt's December 2022 Answers to IPC Questions.

What may or may not have been appropriate in 2012 is no longer the issue. The question referred to the road upgrades required before the increase in road haulage. To refer to the problems with rail haulage is also not an appropriate answer and just confuses the road haulage answer.

If the consent is given **there should be no watering down or delaying conditions** just to suit Daracon. To do so would be to permit activities in unsafe conditions and would put the lives of everyone living along or using the haulage routes in unacceptable danger. Dungog council, as the current road authority has argued for road upgrades being a prerequisite to any haulage.

We disagree with the DPE recommendation. The IPC must insist that all upgrades be complete before any haulage can commence under a new consent. If the process to get management plans approved takes 2 years, as is the case with other quarry DA's, then so be it.

### Question 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?*

*The target resource of the quarry has been identified as regionally significant. The focus of regional road haulage will be to service significant regional projects...*

In answering this question Daracon has quoted regional contracts that would use haul route 1 which is not relevant to the question. However, Commissioners may not be aware that 4 of the 6 significant regional projects mentioned are adjacent to rail corridors.

Daracon has defined: *Local projects are defined as projects that are located between the proposed quarry site and the New England Highway, or within Dungog LGA, to the north of the quarry.*

No mention has been made of the Pacific Highway or any locations within Port Stephens LGA.

Considering all the other times Brandy Hill has been mentioned the residents of Butterwick Road and Brandy Hill are sceptical as to their definition of **local**.

*. It is estimated that only 5-10% of annual production will be delivered locally.*

Does that mean that up to 155,000tpa will be delivered on local roads? **This is one-third (1/3) of the total road transport sought, some may be** on roads such as Butterwick Road that do not meet any of the standards. **This is exactly the scenario our community wished to avoid.**

We mentioned to the commissioners in our previous submissions that any increase in truck traffic along Brandy Hill Drive and Seaham Road would be intolerable with 600 Hanson trucks already able to travel on this road system per day. This is unacceptable to the VOWW community.

Any restrictions to local deliveries must also apply to inbound/empty trucks heading towards the quarry.

There has been no negotiation that we are aware of with Port Stephens Council to determine road levies to mitigate the maintenance of the local road network.

We ask commissioners to set the rules for the monitoring and recording of local deliveries and that Daracon's definition of local deliveries be strictly adhered to. Deliveries into Port Stephens LGA must therefore use route 1 and the highway network.

*The Departments recommended conditions include the requirement for a Traffic Management Plan, and relevant parameters and controls for local deliveries will be outlined in that Plan.*

## **VOWW's Response to Umwelt's December 2022 Answers to IPC Questions.**

Since the Department has not addressed this question other than to refer to Daracon's answer, local residents have a right to question what the management plan and driver code of conduct will actually be.

This is of concern to Port Stephens residents.

VOWW is not opposed to Daracon sending local deliveries if they are strictly defined as above:

*Local projects are defined as projects that are located between the proposed quarry site and the New England Highway, or within Dungog LGA, to the north of the quarry.*

Considering Daracon's history, VOWW's concern is that unless this is written into any "consent", Daracon will use Port Stephens road network to deliver to major projects such as were listed. For example, to *Williamstown runway widening*.

We can see so many questions that have not been properly answered, inaccuracies in Daracon's responses, so many loopholes that they will exploit. We have had bad experiences with Daracon management in the past and they have not shown any changes in their attitude to residents or their concerns through the IPC process.

The answers given by the DPE show a 100% support for the proponent with almost no concern for the communities which will be impacted by the quarry operations or haulage.

Thank you for giving us the opportunity to review the questions to your answers.

Margarete Ritchie (President VOWW)

Chris Winnett (Secretary VOWW)

Neil Ritchie (BHSAG).



# VOWW Submission - Martins Creek DPE Answers

## Opening statement.

We have responded to the best of our ability to the answers given by the DPE to the questions asked of them by commissioners.

Firstly, we are concerned about the lack of input directly from the DPE. We would have expected answers that referred to Government policies and how they have been adequately addressed or not, and where the deficiencies lie. Instead, we have been referred to answers given by the proponent.

Have they even noticed the increased tonnage mentioned? Originally 1.5 mtpa but now 1.1mtpa by rail and 500,000 by road to be reduced to 450,000. Doing the maths that still exceeds 1.5mtpa - a reduction from 1.6 mtpa (which was not originally sought) to 1.55mtpa.

### **Does the DPE intend to allow this increase in total tonnage?**

We do not believe this is in the best interests of the community as it seems that Daracon, according to the DPE staff, have ticked all the boxes in its favour with scant attention to any lived experience concerns expressed by residents.

