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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

PUBLIC HEARING

RE: MARTINS CREEK QUARRY PROJECT (SSD-6612)

PANEL:

**CHRIS WILSON, Chair
CLARE SYKES
SNOW BARLOW**

LOCATION:

**TOTAL AGRICULTURAL COLLEGE
815 TOTAL ROAD, PATERSON, NSW**

DATE:

10.08 AM, MONDAY, 7 NOVEMBER 2022

MR C. WILSON: Good morning everybody and welcome to day 1 of the Independent Planning Commission's public meeting into the state significant development application for the Martins Creek Quarry Project. I'm Chris Wilson. I am the chair of this Independent Planning Commission panel. Joining me are my
5 fellow commissioners Professor Snow Barlow and Clare Sykes. Before we begin I would like to acknowledge the traditional owners of the land on which we meet, the Wonnarua people. I'd also like to pay my respects to their elders past and present and to the elders from other communities who may be participating today.

10 Martins Creek Quarry is an existing hard rock quarry located in the Upper Hunter region of New South Wales. The applicant Buttai Gravel Proprietary Limited which is part of the Daracon Group is seeking approval for the expansion to extract, process and transport up to 1.1 million tonnes per annum of quarry material from Martins Creek over the 25 year period. I note the department in its assessment report has
15 concluded that the application has approval subject to conditions.

The Minister for Planning has asked this Commission to determine this application within 50 days of receiving the government's assessment report from the department. In the interests of openness and transparency we are livestreaming today's and
20 tomorrow's proceedings on the Commission website. A full transcript of the two day meeting will also be published on the Commission's website in the next few days. The Commission is the consent authority for this state significant development application because more than 50 unique public objections have been received. This public meeting forms one part of the Commission's process. We have also
25 undertaken a site inspection and locality tour and met with the department, the applicant, Dungog Shire Council and Maitland City Council. Transcripts of all these meetings and the site inspection notes and have been published on our website.

After the public meeting we may convene with relevant stakeholders if clarification
30 or additional information is required on matters raised. Following the public meeting we will endeavour to determine the development application as soon as possible, noting that there may be a delay if we find that additional information is needed. Written submissions on this matter will be accepted by the Commission up to 5 pm Australian Eastern Daylight Time on Tuesday, 15 November 2022. You can also
35 make a submission using the Have Your Say portal on our website. While interested individuals and groups may make any submission they consider April, all submissions made to the department during exhibition of the environmental impact statement have been made available to the Commission and accordingly the panel. As such today's speakers are encouraged to focus on the department's
40 recommendations, key issues relevant to your submissions or any additional information relevant to the panel's consideration of this application.

The Commission must also emphasise that there are certain matters that by law it is not able to take into account when making its determination and therefore
45 submissions on such matters cannot be considered. These factors include the reputation of the applicant and any past planning or breaches by the applicant. The

panel's remit is to determine whether the current application is acceptable and warrants consent in accordance with the Environmental Planning and Assessment Act.

5 Before we get under way I would like to outline how today's public meeting will run. We will first hear from the applicant who will provide an overview of the proposal. The Department of Planning and Environment will then speak on the findings of its whole of government assessment of the application. We will then proceed to hear from our registered speakers. While we will endeavour to stick to our published
10 schedule, this will be dependent on registered speakers being ready to present at their allocated time. I will introduce each speaker when it's their turn to present to the panel. Everyone has been advised in advance how long they have to speak.

A bell will sound when a speaker has one minute remaining. A second bell will
15 sound when a speaker's time has expired. I would like to advise I won't cut people off after the second bell but if you hear the second bell what I would advise is if you try and summarise your final statements. Thank you. To ensure everyone receives their fair share of time I'll enforce time handling rules as I just said. I do reserve the right to allow additional time as required to hear new information. If you have a
20 copy of your speaking notes or any additional material to support your presentation it would be appreciated if you would provide a copy to the Commission. Please note, any information given to us may be made public. The Commission's privacy statement governs our approach to managing your information. Our privacy statement is available on our website. Thank you. It's now time to call our first
25 speaker. Sorry, Adam Kelly.

MR A. KELLY: Thank you to the commissioners and the Independent Planning Commission for the opportunity to present

30 **MR WILSON:** Just – yes.

MR KELLY: - - - to present - - -

MR WILSON: Adam, just wait a minute. Just – I think a bit hard – can everyone
35 hear Adam? No. Okay. So can we just check that, please.

MR KELLY: Just to talk into this. See how that is for volume.

MR WILSON: Just get a bit closer. Yes.
40

MR KELLY: Yes. Thank you to the commissioners and the Independent Planning Commission for the opportunity to present today. My name is Adam Kelly and I'm a director of Daracon Group representing one of our businesses, Buttai Gravel, which is the proponent for the Martins Creek Quarry Project. Next slide. Daracon Group is a
45 local owned business that was established in 1983. Since that time it has become an integrated civil construction business with the ability to deliver a range of services as listed up on the slide. We employ over 800 people dedicated to delivering projects

that consistently exceed the needs of the community and clientele. We continue to gain repeat business based on this delivery ability. Next slide. Today I would like to make a short presentation about the Martins Creek Quarry and the related project that has been recommended for approval by the Department of Planning and
5 Environment.

Most of you will be familiar with the location of the quarry shown up on the current slide. Next slide, please. The history of the site. In 1914 the quarry established by the New South Wales Government Railways and was continuously operated by
10 different railway entities until 2012. Since December 2012 Daracon took over the complete operation with a long-term licence. From 2012 Daracon has been striving to gain certainty for all stakeholders for Martins Creek Quarry. There has been the action Dungog Shire Council took against Daracon in 2015 in relation to the 1991
15 development consent. There was the original EIS for this project that was publicly exhibited in late 2016. As the slide timeline shows Umwelt was engaged to review the submissions in 2017 and advised on further project design and undertook further extensive stakeholder engagement and assessment requirements. There was an amended development application for the revised project lodged in 2021. Next slide
20 please.

As part of the amended development application process there have been many mechanisms since 2017 for any interested party or stakeholder to have the opportunity to give feedback. As per the slide, there has been over 200 personal
25 interviews, multiple collaborative assessment forums, multiple community information sheet distributed to approximately 3700 households along the haul route and surrounding areas. There has been a dedicated social pinpoint website as well as other available interactive opportunities. Next slide, please. From the ongoing
30 consultation the key negative social impacts that are predicted include impacts relating to social amenity as a result of traffic related impacts, change to sense of community and community cohesion and culture, noise, personal safety, livelihoods and health and wellbeing impacts. Next slide, please.

Feedback from the community and outcomes and engagement were used to identify a range of suggestions for project design changes and mitigation measures that were
35 considered by the project team in the amended development application. As a result, project design changes and additional mitigation and management measures were committed to minimise the project's social amenity and environmental impacts including reduced road transportation volumes, reduced peak hourly truck
40 movements, refined operational hours, reduced proposed disturbance footprint, a reduced proposed quarry operation approval term and further mitigation for site operations and product haulage. Next slide, please.

The key project changes. At the commencement of this process and similar to other hard rock quarries in the region, we requested an initial limit of 1.5 million tonnes
45 extraction with the majority of material allowed to be removed by road haulage. The total proposed extraction number has been reduced from 1.5 million tonnes to 1.1 million tonnes per annum over 25 years down from 30 years. We have listened to

the ongoing feedback and I agree on and have personally acknowledge many times on behalf of Daracon that the truck numbers ran from the quarry in 2014 were unacceptable and we do not plan to run these total tonnes by road now or in the future. Road transport is limited to 500,000 tonnes per year, down from 1.45 million tonnes with the remainder by rail transport. DPE has recommended limiting road transport to 250,000 tonnes per annum until the proposed road upgrades are complete. We have reduced our peak daily total truck movements to 200 pe day, that being the equivalent of 100 laden trucks leaving the quarry and 100 empty trucks returning to the quarry. On occasions and up to 50 times up per year there is an increase to a peak of 280 trucks per year, that being 140 truck movements each way.

