

State Significant Development Application Number SSD-66612 – Martins Creek Quarry

## **Objection to the Consent Authority for SSD 6612**

To Commissioner C Wilson Chair of the Independent Planning Commission Panel.

Dear Sir;

We are long term residents (over 45 years) of the area and live some 3 kilometers (down the rail way line) south of the Quarry.

Please see below **my objections to the project as approved by the Planning Department** and my reasons for doing so.

The assessment document fails to identify the changing operations of the quarry. The quarry was originally approved for **The Winning of Railway Ballast Material** and now is seeking approval as a **General Aggregate Quarry**. A substantial change from the original approved use and requires the importation of products such as flyash to deliver the specifications of the saleable products from the quarry.

The project has been communicated to the public and the regulators alike as a reduction in the operation from the initial application of 1.5Mt/annum for 30 years now down to 1.1Mt/annum for 25 years. What has not been clearly tabulated in the assessment is the current approval levels (or the true baseline levels) alongside of what is now being applied for which is:-

<b><i>Total production 300,000tpa</i></b>	<b><i>increasing to</i></b>	<b><i>1.1mtpa</i></b>
<b><i>Truck movement of 60/day</i></b>	<b><i>increasing to a max of</i></b>	<b><i>280/day</i></b>
<b><i>Train loading 5days/week daylight</i></b>	<b><i>increasing to</i></b>	<b><i>24hr 7days /week</i></b>

This was highlighted in the Director Resources Assessments response dated 2/12/16 on the original EIS and has been continually overlooked by the DPIE in the October 2022 assessment.

**The assessment fails to adopt the correct baseline.** The correct baseline could never have been assessed, in fact it has only been since 2019 that operations have returned to the approved levels, which **is the baseline upon which all**

**incremental levels of proposed production should have been modelled against for impact assessment.**

Another very important fact is it is now **November 2022** and the current assessment has been made on modelling first delivered **in 2016** (therefore input data pre 2016) and is not current nor does it truly reflect the changes in community since 2016. For example the applicants AQIA, NIA, TIA modelling are all informed by 2016 and pre 2016 data. **This was not the true baseline nor does it reflect social change during the period.**

**The 2021 Census data identified the Maitland and Surrounds as undergoing a growth rate of over 16% (highest in NSW) during the period 2016-2021.** I don't believe it to be reasonable or feasible **to use data so out dated when considering impacts on communities which have had such a rapid growth rate.**

Several times during the assessment the DPIE state "the proposed production rates for the project are not dissimilar to prior production level (what I term as the illegal periods), and that resident have been subject to these impacts for many years". **I find this statement to be totally unprofessional and ill-informed as it infers the community was in acceptance of the impact from illegal operations.**

The lived experience as graphically outlined by over fifty residents at the Public Hearing of the IPC at Tocal clearly demonstrated how this level of production impacted the community and how many still silently and tragically carry those burdens.

On page 30 of the **Traffic and Transport Assessment** the DPIE considers that an appropriate mix of road and rail transportation have been incorporated into the project to balance road haulage related impacts on the community with the viability of the quarry. It is unclear how the DPIE have determined the importance of Martins Creek Quarry as critical to meeting the regions construction material requirements. My own investigation in this area has revealed that the area is supported currently by numerous quarries with adequate capacity and new quarries coming on line are positioned such as not to impact on local community roads.

**I don't believe the DPIE's assessment on the viability of the quarry could be truly determined from the information provided to the DPIE.** I would have thought the viability of the quarry would be determined by the applicant once they had the operating framework to hand. The DPIE's priority should be **establishing the livability and sustainability of the communities to be impacted by the project.**

**Given the knowledge that these trucking levels caused outrage I believe the DPIE's outcomes of the assessment in this area to be totally inadequate and much more detailed interrogation should have been pursued.** This is confirmed on page 31 the DPIE acknowledge traffic and transport impacts from the road haulage are a key community concern and states these concerns are fully understandable. If they are so obvious why were they dismissed so readily?