A heavy emphasis has been given to the financial implications for the proponent with financial and social implications for the community ignored or considered **acceptable**. In fact, all implications for communities have been deemed acceptable by the DPE.

There were questions put to DPE staff by commissioners at the meetings held in Tocal in November that staff were either unable or unwilling to answer. After commissioners put these questions to DPE as written questions it seems as if nothing has changed. Staff are still unwilling to give honest answers and preferred to refer commissioners to the information given to them by Daracon.

The changes offered by Daracon have been accepted by DPE without question. In addition, the DPE has not offered any tighter controls and the reduction in road tonnage will not change the impact along the haul route while the increased tonnage by rail increases the negative impact on the residents of Martins Creek and surrounding areas.

VOWW therefore pleads with the IPC to reject the proposal.

Please refer to VOWW's separately attached response to Daracon's answers.

The following VOWW response takes the form of listing the DPE page number, then quoting the relevant paragraph in italics, followed by our reply.)

### **Page 1:**

***“To inform our response, the Department sought and received additional information from Daracon. The additional information provided by Daracon should be read in conjunction with our responses to your questions”***

The Department asks us to accept answers given by Daracon as part of the department's own response. It seems that they have often not interpreted the information given by Daracon other than agreeing to it.

***“The Department understands that further reductions in road haulage have become more viable for Daracon since the Department finalised its assessment report, largely due to increased supply constraints and associated changes in the construction material market. In particular, Daracon has noted that construction industry customers are now willing to accept quarry materials more flexibly in terms of scale and frequency (e.g., accepting smaller quantities over a longer period).”***

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It is surprising that suddenly construction industry customers are said to be prepared to accept smaller loads. This paragraph stating that the industry is now more flexible in scale and frequency is flawed as it indicates that the construction industry is prepared to accept smaller loads, at consequentially higher costs. Additionally, the token reduction of 50,000tpa will not reduce truck movements if the above were to be the case. Smaller loads would be counterproductive to social impact as that requires more trucks on the roads with more traffic congestion, to deliver the same amount of product.

Other quarries and businesses in general are continuously striving to reduce all costs. Transport is a major cost in the aggregates industry because the raw materials are free, and mining and crushing are the only other significant costs.

Quarries like Hanson's Brandy Hill Quarry use PBS heavy vehicles wherever routes allow and will use whatever increased payload vehicles that regulations and the road network will allow into the future. Martins Creek Quarry, on the other hand, will be constrained to GML local road and bridge limits for the entire life of the quarry, incurring higher transport costs than their competitors, so are not likely to embrace further transport cost increases

In summary, the above shows DPIE gullibility in accepting Daracon's explanation for the slight reduction in annual tonnage, when it increases their costs and won't actually reduce the social impact of truck movements.

The following paragraph also indicates the department's gullibility, in accepting Daracon's rationale for proposing 450,000tpa of road transport.

There is one further question that commissioners need to take into consideration. Will Daracon abide by the rules for trucks on GML road and bridge limits? Or will they run the larger volume trucks anyway? Who will monitor this when the regulator, ie: DPE doesn't address this rule at all?

***“The Department also understands that fewer community complaints were experienced under the previous interim arrangements when compared to historical operations at higher rates of road haulage.”***

While the permissible trucking rates under the interim arrangement were higher than some actual historical rates, these were never achieved in practice because the interim arrangements allowed ONLY railway ballast to be extracted, and most of that went by rail. Additionally, any complaints were logged with MCQAG because residents were becoming frustrated on the lack of action on complaints to Daracon.

Page 2:

***“Question 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 Creel Quarry project along the local road network why is this project essential to meet regional demand?”***

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Here Commissioners asked about the six other approved hard rock quarries, yet the department has responded in Table 2 with quarries that have SSD applications with the department. They have not assessed the existing quarries requested.

Had they done so they would have noted that Brandy Hill Quarry is on the cusp of adopting the 2020 IPC consent with only one of the management plans still awaiting approval. This will give access to more high-grade volcanic rock and lead to providing the market with an additional 800,000tpa on top of the current 700,000tpa. The BHQ manager says that it is all high quality volcanic rock that matches or exceeds what Martins Creek can supply.

The table also doesn't include existing council approved quarries such as the Booral/ Seaham Quarry which is awaiting upgrades to Pacific Highway at the intersection of Italia Rd to extend its operations.