These daily peaks will also be capped by running no more than 40 movements on an hourly basis between the hours of 3 pm and 6 pm, the total hourly truck numbers have been reduced to 30. Peak truck numbers are required to service large infrastructure projects. Most typically, truck numbers are likely to be 24 truck movements per hour or less. Next slide, please. We have listened and acknowledged that Paterson is one of the gateways to the Dungog tourist areas and as such have ensured that there is no haulage of quarry products on Saturdays, on Sundays or public holidays. There is no proposed haulage through Paterson before 6.45 am Monday to Friday. We have also proposed housing up to 10 Daracon trucks at the quarry overnight in order to minimise the amount of empty trucks travelling towards the quarry along the haul route first thing in the morning.

In order to ensure that road haulage remains off local roads we will construct a road from the quarry directly on to Main Road 101, Dungog Road, bypassing Martins Creek. Road transport will remain on Main Road 101 until it transitions onto the New England Highway. On this haul route we are also proposing to upgrade the approach to Gostwyck Bridge, the intersection of Dungog and Gresford Roads as well as the works in Paterson. With the reduction in road haulage, haulage route 2 has been removed along Paterson Road and Butterwick Road. Next slide, please. We will extend the rail spur into the quarry the ensure we can get longer trains onto site allowing greater access to rail markets. We will establish noise bunds and carry out further attenuation on the current fixed plan. Also, upgrades and replacements will be done to reduce noise and air quality impacts. There has been a 16.8 hectare reduction in the proposed disturbance area footprint compared to the original EIS.

In the former east pit alone we are avoiding 15.3 hectares of native vegetation. This also results in the avoidance of a third order stream and a reduced visual impact by avoiding clearance in the comparatively high elevation area of the quarry resource. Next slide, please. The project need. Martins Creek Quarry produces materials for supply to all sectors of the civil construction market. It is a regionally and state significant resource that makes a very big contribution to the easement and securing of future construction material supply constraints. It is considered to be an orderly, responsible and economical use of the land. It optimises the use of an existing quarry and processing facility. It has proven high quality products and has access to main road and rail transport. Next slide, please.

There is a very large number of new regional infrastructure projects coming online and there is a great industry concern that the current quarry market will be unable to supply these. There is a current shortage from the existing quarries for the existing regional requirements let alone the millions of tonnes extra required for the pipeline of these projects. It is not sustainable practice to rely and source materials from other regions such as Taree, Gunnedah, Bylong, Liverpool Plains and potentially in the near future the south coast to meet the current requirements in our region. It has been publicly acknowledged that constraints on quarry products is a local and a broader state wide issue and it is hard to get materials for road and civil construction and associated construction materials, even pothole repair materials. Martins Creek Quarry can be an immediate solution to alleviating the constraints. Next slide, please.

Revised project environmental assessments. The project team have undertaken detailed assessments of the potential social, environmental and economic outcomes of the revised project. They have all been done in accordance with the relevant guidelines, standards and have been done in accordance with the SIAs. We have committed to a significant amount of mitigation and management measures to ensure that the social and environmental impacts will be reduced or in some cases avoided. The recommended conditions provide a very robust operating criteria and the requirements to manage and mitigate impacts. If the project is approved, we welcome the opportunity to operate under a modern development consent with the clear parameters and requirements, transparent reporting and robust independent auditing. We commit to operating the quarry in accordance with the recommended conditions and commitments made through the amended development application process.

As a business, compliance is part of what we do as an integrated civil construction business. In order to continue to being a successful local business employing over 800 staff our reputation and ability to deliver projects and operations with robust operating criteria is paramount. This quarry has the same commitment from the company as it does for all of its operations. Next slide, please. The social impact assessment. The detailed social impact assessment was prepared by Umwelt and reviewed by DPEs internal experts and assessed as being leading practice in social impact assessment. Concern levels varied across stakeholder groups and geographic location. Importantly, it adopted a risk-based analysis by locality. This impact assessment resulted in a number of commitments to key project changes. These included reduced truck movements between 3 pm and 6 pm weekdays to avoid higher community traffic and school pick up times, no road haulage of quarry product on Saturday, planning quarry activities around extra traffic days, community events in Paterson, Tocal and use of radar variable message signs. Next slide, please.

There's an establishment of a camera monitoring station at the King and Duke Street intersection in Paterson to enable identification of relevant trucks associated with any complaints or inquiries, working with Dungog Shire Council to contribute to works to upgrade pedestrian amenity in Paterson. Subject to relevant approvals from Dungog Shire Council, Maitland City Council contributing to the establishment of

two additional stopping bays on the haul route. School visit programs to encourage road safety awareness. Implementation of local employment and procurement policy that encourages supporting businesses and recruiting locally where possible.

Contributions to a community benefits and wellbeing fund. A restructured community engagement strategy. We want to make this very clear: the implement of so many mitigation measures will minimise any social impacts. We have truly done our best to balance what works socially, environmentally and operationally. It is still acknowledged that the outcomes of the revised project will be experienced differently throughout the community. Next slide, please.

Traffic and transport. Feedback suggests that there's a few of the community returning to trucking that was experienced in 2014/15. This graph shows the road haulage tonnes from 1993 to 2019. The Railways trucking can be seen by the light blue line up to 2012 and then the dark blue line indicates Daracon's trucking tonnage up to 2019. The red line indicates the proposed haulage quantity per year for this project. It can be seen that the proposed haulage tonnes are in line with historical haulage when Railways operated the quarry. The traffic impact assessment concluded that the traffic associated with the revised project would have an acceptable impact upon the operation of the key intersections along the primary haul route and is not expected to have any adverse impacts on the safety of the road networks. We can understand why some people are saying that more of our supply should be moved by rail but the market dictates that certain amounts must also be moved by truck to ensure product gets to the right places at the right times. We're talking about a balancing act. If we get the balance wrong, the venture becomes commercially untenable.

Despite extensive investigation, there is no current feasible option to use rail logistics to supply the local and regional market for the revised project at this time. We have identified a potential site in Sydney that can take rail deliveries from Martins Creek Quarry and we will continue to investigate options in the region for distribution via the rail network. Next slide, please. The revised project was completed on an iterative basis to practically minimise noise impacts. Reasonable and feasible control measures are proposed for the life of the project. The noise impact assessment confirms that the operational noise levels experienced by many residents will reduce for those close to the processing and rail loading areas. Relevant impacted residents will be subject to proactive noise management and monitoring as per the DPEs VLAMP requirements.

We have committed to implement proactive and reactive noise control strategies informed by meteorological and real-time monitoring systems. New slide, please. Other environmental assessment outcomes. The project team has done extensive assessments and findings show relevant guidelines and requirements have been met for air quality, biodiversity, blasting, surface and groundwater, management of any known Aboriginal object or cultural heritage values and no adverse visual or physical impacts to heritage conservation areas or listed heritage items. New slide, please. Key benefits of the revised project include supply and delivery of high quality materials and products for use in greater civil construction. Heavy construction

materials play a vital role in delivering the infrastructure required to support population and economic growth in the Hunter region and more broadly in New South Wales.

