

Martins Creek Quarry Project (SSD-6612) 27th January 2023.

Submission on additional information by Stephen Sneddon [REDACTED].

Please see below my objection submission on the additional information sought by the IPC from the Department and the Project Applicant.

As highlighted in both my previous submissions and at the public hearing, this project has been delivered to the Department and other Regulatory Agencies as being a significant reduction in the scale of activities and as such acceptable to the community. This could not be further from the truth and lived experiences as outlined at the public meeting were real lived evidence as to what the impacts of the project will be to the community. The impacts of project SSD-6612 are not perceived they have been lived through before and are not acceptable to the communities adjacent to the quarry and along its haulage routes.

What the Department have made clear in their submissions is that they are very concerned about the economic viability of the Quarry and have used the Applicant to provide much of the additional information requested by the IPC. The Department have also stated many times that the community has been impacted before and have inferred that is acceptable to impact the community again. As a community member I am disturbed the Department has not sought additional independent advice to respond to the IPC and would have been focusing on their duty of care for community and ensuring livable sustainable communities are developed.

The current level of operation at the Quarry as indicated below from the Applicants additional information is.

“Under the existing development consent, the quarry currently can transport product by road provided that not greatly more than 30% of material per annum is transported by truck. The Court judgement was that the total extraction is limited by the terms of the EPL being 500,000 tonnes, and thereby approximately 150,000 tpa is deemed to be the currently approved limit for road haulage.”

The Applicant now wants to increase road haulage from 150,000tpa to 450,000tpa a 300% increase.

What was clearly evident from the public meeting is the livability and sustainability of the impacted communities and Government and Local Council community goals have been of little consideration to the Project nor in in the Departments determination of SSD-6612.

I welcome the IPC's further interrogation of the project and below submit my comments on the additional information supplied. From my viewing of this information provided I see little evidence as to why SDD-6612 should be approved in any form other than at the current operational levels stated above.

Following this opening statement are my comments on the additional information provided by the Applicant and the Department.

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

The responses supplied as to how critical this project is to meeting ongoing regional market demand is covered within the Applicants response. The Department appears not to have independently researched with other agencies and referenced data previously supplied by the Applicant. The Applicant has identified that industry customer are now more flexible accepting smaller quantities over extended periods. I believe this to be a positive step allowing exiting quarries to better plan to meet current demands. There is no reference to accessing New South Wales Geoscientific Data Warehouse (NSW GDW) to ascertain the volcanic product resources location or accessibility within the region\or its capability to meet future requirements.

As outlined in many previous submissions and at the public meeting and in the Departments response there are abundant existing quarries waiting for expansion approvals along with yet to be developed resources with much more suitable direct access to transport networks.

In reality this project is not essential to meeting the regional market in the immediate or short-medium term. The need is being met by other approved resources. Besides this project (should it be approved at current approval levels or a revised format) would be unlikely to have implemented all mitigation measures of a consent in alignment with regulatory and community expectations to influence supply for a period of up to 6years as stated in the Applicants information.

- 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 information provided within the responses has been presented previously and is not indicative of a project proactively seeking to optimize the rail opportunity to minimize community impact. Detailed information was presented at the IPC public meeting of rail transfer options locations. Have these been investigated? Even the Department's final point in answering this question came back to the commercial viability for the quarry not the viability sustainability of livable communities.

These questions are not new. See the below part table of Attachment A of correspondence dated 2/12/2016 by the Director of Resource Assessment, Mr Howard French to the Project Applicant. Much of Attachment A is still relevant today. I used this attachment A and included comments in red as my submission of 25/6/21 commenting on the Applicants commitment to establishing an effective rail dispatch

system for Martins Creek Quarry.