Referring to Table 2

***“The Department considers that it would be inappropriate to pre-judge the extent to which any of these applications could contribute to improving material supply until they have been subject to a comprehensive merit-based assessment....”***

The Department knows these SSD applications are without the nearby residents and road haulage issues of Martins Creek, therefore the likelihood that these applications being approved is very high.

Even if you conservatively assume that 50% of these are approved it still adds close to 3Mtpa. Historically almost 100% of recent SSDAs have been successful.

***“accordingly, these applications cannot be relied upon to address any regional shortfall in hard rock material in the short to medium term.”***

Martins Creek Quarry if approved, is likely to need another minimum of 1 – 2 years to complete all the required management plans and infrastructure modifications before the new consent can be invoked to supersede the current LEC interim orders. Martins Creek Quarry will therefore not be able to fill any of the short-term shortages mentioned in the new information.

The department's table 2, with the imminent expansion of Brandy Hill quarry, actually paints a bright picture for regional supply in the short, medium and long terms. We dispute the Department / Daracon's response to material shortages with existing hard rock quarries, and we will refer to that in our responses to Daracon/Umwelt's report.

### **Page 4:**

***“Question 2 If the Commission grants consent to the application, and considering the proposed works to be undertaken to the rail siding, are their reasons why it should not impose a condition requiring a greater portion of product to be transported by rail? If so, what are these reasons?”***

***“...several competing quarries using the road system as a more commercially viable and flexible supply to service the same markets.”***

Please note that the other seaboard quarries have no access to rail unlike Martins Creek Quarry. It must also be acknowledged that the road system is already heavily congested and

## VOWW Submission - Martins Creek DPE Answers

therefore adding more heavy transport vehicles will have a direct impact on the safety of road users.

This answer from the Department is just accepting and repeating Daracon's opinion. Commercial viability should not be a major concern for the Department. It is up to the proponent, or any subsequent operator of the quarry to operate it within any consent conditions to best meet their objectives.

***“.... should not impose a condition requiring a greater portion of product to be transported by rail.”***

What is the rationale here other than eventually intending to transport more product by road? Therefore, we ask the Commission to have more stringent conditions. There is too much uncertainty as to permissible product delivery routes unless conditions are imposed.

The commissioners should also note that it may not be Daracon's preferred transport mode but other operators e.g. in Southern Highlands operate near 100% by rail, where, like Martins Creek, the local road systems are either completely inadequate or road haulage would have unacceptable social impacts. Daracon may have their preferred business model, but this consent, or refusal, should not take that into account. Other operators will have other business models.

Interestingly, while Daracon have repeatedly stated throughout the expansion consultations that rail is not viable, the recent information now seeks to increase rail to 1.1mtpa, taking the overall output to 1.55mtpa.

The majority of the EIS is for lower production figures; therefore, a revised DA would need to be done to justify the higher output. This proposal must be rejected.

***“Question 3 The commission notes the judgement of CEAL Limited v Minister for Planning (2007). .... What is the Applicant's view as to whether the Commission should or should not adopt the reasoning adopted by the Court in that judgement and why?”***

Why is the Department is not giving an answer here? They have only referred commissioners to the relevant page numbers in the Umwelt document. That is like asking the fox to comment on the chickens. This is a question that the department, as umpire, should be answering.

### **Page 5:**

***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 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.***

It seems the Department is addressing this with the underlying agenda of economic benefits to the region and state and continues to ignore the lived experience of the present generation with scant attention to future generations.

***“.... However, when assessed and evaluated in the context of relevant State and Commonwealth policies, standards and guidelines, the Department has found that the***

## VOWW Submission - Martins Creek DPE Answers

*future impacts of the project would be acceptable subject to the applicant's proposed mitigation measures and the Department's recommended conditions of consent."*

What are the policies and guidelines? It seems here the Department is prepared to mention State and Commonwealth Guidelines on Social Impact but ignore State and Commonwealth Guidelines when it comes to the suitability of the road system. (according to Austroads standards). **Values and aspirations of the community now and into the future are extremely important and should not be devalued.**

The benefits the Department has spoken of are high quality construction materials, major regional infrastructure, economic benefits to region and state but has not considered the realities of the impacts to "local" businesses and local intergenerational considerations.

Clearly the *"relevant State and Commonwealth policies, standards and guidelines"* do not cover situations where there is a comparable lived experience. No real analysis has been made of the detrimental impacts on local businesses during the lived experience. The social impacts have been blatantly undervalued while the benefits have been grossly exaggerated. If either DPE or Daracon wanted to assess potential negative financial impacts on Paterson it would have been simple to doorknock the few businesses to ask for feedback on past and projected impacts (e.g., annual returns etc) and correlate those actual impacts with the actual trucking rates over time. That would show the real historical financial impact of the lived experience and be much more reliable data compared to the Department's theoretical modelling.