5 Employment of approximately 22 full-time equivalent employees as well as the supporting job security across the regional construction industry. The cost benefit analysis estimates a net benefit of \$58 million to New South Wales in MPV terms. There's contributions to the improved maintenance of road infrastructure to Dungog Shire Council and Maitland City Council. Most importantly, this revised project
10 brings certainty to all parties, certainty to the community on modern approval criteria for the quarry, certainty for governance stakeholders, for criteria on which the modern approval will be officiated and certainty to invest in upgrades and improvements to the quarry into a modern facility with the ongoing certainty to the construction industry to continue to provide the community with the resources, to
15 prove the ability to continue to maintain the current road and infrastructure that is already in place, provide resource for the next hospital upgrade, the next road upgrade, the next housing estate, the next bridge, the next required flood mitigation, the next car park, the next pothole repair, the next wind and solar project. The Martins Creek Quarry will provide materials to the infrastructure to continue to
20 improve the life of the community.

MR WILSON: Is that it, Mr Kelly?

25 MR KELLY: That's it. Yes.

MR WILSON: I think you should remain there. I think we have some questions for you. I'd like to start if that's okay. Just in terms of the social impact assessment, notwithstanding there's been some questions about some underestimations in relation to aspects of social impacts, some of those variable impacts still remain high and
30 you've suggested or recommended an offset package or not an offset package, a mitigating package in relation to social impacts.

MR KELLY: Yes.

35 MR WILSON: How will you ensure that those mitigating matters are targeted on those who are most affected by the operations of the quarry? You can take it on notice. I know it might be what – we would like a considered response. So if you're
- - -

40 MR KELLY: Yes.

MR WILSON: - - - not in a position to give us a considered – I understand that. So
- - -

45 MR KELLY: Yes.

MR WILSON: But it'd be a question we'd like answered at some stage.

MR KELLY: Okay. Yes. I guess the formation of the SINT will control and measure how we do that and then we'd like to get back to you with a more detailed answer on how that will be done.

5 MR WILSON: Okay. Just – thank you. In relation to – I've read a number of figures in the social impact assessment in relation to employment. There's 22 direct employees; is that right?

MR KELLY: Equivalent full-time - - -

10

MR WILSON: Equivalent.

MR KELLY: - - - employees. Yes.

15 MR WILSON: And then it goes on in the social impact, it mentions 450 EFTS. Is that – I'm not quite sure where that comes from.

MR KELLY: I'll have - - -

20 MR WILSON: You might want to check that as well.

MR KELLY: I'll have to take that on notice too, I'm sorry. Yes.

MR WILSON: The other one is you say there's 800 employees and there's 144
25 living in the area but clearly, obviously, not – those 144 aren't employed at the quarry - - -

MR KELLY: No.

30 MR WILSON: - - - or will be? No.

MR KELLY: No. That's correct.

MR WILSON: They're just living in the region, yes?

35

MR KELLY: Yes.

MR WILSON: Okay. Just in terms of the truck movements, I presume you're
40 going to do the – if you get approval, then you'll do this – campaign basis. I mean, you're going to have contracts and so forth.

MR KELLY: Yes.

MR WILSON: Is it your commitment that you do – because, you know, you're
45 going to have a contract one week and then maybe two weeks later you don't have a contract. So you have a maximum of 280 movements per day for 50 days.

MR KELLY: Yes.

MR WILSON: Is that right?

5 MR KELLY: That's correct.

MR WILSON: How will you monitor 40 movements an hour or 20 laden? How do you – all I'm just trying to get to how do you make sure that they get no more, that you don't get - - -

10 MR KELLY: Yes.

MR WILSON: - - - 21 laden? Because I understand you're going to have 10 loaded already at 7 o'clock ready to go.

15 MR KELLY: Yes.

MR WILSON: How do you stagger them? How do you make sure that, you know - - -

20 MR KELLY: So it's not a new concept to the quarry industry. A lot of quarries now have hourly and daily limits put on them. The weighbridge is the – the point, I guess, of sale that allows the truck across the bridge and we'll have cameras setup, I guess, to double-check that what goes out and what comes in can be recorded and reported.

25

MR WILSON: Okay.

30 MR KELLY: Actually, could I just add to that too. During the court case we had an interim environmental management plan that we ran and we successfully managed limits on daily and hourly truck numbers, so we have done it in the past.

35 MR WILSON: Okay. Thank you. Just – can I just ask everyone to be quiet. Everyone needs – Mr Kelly needs to be heard and so on just like all of you do when you have your turn. I think it's just common courtesy if we can just give him the chance to answer.

40 PROF S. BARLOW: Mr Kelly, Commissioner Barlow here. I am having some difficulty understanding the maths getting up to 280 truck a day. It seems to me that between 7 am and 3 pm is indeed eight hours, isn't it? And if there's 40 trucks an hour either way, isn't that 320, not 280? How do you get 280 rather than 320?

45 MR KELLY: So our daily limit is capped to the 280 truck movements. That's 140 out of the quarry and 140 back into the quarry. On an hourly basis we can do no more than 40 movements, so 20 in and 20 out. So when we hit that cap of 280 we can send no more trucks out. So if that happens in the seventh hour, then the eighth hour there will be no trucks.

PROF BARLOW: So it's not an hourly cap, it's a daily cap - - -

MR KELLY: It's - - -

5 PROF BARLOW: - - - or 280.

MR KELLY: It's a daily cap and the hourly cap's to ensure that we don't run an excessive amount of trucks through within a short of period of time; that's correct.

10 PROF BARLOW: And a subsidiary question on that question. Clearly, on those 50 peak days what proportion of those trucks would be contractors and what proportion of those trucks would be Daracon trucks?

15 MR KELLY: That will be very dependent on a day-to-day basis. Obviously, if we have 10 Daracon trucks in the quarry overnight then they will do maybe 25, per cent of those numbers but it's very difficult to determine on a day-to-day basis how many will be Daracon and how many will be contractors.

20 PROF BARLOW: Okay. Thank you.

MR WILSON: I presume it would depend on the distance of the - - -

MR KELLY: That's correct.

25 MR WILSON: - - - of the contract you're - - -

MR KELLY: Yes.

30 MR WILSON: - - - servicing.

MS C. SYKES: Yes. Thanks, Chris. Yes. Commissioner Sykes here and thanks, Adam, for your presentation. That was, you know, very helpful. I just had one question on or a question on the haulage as well just to understand that little - - -

35 MR KELLY: Yes.

40 MS SYKES: - - - bit more. Is it normal practice that when you say the movements of trucks that there's the full truck that comes out and the empty truck that comes back – you know, does it always follow the same route or could – you know, depending on where that – the full truck is taken to could there be another alternate route that it comes back to the quarry by?

45 MR KELLY: The commitment and what will happen is the trucks will only follow the main haul route - - -

MS SYKES: Okay.

MR KELLY: - - - down to the New England Highway. The only time that the trucks will divert from that haul route is if they're going to a local delivery - - -

MS SYKES: Okay.

5

MR KELLY: - - - that may be off that haul route. Otherwise, they will go down the main haul route to the New England Highway and then distribute to the jobs required from there.

10 MS SYKES: And then the other question I had was your comment on, you know, the shortage of quality construction material - - -

MR KELLY: Yes.

15 MS SYKES: - - - in the market. Could you explain a little bit more about that in terms of what you're seeing in the region and the Hunter region in terms of the major infrastructure projects just to understand a little better around why not rail in terms of taking it to what you say is the Sydney depot is most favourable place for that.