Rail Logistics Report	<p>9. The Department requests clarification and additional information in relation to the use of rail transport, including:</p> <ul style="list-style-type: none">a) revised analysis of the viability of using rail transport to dispatch material via a stockpile site in light of <u>Darracon's</u> current ownership of the <u>Ardglen Quarry</u>, which also has an existing rail siding; andb) <u>identify</u> the particular circumstances under which the rail siding and <u>and</u> transport would increase (ie the circumstances required to make this viable <u>focussing</u> on the current primary market, being the Newcastle and Hunter regions). <p>The viability and timing of using rail presented in the revised application is based on a commercial viability for <u>Darracon</u>, not on reducing the impacts to the community. The commercial viability of a proposed operation is not the responsibility of the community or the Department. It is the proponent's responsibility to operate in a manner consistent with legal requirements in a socially responsible manner.</p>
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3. ***The Commission notes the judgment of CEAL Limited v Minister for Planning & Ors [2007] NSWLEC 302, in which the Court refused consent to a proposed sand and hard rock quarry at Ardmore Park. The Commission appreciates that all development applications should be treated on their merits. However, the Commission notes the reasoning adopted by the Court in that judgment with reference to the number of truck movements, the haulage route and people living along the haulage route. What is the Applicant's view as to whether the Commission should or should not adopt the reasoning adopted by the Court in that judgment – and why?***
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?***
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?***

Comments on 3, 4 and 5.

I am not sufficiently trained to make legal comment however the Applicant does continue to refer back to the SIA and the process, outcomes and proposed mitigation measures. Below I comment on the SIA, and what I believe the IPC should consider to implement from a monitoring perspective in a modern consent to manage ongoing impacts over the 25 year life of the mine.

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. As a major stakeholder in the project process it is unfortunate the Department were not in attendance at either of the forums.

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 5th 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 siliceous within Martins Creek, Paterson and Maitland communities. Investigating the potential for siliceous 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. This information would also provide benchmarks for continuous improvement opportunities by introducing new technology mitigation measures over the proposed 25 year life of the Quarry.**

6. *Submissions to the Commission identified a risk that 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?*

No evidence has been presented by the Department or the Applicant to support that businesses will not be impacted due to the approval of the project. The Department have acknowledged the **lived experiences** and goes further to state that if approved **the project would impact the amenity and character of the area.**

The assessment process undertaken doesn't truly reflect nor is it structured to incorporate the lived experience, there is no policy, standard or guideline box for this. Yet with the departments own admission above they have approved the project and in their commentary talk of a contemporary consent to provide certainty for the project.

A Livable, Sustainable and Progressive community has not been given its due consideration in this Project approval. The outcomes of this project have been lived and are not acceptable to any reasonable person.

As a 47 year resident my lived experience on the businesses in Paterson and along the haulage route would conclude that since the Quarry has gone back to its interim

approved production rate (*The Court judgement was that the total extraction is limited by the terms of the EPL being 500,000 tonnes, and thereby approximately 150,000 tpa is deemed to be the currently approved limit for road haulage.*) businesses and the community has blossomed. The town centre is vibrant 7 days a week, pop up stalls have been occurring, visitation increased and along the haulage route preschools and primary school numbers have increased significantly to cater for the influx of new residents.

All the lived experience I am aware of and those presented at the IPC Public meeting show that these communities will be severely impacted and any opportunity for growth will be retarded by the project for the next 25years.

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?

As I have highlighted previously. 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 Department should have referred to lived experiences to assist in their decision making. To increase the tonnes per annum on the road by 300% must surely have a significant impact on the likelihood of something happening. The many near misses or independent reviews of the SIA could never have been independently reviewed by the Department. Had this been done the Department would have come to a similar conclusion, being that the Extreme or Very High Residual Social Risk of this project far outweigh any perceived economic benefits to the community.

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

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?

A major flaw within the DPIE's assessment of the project is that there are no **conditions insisting that all real time monitoring and operational data is available to the public via the web.** This is currently available (and has been operation for over a decade) 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.

It has never been clearly stated how any ongoing operations at the quarry will be transparently monitored, so I will repeat what I have already stated. If a modern contemporary consent is issued for even ongoing operations at the quarry the below should be strongly considered.

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 and local delivery) of material leaving the site should be installed. Rather than defining Local Delivery by geographical boundary I would recommend it be defined by a 30 kilometer radius from the quarry.

In the current draft approval the development and implementation timing of the Management Plans is very fragmented and could lead to breaches of consent. All management plans need to be prepared in consultation with the community and approved by the Department prior to the commencement of operations. This will minimize confusion for the Applicant and the Community

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.

Thankyou for the opportunity to make comment on the additional data supplied.

Regards

Stephen Sneddon