There are less than about 20 businesses in Paterson, with all critical to the ongoing viability of the business activity centre: Petrol station, B&B, Post office, butcher, IGA, takeaway, chemist, hairdresser.... These businesses are crucial to the ongoing welfare and amenity of all residents of the Paterson valley and surrounds. If a small fraction of the time spent by Umwelt on theoretical analysis of the social impacts had been spent on analysing the lived experience outcomes, then we can be sure a different picture would emerge. One that the proponent clearly does not want.

If the proponent believed that the residents and business owners' testimonies at the IPC hearing were false, it only needed to do the above study. The absence of any such study in the additional information is strong evidence that the testimonies are irrefutable.

In summary, the lack of actual analysis of the lived experience impacts on the key business in the last information strengthens our view that the theoretical predictions are vastly different from the lived ones.

### **Page 6:**

*Question 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?*

This will be dealt with in more detail later.

The Social Impact Management Plan of roads transport is very difficult to implement. Residents living along Brandy Hill Drive and Seaham Road are well acquainted with road transport issues arising from Brandy Hill Quarry haulage.

## VOWW Submission - Martins Creek DPE Answers

*“.... targeted measures to avoid, minimise and mitigate the negative social impacts associated with the Project, including specific measures to minimise stress-related impacts.”*

It is well and good to have a Social Impact Management Plan (SIMP) but nothing in the answer which has been given tells what the plan is and how they are going to enforce it or how effective that will be.

An example. We acknowledge that Daracon owned trucks are of a good standard and their drivers usually abide by the rules. Unless Daracon uses Daracon trucks only with applicable company rules and driving standards and standards of maintenance, there can be no guarantees because subcontractors trucks are often not maintained to the same standard. Unless roads are maintained to a high standard there will always be noise of rattling trucks. Some drivers are not even concerned about the impact of their driving practice on residents as witnessed by residents living along Brandy Hill Drive where drivers often ignore the ‘please avoid using engine braking in residential area’ signs.

### **Page 7:**

*Question 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 haulage route including in and around Paterson. What evidence is there that this will not occur?*

This question could also have been posed as:

How much more prosperous could Paterson have been had the truck traffic not had an impact and is Paterson going to be similarly constrained over the next 25 years?

*“.... The Department considers that the commercial viability of local businesses is unlikely to be compromised by the Project.”*

Without having done a proper assessment of the commercial viability of the businesses in the past how can the Department say that it is unlikely to be compromised in the future. Note the Department here has answered **unlikely** rather than **will not** be compromised. I’m sure local business would want more certainty.

Our responses to the previous question also apply here

*Question 7. In reference to paragraph 94 of the Department’s Assessment Report, how has 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?*

- There are always risks involved when there is a mix of large numbers of heavy haulage vehicles, other road vehicles, pedestrians and cyclists. The risks seem to be understated in the Department’s response. Often accidents do not get reported unless a death or serious injury occurs. Police are no longer expected to attend accidents leaving only insurance company data to be accessed for a clearer picture. Near misses are never reported.
- The emphasis of most of the haulage reports deal with the roads around Martins Creek and Paterson. Commissioners have heard of these issues before, but very little concern

## VOWW Submission - Martins Creek DPE Answers

is shown for the roads and intersections around the Bolwarra area. There may have been no complaints in the past through Bolwarra because the area known as Hunter Glen, now a major development, was farmland. Increases in population have only been recent.

- The intersection of Paterson Rd and Tocal Rd is one of the worst intersections for motorists and pedestrians alike. The extreme angle of this intersection, the position of the BP service station with entry and exit on both roads, the proximity to a children's playground and tourist lookout and the proximity to the Hunter Glen Drive intersection have been ignored.
- Cumulative impact of haulage trucks from both Martins Creek and Brandy Hill quarries.
- Pinch points like Melbourne St / Pitnacree Rd did not exist in 2012 so why has the Department referred to figures to 2012 when this is a contemporary assessment.

*“The road safety review found that the road network is **generally** satisfactory with a few exceptions....”*

*“a lack of pavement width on Tocal Road at Bolwarra Heights”*

*“The Department acknowledges that at these locations, the **road conditions do not strictly conform** with the current Austroads guidelines.”*

The words “**strictly conforms**” should ring alarm bells. This is not acceptable in the eyes of the local communities, nor I assume in any legal definition. The Austroads guidelines should be applicable to the entire route. Just because there have been no **significant** accidents this does not mean the risk does not exist.