20 MR KELLY: I guess there's two questions there. The first is the local and regional rail delivery. We investigated a number of sites through a rail expert as part of our ADA and he found no local sites were practical and available to take road materials – sorry – quarry materials to place on the ground and then redistribute via truck. Obviously, on a rail it still has to go somewhere. It has to be put into a stockpile and
25 then picked back up and put into a truck to go to market. Trains do not deliver directly to site and I think I've said in my speech that the market requires timely and certain deliveries by trucks. Just – the – what was the first part of the question, I'm sorry?

30 MS SYKES: Yes. And can rail go north or is Sydney the favourable destination for the product?

MR KELLY: Yes. Sydney's favourable on the train. Long-term haulage works better with trains and there's also a site down there that already has a bulk facility
35 unloading – unloading facility, sorry, that has the potential to take materials direct from Martins Creek Quarry and we have run a trial train down to there and practically it can work.

MS SYKES: Okay.

40

PROF BARLOW: Commissioner Barlow here, Mr Kelly. Totally different tack biodiversity offset areas, You've said in your EIS that there are sort of seven zones that will be created as offset areas to the different phases of the quarry. Do you own that – does Daracon own that land at present or will you have to acquire that land?
45

MR KELLY: I'll have to double-check the seven zones you're talking about, but any land to my understanding – and I will correct this if I'm not right – is either

owned by the landowner by Daracon that has been proposed in the current offset strategy.

5 PROF BARLOW: And a covenant will have to be put on that land for – to prevent any further change of land use if it becomes an offset area.

MR KELLY: Yes.

10 PROF BARLOW: So you'll initiate each of those covenants at the time of the requirement for the offset; is that correct?

MR KELLY: Yes. There's – from what I understand, there's a process through the biodiversity conservation trust. Yes.

15 PROF BARLOW: Thank you.

MR WILSON: One more question, Mr Kelly. Just mindful of time and need to move on to our next presentation. Just to clarify your comment in relation to relying on quarries that are further afield, you know, north coast, mid north coast and so forth - - -

MR KELLY: Yes.

25 MR WILSON: - - - and further south, can you just clarify that – provide confirmation of that in relation to your submission. In particular, there's a table in the department's report which identifies a range of different quarries in this region - - -

30 MR KELLY: Yes.

MR WILSON: - - - and yours contributing about 500,000 or 1.1, I think, of the total of eight – nine million tonnes per annum. So you might just want to clarify that statement in relation to that table as well if you wouldn't mind.

35 MR KELLY: I would have - - -

MR WILSON: You can take it on notice.

40 MR KELLY: Yes. If that's okay.

MR WILSON: Please, don't feel - - -

MR KELLY: I'd just like to see the table so I'm answering your question correctly - - -

45

MR WILSON: Yes.

MR KELLY: - - - if that's okay. Sorry.

MR WILSON: Okay. So look, thank you very much, Mr Kelly. I appreciate your presentation.

5

MR KELLY: Thank you.

MR WILSON: So I would now like to call Jessie Evans from the Department of Planning and Environment.

10

MS EVANS: Thank you, Chair and Commissioners. My name is Jessie Evans and I am director of resource assessments at the Department of Planning and Environment. I'd like to start today by thanking the Commission for giving the department the opportunity to present to yourselves, those here today and those listening virtually as well. I will begin with a few brief remarks about the assessment – sorry.

15

MR WILSON: Jessie, just while you're coughing, can I just if everyone can hear Jessie.

20

MS EVANS: Yes.

MR WILSON: Is it okay? No.

25

MS EVANS: No.

MR WILSON: Okay. You might want to get a bit closer, Jessie.

30

PROF BARLOW: Turn it - - -

MS EVANS: Yes, no worries. Is that better?

PROF BARLOW: Or turn it up. Can we turn it up.

35

MR WILSON: Sorry. I just want to make sure everyone hears these presentations.

PROF BARLOW: Yes. I can't hear either. Can we - - -

40

MS EVANS: Okay.

PROF BARLOW: Can we - - -

MS EVANS: Let me know if there's a problem.

45

MR WILSON: That's better, I think. Yes. That's all right.

MS EVANS: Okay. I will begin today with just a brief remarks about the assessment report itself that the department has prepared mainly just to explain how it came together, to explain what it really is and importantly what it is not. I will then identify what we believe were the key issues for the project. I also want to use today as an opportunity to provide some further details on the key assessment issues and our evaluation of the project and in particular the key reasons for what – the department’s recommendation to the Commission for approval of the project. I’ll also just say for now for the purposes of this presentation when I refer to the project it refers to the Martins Creek Quarry Project. So firstly some comments on our assessment of the project.

I would like to start by saying that an assessment report for these types of projects is a very difficult task. The report really is just the final piece of a long, comprehensive assessment process. The assessment report is by no means meant to be a full compilation of all the information that has been presented to us along the way. All of that key information is publicly available on the department’s website. Our assessment report is really a distillation of all this material and it is designed to give the decision-maker, in this the Commission, sufficient information to make a determination. I will say that we are confident that our report does provide a good summary of our views of the project, but we also believe that this public meeting can be really important for fleshing out key issues relating to the project from a community perspective.

So now just a few comments about our approach to this report. We have tried really hard to very open and transparent about the issues that concerned us the most. So I do believe that environmental impact assessment processes like this can be very hard to understand from the outside looking in. It obviously involves thousands and thousands of pages of documents most of which is filled with very technical language and jargon. This can often lead to a situation where the real issues of concern might be very deep in a report and, in fact, the findings and recommendations about those issues might be hard to find or understand. So what does that mean for this project? Well, basically, if there is something in our assessment report that made us spend extra time or extra effort to investigate, then hopefully that should be clear to the read and that issue should be emphasised and addressed with sufficient detail in the report. So I just want to move on to some high level comments about how that applies to this particular project.

The first thing we’ve tried to make clear is a distinction between an entirely new quarry project, what we call a greenfield project and extension of an existing quarry project or a brownfield project. It is ordinarily the case that looking at a brownfield or extension project generally makes the assessment process easier and generally means the overall impacts of the project are minimised. However, I want to acknowledge that there is some uncertainty regarding the development concerns and other approvals that have applied to the quarry at various points of its life. There is also evidence that the quarry has at times operated outside the conditions of its previous approvals. But I’d like to make it clear that the department’s role at this

stage is not to prosecute potential historical non-compliances but to assess the project as proposed.

5 Having said all that, the project still would have impacts and these impacts require careful consideration. There are a couple of obvious aspects of this extension project which I really want to acknowledge and ensure that the Commission have taken into account. They are firstly, the project is located in close proximity to Martins Creek and the residents within and surrounding that village would be impacted by the quarry's operations and, secondly, the project would use 28 kilometres of local roads
10 between Martins Creek and East Maitland including through Paterson for road haulage of quarry products. Residents and other road users along this route would not only be subjected to traffic and amenity impacts from the project but several other social impacts which are somewhat less tangible.

15 With this in mind, the department considers that the key assessment issues for the project relate to traffic and transportation, noise, air quality and social impacts. Given it is an extractive industry proposal and involves vegetation removal and the ongoing establishment of voids in the landscape, we also consider that potential water, biodiversity and rehabilitation impacts are important issues for the project.
20 Before I dive any deeper into the assessment issues I think it's important to provide some of the strategic context about this project in relation to the existing land use both within and surrounding the site. As you're likely aware, the Martins Creek Quarry is an existing hard rock quarry located within the Dungog Local Government Area. The site is immediately to the north of the village of Martins Creek and about
25 seven kilometres north of Paterson in the Upper Hunter region.