Below I outline some of the site quirks and critical areas (excluding the CBD of Paterson where we could fill a few pages alone) of interaction between trucks and other road users from the Quarry to East Maitland include:-

- Truck joining Dungog Road junction on ridge with limited vision
- School pickup points between above and Gostwyck Bridge - no pull off areas
- Gostwyck Bridge – one lane bridge on a decline with limited vision - a loaded truck must stop on the decline to give way to oncoming bridge traffic
- Gresford Road trucks stopping to give way then merging slowly
- Property entry points no slow down lanes and school pick up points towards Paterson
- Coming into CBD you have on the right a road with very limited vision entry point for residential areas as well as the Paterson School and Preschool, Golf Club, Vintage Railway Museum, Football Field, Camping Area Recreation Ground and Auto Mechanics.
- Railway Gates then the CDB which has a whole other set of issues. Gates can be down for up to 2-3 minutes, sometimes longer. If the gates are down and a train is being loaded at the quarry how do emergency services get north to Dungog or Gresford?

- South of the CBD property entry points then Woodville Road including the start of Tocal, then the Paterson Boat Ramp at Webbers Creek Bridge with limited vision. Students and agricultural equipment consistently on the road
- Tocal entry points at least five either side of road and entry to Hunter Local Land Service Offices
- From here to Bolwarra Heights numerous side roads and concealed driveways/school pick up points without defined or accessible slow down areas
- Bolwarra Heights again school pickup points and roads and driveways
- Service Station exit points into oncoming trucks with limited vision and the merging point for Hansen Trucks and Woodville and Largs routes
- At end of merging point on left Bolwarra Heights Lookout and Playground Area. A tourist hub and extensively used by community members
- Housing both sides driveways to road and entry to Hunterglenn on right. The exit from the estate on a steep incline with limited vision, then down further on the right entry to Bolwarra Sporting Complex
- Roads off to the left and housing driveways both sides down to entry road to Bolwarra School on the right, another short distance to Tilley's Child Care on main road right side, there are no slowdown or turn off lanes
- Down to the roundabout left along Long Flat. Entry for Largs traffic on left, Lorn traffic and Rugby Stadium on right two more entry roads then overpass then you're there, the East Maitland Melbourne Street lights. And if you are there 7:30-9:30am or 3:00 – 5:30pm you are grid locked in every direction.

The above indicates the complexity of the route in regards interaction, current traffic volumes and current road design. Should the driver protocol be implemented with trucks travelling **at 40kph in built up areas it is highly reasonable and feasible that trucks are also limited to 40kph from the intersection of the Rosebrook and Paterson Roads through to the 80kph signage on Flat Road.**

The DPIE accept the applicants TIA statement that the traffic volumes generated by the project would not result in a change to existing level of service of each of the roads along the haulage route. How could this have been determined in 2022 when the TIA data was from 2016? Since that period the community has grown by over 16%. **The lived experience of all road users along the haulage routes does not agree with the DPIE's determination.**

**The impacts as identified in the Air Quality Impact Assessment, Noise Impact Assessment and the Traffic Impact Assessment along the haulage route have neither been accurately modelled nor assessed to determine the impact from the correct baseline in today's communities.**

The DPIE identify **the Social Impact Assessment (SIA) Process** undertaken to be have been thorough, inclusive and meaningful and the community and stakeholder engagement process represented leading practice in SIA.

**Unfortunately the DPIE didn't explore how the community stakeholders saw this process and were totally informed by the applicant. I believe this to be an inadequate.**

I have considerable experience in this field (from 2007-2013, I was in the External Relations team of a large Australian mining firm) and my lived experience was that the Social Collaborative Assessment Forums were not conducive to stakeholder participation. Communication of the event was limited, the font size was small and difficult to read, and audibility was poor and the correct baseline data was not presented. The correct time wasn't allocated to complete the entire session and I believe neither session completed the entire contents of the presentation.