No mention has been made of any other road that **could** be used for **local** product. (e.g., Butterwick Rd.)

*“The Department considers that the existing footpaths and pedestrian crossings or those proposed by local councils in future works programs.....”*

- From lived experience crossing from Hunter Glen to the park/ playground or to access Bolwarra School is considered too dangerous for many.
- Future works programs within councils can be delayed for years due to council financial constraints.

*“Daracon has also proposed to implement a Driver's Code of Conduct.”*

In our experience with Brandy Hill Quarry there are limitations to a Code of Conduct. The quarry manager has personally stated that it is difficult to monitor what subcontractors do once they have left the quarry unless they are reported by the community, and it must be verifiable. This is very difficult to do. As an example, Hanson has installed 6 very large signs along Brandy Hill Drive warning drivers to avoid engine braking as they are travelling through a residential area. However, in my yard on Brandy Hill Drive I can hear drivers ignoring this advice. However, I have to run 50 metres up the driveway to be able to distinguish a number plate or some other identifying feature. By then the truck has moved past in a blur.

Some of the rules that Daracon is including are already part of state government road rules such as 40km/h while passing stationary buses.

## VOWW Submission - Martins Creek DPE Answers

### Page 9:

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

We request that commissioners impose a condition **“require 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.”**

- The Department is favouring the argument put forward by Daracon that it will have financial implications for their company but as a State Government body they also have a duty of care to residents. They have shown little regard for the communities that are being adversely affected.
- The Department’s response, *refer to p.36 – 37 of the Umwelt response*. Why has the Department not answered this question themselves?
- Most of Daracon’s answer refers to past experiences- *“greater quantities have been transported in the past”*. p.36. No mention has been made of the past also having been illegal.
- The Department should be focussed on the future rather than this historical statement. In addition, much of this answer deals with the need for product for the rail spur extension but the Commission’s question deals with road haulage.
- If the Court’s judgement was 150,000 tpa it should stay that way until road upgrades and the conditions of consent are all completed.

**Question 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 question was vital for residents who live along what had been described as Haulage Route 2. If Daracon is honest in its answer, then it should remove all reference to Haulage Route 2 and use similar terms that are written in the Brandy Hill Management Plan.

*“...local deliveries may use alternate routes, though this is not expected to be a regular requirement.” P.38*

The major concern for residents of Butterwick Rd is the extremely poor condition of that road, which in no way complies with any Transport for NSW requirements for heavy vehicle haulage. Residents of Brandy Hill Drive have been concerned about the cumulative impact of any haulage trucks from Martins Creek with Brandy Hill Quarry which will be allowed to have up to 600 trucks per day at peak. Any extra truck haulage traffic would be unacceptable. Port Stephens Council has rarely been mentioned in negotiations dealing with any road levies should any roads in that LGA be used for transport by Daracon.

Despite submissions of our concern over the lack of definition of “Local deliveries”, nothing has been offered in the latest information to qualify this.



## VOWW Submission - Martins Creek DPE Answers

Our suggestion is that if a consent is granted for road haulage, then “local” be clearly defined as any destination that has a shorter distance of local roads from MCQ than on local roads if accessed from the highway network. Given that the highway network must ONLY be accessed by route 1.

Eg A delivery to Seaham, which is 25km from the quarry via Butterwick Rd, but has only 14km of local roads from the highway at Raymond Terrace, would have to use Route 1 to Maitland then the highway to Raymond terrace. Any destination on the far side from the quarry of the New England or Pacific highways or the Buckets Way, must use route 1. Eg Williamstown and Tomago

Additionally, if a consent for road haulage is given, then the drivers code of conduct must require both incoming and outgoing trucks to adhere to the transport route rules. Even an unladen quarry truck weights in the order of 20 tonnes, and the rural roads have been shown to be unable to withstand even moderate levels of quarry truck traffic. The rural road right angle intersections such as on route 2 are unsafe for all road users in the presence of long articulated quarry trucks, whether they are empty or full.

Clear route rules would alleviate our concern over the inappropriate use of substandard council roads for “local deliveries” to major contracts, and the potential for significant cumulative traffic impacts in the case of Brandy Hill quarry routes. If Local deliveries are not expected to be a regular requirement, then imposing clear route rules will be of little consequence to the proponent but will be a huge benefit to councils who maintain those roads, and a huge safety and amenity improvement to residents who use them.

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