While most of the surrounding land is used for agricultural purposes, rural residential land use has become more prominent in the general locality over the years. Some examples include recent rural residential subdivisions that have been established to
30 the north and south of Martins Creek and to the north and northwest of the site. As with any extractive industry project, access to suitable resources is limited by geology, local ecology and competing land uses. To be economically viable, extractive material suppliers also need to be relatively close to markets with good transport links. The quarry itself is connected to the main north coast railway line.
35 This line provides direct access by rail to Newcastle, Sydney and broader regional New South Wales. The greater Newcastle and Sydney Metropolitan regions are accessed from the quarry very local roads which connect to the New England Highway and M1 Pacific Motorway. So Martins Creek Quarry has historically supplied markets in the Hunter, Central Coast, lower north coast and Sydney
40 Metropolitan regions. The extracted materials produced by the quarry can be used in rail, concrete, asphalt and general civil construction.

The resource is a hard igneous rock suitable for road base, concentrate manufacture, ceiling aggregates, ballast, large rock and manufactured sand. So it's a quarry with
45 various options. The construction sector in New South Wales is a key contributor to economic growth within the state. It employs approximately 370,000 workers and contribute 45 per cent of the New South Wales taxation revenue. Competitive and

reliable suppliers of quarry products are critical to the New South Wales construction industry. However, the increased demand for construction materials that could be partially met by the project when combined with the surrounding rural and residential development and the recognised historic and tourism values of the region prompts the need for careful and balanced consideration of these potentially conflicting land uses.

Before I move on any further I just want to give a brief history of the site as it is important for this project. This quarry has quite a legacy. It was first established in 1914 by the New South Wales Government primarily for the purpose of supplying basalt and other quarry materials to the rail industry. It was operated continuously by various New South Wales Government entities until late 2012 when Daracon commenced operations at the site. In 1991 Dungog Shire Council granted a development consent to expand quarry activities at the site. However, in 2015 council lodged proceedings against Daracon in the New South Wales Land Environment Court, alleging that activities at the quarry were being undertaken otherwise than in accordance with the consent.

In 2018 the court ruled that operations were not in accordance with the consent the lessee and Daracon lodged an appeal with the Court of Appeal. That court in 2019 determined that extraction was permitted from certain areas of the site, however, it did not make a ruling on the approved annual extraction limit other than noting that the approved annual road transportation limit was not greatly more than 30 per cent of annual production. I'll just bring up my next slide, please. So in the absence of any such specific annual rate ruling the annual production limit of 500,000 tonnes per annum as set out in the environmental protection licence for the site has been adopted. So on this basis 150,000 tonnes per annum, ie, 30 per cent of 500,000 tonnes represents a reasonable approximation of the currently approved level of road transport. Notwithstanding this, it is evident that the quarry has operated at a trucking rate close to or above 500,000 tonnes for a period of approximately 18 years dating back to 2002/2003 including a period of about 10 years when the quarry was operated by New South Wales Government through RailCorp.

So the department does acknowledge that there is the uncertainty regarding road haulage limits that have applied at the quarry at various points of the life and that the quarry has at times operated outside of its approvals. I'm going to get on to some project details soon but I just wanted to quickly touch on the department's engagement on the project. I think it is fair to say that this project has been long running and has passed through various assessment officers and managers at the department. However, there has been consistency in terms of the term responsible for this project over the past 18 months. The project has been publicly exhibited twice: first in 2016 and then as amended in 2021. Both exhibitions generated significant community interest with over 870 and 670 submissions received respectively. These numbers are high for a quarry proposal.

During the first exhibition the breakdown of objections and those in support was roughly fifty-fifty. During the amended application exhibition just under 95 per cent

were in the form of objections. The department has consulted with and received advice from many New South Wales Government authorities through the assessment including from Dungog, Maitland and Port Stephens Councils. The department also carried out site visits at the quarry itself and met with the Martins Creek Quarry
5 Community Action Group in November 2016, June 2021 and June 2022. The meetings with the action group were informative and valuable to the department's assessment of the project. We were able to hear firsthand of the community's lived experience to walk the streets, to see the homes and to get an understanding of what the project would mean for them. We were able to gain an understanding of their
10 keys issues regard to the project as I'm sure the Commission will too over the coming two days.

So in describing the project itself I'll first go back to the original application briefly. I think it is important to understand how this project has evolved over time. So as I
15 mentioned, it was first lodged in 2016. It sought to expand into new areas, clear approximately 37 hectares of vegetation and extract up to 1.5 million tonnes per annum over a period of 30 years. It also proposed road haulage of quarry products at a rate of up to 1.45 million tonnes per annum and increased hours of operations into the evening and night-time periods. In response to community and government
20 feedback particularly in relation to concerns over traffic and amenity impacts, Daracon amended the original proposal and submitted an amended development application in May 2021. Next slide, please.

This table shows some of the changes that were made and some of the key ones
25 worth drawing your attention to is including reducing the life of the project from 30 to 25 years, reducing vegetation clearing from 37 hectares to 21 hectares, reducing the maximum extraction rate from 1.5 million tonnes per annum to 1.1 million tonnes per annum and the road haulage rate from 1.45 million tonnes per annum to 500,000 tonnes pre annum. There was also reduced operating hours and a range of new and
30 upgraded infrastructure. So further and minor changes were made in November 2021 and these included committing to constructing the new access road within two years of consent rather than within four and proposing an additional acoustic barrier to minimise noise impacts along Station Street in Martins Creek. Next slide, please.

35 Some general features of the amended project as I'm sure you've seen in the assessment report. The quarry is divided into two main areas: the east pit and the west pit. The majority of extraction under this – the – any new consent would be undertaken in the west pit. There would also be some extraction in the east pit including during the first few years of the project too enable the rail spur extension to
40 be constructed. All processing would be undertaken in the east pit. The new access road would connect to the south eastern corner of the west pit to Dungog Road. It would also cross over the north coast railway. This would effectively remove quarry related traffic from the village of Martins Creek. I now wanted to go into the – to
45 dive into the key assessment issues, particularly traffic and transport noise, air quality and social impacts. I'll then also briefly summarise the department's assessment of water resources and biodiversity.

I do also note that the department has undertaken a comprehensive assessment of other environmental matters which are documented in our report. So firstly in relation to traffic and transportation. Impacts to the safety and efficiency of the local road network from the proposed road haulage of quarry products was a key issue raised by the community. It was a key issue for council and it was a key issue for the department's assessment. Next slide, please. The project's primary haul route would use local roads that travel generally north-south through the villages of Martins Creek, Paterson, Bolwarra Heights and Bolwarra before joining the New England Highway at East Maitland. In terms of the assessed impacts, the traffic volumes generated by the project would not result in a change to the existing level of service of each of the roads along the primary haulage route.

Likewise, while road network performance along the primary haulage route is expected to deteriorate during the life of the project, the contribution from the project would be negligible in comparison to the impacts from broader regional traffic growth. In respect to concerns over road safety Daracon has proposed several road upgrades along the haulage route which can be seen in our report. In addition to these route upgrades Daracon has also proposed road maintenance contributions to Dungog Shire Council and Maitland City Council, a levy of five cents per tonne of material transported by rail which would be directed towards services and infrastructures and that benefits Martins Creek Village and a contribution of 180,000 towards pedestrian facilities in Paterson. In relation to ongoing road maintenance contributions, we are aware that there is a significant difference between Daracon's estimated costs of road maintenance and the contributions required under Dungog Shire Council's contributions plan. To address this uncertainty, our recommended conditions provide two options for determining the road maintenance costs. The first and more conservative option is to simply pay the costs that stipulated in the plan, while the second option would allow Daracon to commission an expert to determine an alternative rate in consultation with council.