**The final risk rankings received as an output of the process were not determined in the presence of community representatives and in my opinion not truly an inclusive process.**

Had community members been involved in the final risk ranking I believe the social risks would have been more correctly rated as **Almost Certain** to occur having a **Major Social Impact** which would have resulted as an **Extreme or Very High risk ranking**. Interestingly as presented at the IPC public meeting, the

MCQAG advice from at least two independent experts confirmed my determinations.

Given the DPIE on page 49 had already identified “the nature and scale of social impacts are difficult to accurately predict, particularly in relation to intangible aspects” **I believe the DPIE assessment of this SIA to be ill informed and inadequate.**

Other areas of the SIA I believed the DPIE has not covered in the assessment include:-

**\*Traffic/Transport.** Not addressed is the increased movement of a material, free silica known to cause silicosis. The AQIA 5<sup>th</sup> Sept 2016 (not current as discussed on page 1) does not mention the respirable dust risks associated with producing the quarry products.

There has been no attempt by the DPIE or the applicant to gain a baseline for fine particle dust silica content within the communities along the transport route who could be potentially impacted. This is not covered within conditions of consent under monitoring requirements. A condition reflecting the applicant support the Hunter Regional Air Quality Network with the implementation of TEOMs being fine particulate real time air monitors in Martins Creek, Maitland and Paterson prior to any works being undertaken. These Networks are transparent within the community and would ensure impacts are identified and mitigation measures implemented prior to health issues arising.

**\*Amenity.** Is believed this to be much broader than Martins Creek. Livability is a major aspect of amenity. I have spoken with people from Gostwyck Bridge to Flat Road Bolwarra and they have all expressed fear and anxiety of the previous trucking periods. As there are no slow down or pull in lanes property owners were in a continual state of anxiety entering or leaving their properties and even more anxious with visitors who were typically unaware of the trucking movements. Clearly a loss in the livability aspect of your property.

**\*Sense of Community.** I believed this to be much broader than Paterson. There are numerous communities and smaller clusters being sub communities along the product transport route. When this was discussed with them they have all

suffered the same impacts as the people of Paterson. Fear of the interaction with the quarry trucking leading to anxiety and isolation.

**\*Community Trust.** Trust is not an entitlement. Trust is something a firm or person builds over time through the delivery of your actions. Unfortunately the quarry operator has no social capital within this community. It is extremely difficult when the co-founder and owner of the business proudly stands in front of an outraged community and DPIE representatives and I quote says “**if you don’t like, it move**”. Unfortunately there are many examples of such behaviours including the EPL breaches, the L&E Court findings and the outcomes from the Social Collaborative Forums being the incorrect ranking of residual risk of the project without community input.

**\*Health.** Issue such as displayed at the IPC public meeting are often hidden within a community and **community donations are not the fix**. These social costs are left to families and communities to burden. I do not believe it reasonable or feasible to prop up the viability of a quarry operation at the expense of these ongoing silent health issues. **As a community we can and will deliver better outcomes for our members.**

**The Real Time Monitoring** as outlined within part B of the specific conditions are not as the DPIE states contemporary and have been widely implemented with the Hunter Valleys mining industry since 2005. The DPIE correctly state they can be a very useful risk mitigation tool for operators. I say this from a position of experience. From 1981 to 2007 I was in the Environmental Team of a large NSW mining firm and during that time was I charged with environmental monitoring across the group.

As mentioned previously baseline data should be gathered to mitigate any potential for silicosis within Martins Creek, Paterson and Maitland communities. Investigating the potential for silicosis has been omitted from the assessment and the recommended operating conditions.

**The real time monitoring has not included directional noise.** Given noise is already of major concern to the community the ability to determine the direction

of a noise source would greatly assist an operator's ability to mitigate noise impacts from an operation.