For Maitland City Council Daracon would provide contributions in accordance with the contributions plans or otherwise agreed by council. Weak knowledge that construction of the proposed road upgrades themselves would result in some traffic interruptions and delays on the local road network, however, these impacts would be temporary and lead to overall improvements in road safety. Our recommended conditions require the road upgrades to be completed prior to the full-scale commencement of road haulage. This will provide an incentive to Daracon to complete the upgrades quickly. I'd also like to point out that the department's interim arrangements under the recommended conditions would limit road haulage to 250,000 tonnes per annum until the road upgrades are completed. 500,000. Until the right operator completed. As you can probably tell, this represents half of the proposed maximum road haulage limit of 500,000 tonnes. We've done this in recognition of the need for the quarry to maintain continuity of operations, meet the urgent need for construction material in the region and minimise the risk of traffic impacts during construction of the road upgrades.

There is also a need to extract and transport material from the east pit in the first years of operations to enable construction of the rails spur extension which will in turn allow a great proportion of quarry products to be transported by rail. One thing the department looked at quite closely was alternatives to the road haulage. So – and what was reasonable and feasible. One potential alternative would involve the use of Martins Creek Road, which would effectively bypass Paterson. This option would require trucks to travel through the eastern part of Martins Creek and past the Martins Creek Public School. The eight kilometre long road is also a narrow rural road that is generally unsuitable for use by quarry trucks. Other alternative routes using existing roads to the north and east of Martins Creek would be longer and involve passing through other rural villages which would shift potential traffic and amenity impacts to multiple other villages.

Options involving the constructions of new sections of road to bypass Paterson would also be constrained by features including the Paterson River and its floodplain, large areas of remnant vegetation on the surrounding slopes and competing rural and residential land uses. Another potential alternative to road haulage would be solely relying on the existing rail network to transport quarry products. To evaluate the viability of this, Daracon commissioned a rail logistics option study. The study found that while there is sufficient network capacity to support increased use of rail operations, this capacity is generally not available during the daytime hours. Similarly, rail distribution into the Sydney market would only be feasible with the ability to load trains on a 24/7 basis. Furthermore, the use of rail transport within the Hunter region is limited by a lack of suitable rail unloading facilities and product destinations, the large number of product destinations and types, the short haulage distances and competing quarries using roads as a more commercially viable option.

We accept that solely relying on rail transport to deliver quarry products is not a feasible option for the project. Next, I'll provide a summary of the department's consideration of noise impacts. Noise was raised as an issue in 350 objecting submissions. The highest densities of residential receivers are located to the south and northwest of the site within the villages of Martins Creek and Vacy respectively. Receptors sensitive to road noise are also located along the primary haulage route. Our assessment report notes that three residential receptors within Martins Creek would experience significant operational noise impacts as defined under the New South Wales Government's Voluntary Land Acquisition and Mitigation Policy. These impacts are associated with the night-time loading of trains. These receptors would be subject to voluntary land acquisition provisions in accordance with the policy. One of these sensitive receptors would also experience impacts during the evening period and the other two would experience moderate impacts during the evening shoulder period until the new access road is constructed.

A further residential receptor which is the closest receptor to the new access road would experience moderate impacts during the daytime period once the new access road is constructed. These receptors would be subject to voluntary noise mitigation treatment provisions in accordance with the policy. Night-time operational noise levels would not exceed the applicable sleep disturbance criterion at any sensitive

receiver location. Also, road noise level increases from the project would result in negligible impacts to sensitive receivers beyond those already experienced. The existing quarry is subject to several significant legacy noise issues and the project offers an opportunity to improve several aspects of its operations, particularly
5 daytime noise levels in Martins Creek. We also acknowledge that the range of noise production options for existing developments such as this is generally more limited than for a new development. In spite of these limitations though, Daracon's proposed mitigation measures as detailed in our report are extensive and reflect of current best practice.

10

The proposed rail spur extension would also move train loading facilities further away from the village of Martins Creek. Similarly, the new access road would shift the noise associated with road haulage away from receivers from Martins Creek. To manage impacts while this infrastructure is being built we've recommended
15 conditions that require Daracon to commission the new access road before undertaking activities during the evening shoulder period and to commission the rail spur extension before increasing the rate of train loading beyond one train per day. Overall, the department considers that residual noise issues associated with the project can be managed through the conditions of consent including restricting
20 certain activities until proposed infrastructure upgrades are complete and providing mitigation and voluntary acquisition provisions for impacted sensitive receivers in accordance with the policy.

20

The department considers that the conditions strike a fair balance between protecting
25 the amenity of the community and meeting the operational demands of the project. They also provide an opportunity to contemporise the noise management requirements for the quarry. So that's it for noise. I'll now provide a summary of the department's considering of air quality impacts from the project. Air quality impacts were also consistently raised as an issue in community submissions. The
30 assessment that was provided to the department relied on what's called a CALPUFF air dispersion model to predict concentrations of particulate matter and deposited dust from identified emission sources. The predicted concentrations of pollutants were then compared to the air quality criteria identified in the Environmental Protection Authority's approved methods.

35

There were aspects of the – of Daracon's assessment approach that deviated from the EPAs approved methods. Firstly, it relied on data collected at the quarry's existing high volume air sampler to define backdown concentrations of particulate matter. This type of monitoring data does not provide for every day of the year. It was also
40 assumed to be representative of conditions at all properties along Station Street in Martins Creek. However, several properties are located closer to the quarry. It also relied on meteorological data collected onsite. This data was supplemented with additional parameters to define conditions in the upper atmosphere using a predictive model. In light of these deviances from the approved method, the department
45 engaged Simon Welchman of Katestone Environmental who is an air quality expert to undertake an independent peer review of the assessment provided Daracon. That review ultimately concluded that the methodology was appropriate and that it had identified

45

the significant emissions to air from the project and assessed them against the relevant standards.

5 The air quality assessment found that there would be very little change in contribution from the project beyond the quarry site for all particulate matter emissions. One exceedance of the EPA's cumulative 24-hour PM10 air quality assessment criterion was predicted at one receptor location in year 20 of operations. The department and the EPA accept that this exceedance could be eliminated through the implementation of proposed proactive and reactive air quality management
10 systems. No other exceedances were predicted at any sensitive receiver location. Daracon proposes to implement best practice air quality mitigation measures and the department's recommended conditions include a requirement for these measures to be incorporated into an air quality management plan for the project.

15 Next, I'll provide a summary of the department's consideration of social impacts for the project. We are acutely aware of the community's concerns regarding the potential impacts of the project. This has been expressed with the large number of submissions that have raised social impacts as an issue and through feedback we've received during the various meetings held with the Martins Creek Quarry Action
20 Group. Daracon's social impact assessment was informed by an extensive stakeholder engagement program that employed a variety of communication mechanisms as documented in our assessment report. These measures helped Daracon understand the community's concerns, provide feedback on the project and identify suitable mitigation and management strategies.

25 The department recognises that many of the social impacts from the project are related to traffic, air quality, noise and other environmental impacts that have been assessed separately in accordance with relevant legislation and policy. However, the social impact assessment identified several somewhat less tangible residual social
30 impacts including loss of social amenity, loss of sense of community, loss of trust in decision-making involving Daracon and their engagement activities, property damage and property price impacts and impacts to the health and wellbeing of community members due to increased stress and anxiety. Daracon proposed a range of social impact mitigation and management measures including a community
35 contributions and sponsorship program, continuing to employ and procure from local sources to enhance the local economic benefits of the project, a community engagement strategy that set out how they will provide information to the community and identify their ongoing concerns, the re-establishment of a community consultative committee for the project and employing a dedicated community liaison
40 representative.

45 As you'll no doubt be aware, the Martins Creek Quarry Action Group commissioned a peer review of the project's social impact assessment. You're probably also aware that the review raised concerns about what was used to predict social impacts and whether the lived experiences of the local community during previous unlawful operation of the quarry had been properly considered. The review found that the assessment may have underestimated the significance of the social impacts of the

project. To this point, we acknowledge that it is difficult to accurately predict the nature and scale of social impacts particularly in relation to intangible aspects. It's therefore somewhat expected that there will be some differences of opinion regarding assessed magnitude of social impacts.

5

The department's in-house social impact assessment experts conducted a detailed review of the assessment and found that it was based on a thorough, inclusive and meaningful community and stakeholder engagement program. They also considered that it was representative of legal best practice in social impact assessment and that it met the requirements of the department's guidelines. The department has recommended conditions of consent requiring Daracon to prepare and implement a social impact management plan. This is a relatively new requirement and it is not imposed on all quarries, so it's reflective of the – that there is social impacts associated with this project. The department considers that the implementation of the measures proposed by Daracon and the application of our recommended conditions social impacts can be appropriately managed.

In relation to water resources, firstly to groundwater, the predicted groundwater impacts would be very localised and limited to a generally unproductive aquifer. They would also be less than the minimal level 1 impacts considerations as set out in the New South Wales Aquifer Interference Policy. It's also worth noting that impacts to groundwater however minor are largely unavoidable due to the location of the resource within a hard rock aquifer. In terms of surface water, we consider that the project would not lead to significant impacts beyond those already experienced at the site subject to Daracon's proposed mitigation and management measures and the department's recommended performance measures and other conditions. Our assessment ultimately found that the risks of impact to surface water and groundwater from the project are low.

In relation to biodiversity, as mentioned earlier, 21 hectares of native vegetation would be cleared under the project. This includes clearing 3.7 hectares of regrowth within the existing disturbance footprint. The proposed vegetation clearing would impact one endangered ecological community which is the Lower Hunter Valley dry rainforest community. It also impacts one threatened flora species, the slaty red gum, and three threatened fauna species which are the southern myotis, the brush-tailed phascogale and the koala. The department considers that the project design has maximised the use of existing disturbance areas to avoid biodiversity impacts where practical. As one example, in terms of avoidance to impact to koalas, when compared to the original project the revised disturbance footprint has reduced direct impacts to koala habitat by 15.3 hectares. The department also considers that the residual impacts on biodiversity could be suitably mitigated, managed and/or offset under Daracon's proposed biodiversity offset strategy. The relevant department, the Biodiversity and Conservation Department, also supports the proposed offsetting approach.

45

The recommended conditions of consent would provide for sound management of retained biodiversity onsite as well. So just to provide an overall conclusion and

evaluation of the department's view of the project, firstly, we do acknowledge that there is a high degree of public interest in the project and that the range of community concerns is also broad. We recognise that the existing quarry has operated for a very long time and has caused varying degrees of impact to the community and the environment. In recent years there have also been high levels of community concern over aspects of the quarry's past activities, particularly in relation to traffic, amenity and social impacts. Notwithstanding these issues, Daracon has responded to feedback from the department, other government agencies and the community and made substantial changes to reduce the impacts of the project.

It is also evident that there has been some uncertainty regarding the activities permitted under the existing approvals for the quarry. The department considers that a contemporary consent would provide an opportunity to address this uncertainty by clearly defining the project's operating parameters and enabling holistic, contemporary environmental performance standard and management practices to be applied. We've recommended a comprehensive and precautionary set of conditions to ensure that the project complies with contemporary criteria and standards and that residual impacts are effectively managed. The department recognises that the proposed quarry extension would contribute a broad range of affordable high quality construction materials to local and regional markets. There is a strategic need for hard rock quarry materials in the Lower Hunter region and we consider the site to be well suited to meet this need.

We also recognise the proximity between the project's hard rock resource and the existing operations and the synergies this presents for using existing infrastructure and reducing capital costs. On balance, the department considers that the benefits of the project outweigh its residual costs and that the project is in the public interest and is approvable subject to the strict conditions of consent. Thank you for your time this morning.

MR WILSON: Thank you, Ms Evans. I – we have a number of questions, so if you don't mind just - - -

MS EVANS: Yes. No worries.

MR WILSON: - - - holding the fort there for a minute. Do you want to start?

PROF BARLOW: You go first.

MR WILSON: Okay. I won't lie, Ms Evans, noise impact assessments are a bit of a mystery to me. And I'm just wanting to reconcile, I mean, the noise guidelines road travel – the road noise guidelines and the outcomes that impact assessment identified as barely perceptible at naught to two dBA increase. Is there any guidance in those guidelines about, you know, the difference between may be state roads and local roads and how that may be considered or any difference? Because generally I guess from my experience local roads are more built up and state roads, you know,

residential developments are set back further and so forth. Is there – do you know if there's any guidance in how that may be considered?

5 MS EVANS: Can I – we'll get back to you with a - - -

MR WILSON: Sure.

MS EVANS: - - - detailed response on that one. Yes.

10 MR WILSON: No problem.

MS EVANS: Yes.

15 MR WILSON: Just also on that, I know we're not prosecuting the original application, but was there a specific reason why it was withdrawn or decided that it was no longer – was based on scientific impact assessment or was it just decided that it was too hard? I know that's a loaded question but - - -

20 MS EVANS: Yes.

MR WILSON: - - - in your report you just considered it was unacceptable, but no reason was given why it was unacceptable.

25 MS EVANS: The previous - - -

MR WILSON: Well, we can assume why it might have been – yes, the previous application.

30 MS EVANS: Previous.

MR WILSON: Yes.

MS EVANS: Previous as in the original application?

35 MR WILSON: 2016.

40 MS EVANS: The 2016. It's obviously the amount of objections that we were getting and also looking at the history of the quarry and the history of the quarry is important for setting a baseline for this project and as the community I'm sure will tell you today there was a lived experience as well. So having known that, having met with the community and also seeing what was in the historical records, the department did encourage that the company go away and look at other options to road transport and that's a normal process for - - -

45 MR WILSON: Yes.

MS EVANS: - - - any assessment process that we do. So if something comes in to us and we think that's either not going to meet the legislation or it's just not an acceptable outcome, the assessment process itself provides opportunities for amended development applications to come in.

5

MR WILSON: Okay. Snow.

PROF BARLOW: No. I'm okay.

10 MS SYKES: Thanks, Jessie. I just had one question just to better understand the relationship between the rail and the road. So currently in your – in the documentation it is a 345 metre rail – the capacity in terms of length of rail with the new siding to be built to accommodate – what's the new length or what's the – what's sort of the proportion or significance in terms of - - -

15

MS EVANS: It definitely allows - - -

MS SYKES: - - - increased - - -

20 MS EVANS: - - - longer trains to come in.

MS SYKES: Yes.

MS EVANS: The exact length I'll have to get back to you on.

25

MS SYKES: Okay.

MS EVANS: But it does – also, it means that the rail is moving further away from the village of Martins Creek, that the train comes in further and the loading facilities are further in which reduces the noise impacts on the village.

30

MS SYKES: Yes. So I guess my question also is in relation to current loading – the rail loadout is daytime only and I understand it only transports ballast material. In the future, I assume the new length of trains will be able to accommodate a higher volume. Will that also accommodate, you know, alternate materials? And I'm trying to understand why it needs to move to a 24/7 operation as opposed to just being able to accommodate an uplift in volume with the additional infrastructure in place.