A major flaw within the DPIE's assessment of the project is that there are no **conditions insisting that all real time monitoring is available to the public via the web**. This is currently available at other operations within the valley allowing community to view the real time data and the mitigation actions taken by operations to ensure they minimize community impact and operate within their compliance criteria.

A transparent web page showing real time air monitoring, real time and directional noise monitoring, real time meteorological including inversion detection, real time water when discharging, blasting results, complaints, actions taken to mitigate community issues and EPL non compliances along with total daily tonnages ( rail and road) of material leaving the site should be installed. **Having this level of information (as others currently do) easily accessible to the community and regulators would ensure the extensive list of management plans as recommended within the DPIE assessment are achieving their desired goals.**

**The management plans to be implemented under Part B Specific Environmental Conditions include:-**

*The Noise Management Plan, the Air Quality Management Plan and the Traffic Management Plan*

**B8, B25 and B45** must not commence construction or quarry operation until these plans are approved by the Planning Secretary

*The Water Management Plan including The Surface Water and Groundwater Management Plan and The Aboriginal Cultural Heritage Management Plan, The Biodiversity and Rehabilitation Management Plans*

**B35 and B51 and B57** must be prepared within six months of the commencement under this consent to the satisfaction of the Planning secretary,

Then next



**B36, B52 and B58** applicant must not commence construction of access road or quarrying operations outside of already disturbed area until these plans are approved by the planning secretary.

**A significant area of the quarry is already disturbed area that was done illegally. Why would the DPIE dismiss this and allow operations back within that area?**

*The Social Impact Management Plan*

**B65** must be prepared within six months of the commencement under this consent to the Planning secretary, **then**

**B66** the applicant must not commence construction under A10 (which is the new tonnage limits) until the SIMP is approved by the Planning Secretary.

**Does this mean the applicant can operate up to annualized rate of 1.1mtper annum with a max of 500,000t by road within this six months period? This point is not clearly defined.**

The DPIE Assessment is confusing for regulators and the community to follow and allows for individual interpretation. Should the project be considered in any form the following condition would provide clarity for all:-

**“The applicant must not commence construction or quarry operation under the new consent until all Management Plans are approved by the Planning Secretary.”**

**The DPIE’s assessment fails to include community input as a requirement during the development of any Management plans listed.**

There are also other significant issues where lived experiences have clearly shown what was presented for assessment by the DPIE to be misleading. Since the return to approved operational limits we have witnessed a significant return of wildlife within the area and I’m certain photographic evidence will be forwarded within other submissions.

The economic benefit demonstrated by the applicant has been endorsed by the DPIE without full consideration of the costs and impacts on society. From lived experience I fail to see any benefits to our community or any community along

the haulage route. What the project has delivered are costs to people's lifestyles and livelihoods and this is not a prediction as the DPIE has confirmed we have already lived through similar production periods. The social economic impacts and costs of this project adjacent to the quarry and along the haulage route far out way any perceived economic benefit.

In conclusion I firmly believe this project should not be approved.

Why I believe the DPIE's assessment of October 2022 to be incorrect are:-

- The use of the incorrect baseline data in determining the impacts of the project,
- The data sets do not reflect the growth within the region from 2016 to 2022,
- The DPIE's lack of interrogation during their assessment of the information supplied by the applicant eg traffic and transport. The DPIE stated in their assessment, the concerns to be fully understandable.
- The DPIE's assessment of the SIA was ill informed. A truer reflection of social risk would have been more correctly rated as Almost Certain to occur having a Major Social Impact which have resulted as an Extreme or Very High risk ranking.
- The DPIE assessment of the Real Time Monitoring as outlined within Part B Specific Conditions was lacking transparency for community and regulators alike.
- The Management Plans as recommended by the DPIE fail to include community input during their development.

Thank you for undertaking the public meeting at Tocal College and listening to the community members real lived experiences of levels of production as now predicted in SSD-6612.

I can't see how it would be reasonable or feasible, that by, legitimizing the same level of impact through a contemporary consent will result in a different outcome.