35

MS EVANS: Yes. Look, I think it's probably a question best directed to the company. But generally speaking, having – there's rail network capacity and what you – how – the length of the trains that you can get on the capacity at the time and also what RailCorp allows you to. But in terms of the what the actual capacity looks like and the numbers, it's best directed to the company.

40

MS SYKES: Okay. And I assume that while the rail siding in being built out there would be no transport by rail. Is that - - -

45

MS EVANS: I'm not actually sure on that one.

MS SYKES: Yes.

5 MS EVANS: I'd have to get back to you.

MS SYKES:

10 MS EVANS: It may be possible to still do one with the loading facility and the rail there, but we'll confirm.

MS SYKES: Okay.

15 PROF BARLOW: Ms Evans, the – with regards to the water management on the site, we note that because of the consideration void there will be some diminishment of, you know, the flow of the primary streams and we accept that. But what about the flow of wastewater from the disturbed site that actually goes offsite and ends up in a dam which probably overflows into the creek? What water quality
20 considerations of those extreme events – and we've seen many extreme events not only here but everywhere in the State of New South Wales in the last couple of years.

MS EVANS: Yes.

25 PROF BARLOW: So are you confident that the water management plans for the site are adequate to manage extreme events and the sort of outflow from the site that may have quite a lot of particulate matter in it?

30 MS EVANS: Yes. That's a really good question, especially in light of what's going on in New South Wales at the moment and has been this year. The – what I would say is the water management plan within the recommended conditions of consent is one of the most comprehensive plans and that goes for all quarries across the state. It is – it's the longest in length and it's also one of the most detailed. The actual
35 management plan that we get from quarries is often hundreds of pages. So we've got the – my team has quite a big, broad experience at reviewing water management plans for tricky sites. We can also get experts in to help review. In terms of the assessment, generally, quarries across the state do operate a water management system. They all operate fairly similarly in terms of how they retain dirty water onsite, treat it and then release it. The actual release limits are set by the science –
40 environmental protection licence which is given by the Environmental Protection Authority, the EPA, and that will contain that the actual triggers and the measures that they're allowed to release at discharge sites as well. But I'm happy to provide further detail on the project specific one in a written format if that would help.

45 PROF BARLOW: A supplementary question to that is with the proposed sort of diversification of the output of the quarry from largely ballast to much finer materials, are you confident the water management plan because you have a much

greater potential for that – those finer materials to be carried by wastewater? Has that been adequately allowed for?

5 MS EVANS: I would say our assessment report does cover that. It has considered the range of materials that the project would be producing and it has considered the water management system at site and then we've also gone further in recommending the water management plan which is what – management plans by their nature are somewhat flexible documents in that if something changes there's the ability to come to the department and fix it up. So it's – it is an opportunity for us to further improve anything that we have any concerns about, but at the moment the department did conclude that impacts to water resources from the project were low.

15 PROF BARLOW: Perhaps just one more. A question really about biodiversity and there is, you know, koala habitat surrounding this quarry. With regard to the management of that, you know, certainly, it's set aside, but is there any proposal, perhaps, to fence off that koala habitat to may be protect it from predatory species and to give koalas, you know, a better opportunity when they're on the ground?

20 MS EVANS: It would depend on land ownership of the sites. There's – I mean, there would certainly be capacity on the quarry site for fencing on their land, but in terms of how we assess biodiversity impacts, it's a three tier approach. It's avoidance, management and then offsetting and it is in that order. It's a hierarchy. So in this case there was avoidance of biodiversity impacts in the koala habitat which I've outlined before and it's in our assessment report. Management, the conditions have provided onsite management of retained biodiversity values and then there is the offset as well. The management of biodiversity offset values is contained within the biodiversity and rehabilitation management plan within the recommended conditions and there is scope in that particularly for improving and maintaining koala habitat as well.

30 PROF BARLOW: Thank you.

MR WILSON: Okay. Thank you very much, Ms Evans. I just - - -

35 MS EVANS: Thank you.

MR WILSON: There will be a – we'll establish a list of questions in relation to - - -

40 MS EVANS: Yes, yes, that's fine.

MR WILSON: - - - project and the conditions. There is one question which I asked the applicant and given it's your condition I'd like some confirmation which is the issue about social impact. The management measures that are proposed to be put in place and how those target those most affected by the project.

45 MS EVANS: Yes.

MR WILSON: If that could be addressed, I would appreciate it. Thank you.

MS EVANS: Yes. And we have put in conditions for some of the contribution funds to be distributed by the CCC, the Community Consultative Committee and specifically to direct Martins Creek Village as well but I'm - - -

MR WILSON: Okay.

MS EVANS: - - - happy to - - -

MR WILSON: Thank you.

MS EVANS: - - - provide a written response.

MR WILSON: Thank you very much.

PROF BARLOW: Thank you.

MR WILSON: Okay. Thank you very much for those speakers from the applicant and the department. We now have a half an hour break in two minutes – 20 minutes, sorry. I can't count. 20 minute break. So thank you very much everybody.

PROF BARLOW: Thank you.

25

ADJOURNED [11.26 am]

30

RESUMED [11.50 am]

MR WILSON: Thank you very much. Welcome back everybody. Sorry. Welcome back. So just before we start with our next speaker – can't hear? Okay. Sorry. Just before we start with our next speaker we will be wiping down for everyone's health and safety and we're wiping down the microphone between each speaker, so just to acknowledge and let us get that done before you move up to the microphone. So I now call on Christine Walker. The floor's yours, Christine.

MS C. WALKER: Thank you. Good morning, Commissioners, and everyone attending today's public meeting. As a member of the Paterson community, I welcome this opportunity to make a submission strongly objecting to the proposed expansion of operations and extractions at Martins Creek Quarry. After submitting an objection in 2016 and again in 2021 to the amended proposed expansion of the Martins Creek Quarry, I'm feeling more than frustrated and angry that my key issues of concern are still relevant, namely, the social and economic impact on the local community of Paterson, the traffic and transport implications and the rehabilitation

of the quarry site. In fact, in the executive summary of the Department of Planning's assessment report it states:

5 *The department considers that the key assessment issues relate to traffic and transportation, noise, air quality and social impacts.*

And further on it states that:

10 *Rehabilitation and final land form impacts are also important assessment issues for the project.*

With regard to social impact, concerns have been raised that the proposed project would impact the rural amenity, historical character, the sense of community and social cohesion experienced by residents of Paterson. It's quite insulting to read in
15 the assessment report and conditions of consent that measures such as a community contributions and sponsorship program or financial contributions to council or a community consultative committee or even employing a dedicated community liaison representative would be effective measures against the negative social impacts associated with the volume of heavy truck haulage through Paterson
20 proposed by the applicant. At present I'm very pleased to say that Paterson is a lively and attractive hub for community activity and a very welcoming destination for visitors. I'd just briefly like to outline some of the benefits we enjoy in Paterson and this list is by no means exhaustive and I apologise to any organisations and service providers that I miss.

25 You've got food and accommodation. You've got the local supermarket and butcher, two hotels with bistros, the country café, Paterson Lodge and Servo Café. Health needs are taken care of at the medical centre, the pharmacy and pathologist. There's a hairdressing salon and a barber. There's a stockist for all agricultural and
30 irrigation needs, a post office, a country clothing shop. Paterson has a primary school, a preschool, a sports ground, a golf course, a large hall, churches, a service station and mechanics and then there are a number of active community groups and charities that meet and operate in Paterson including rotary club, CWA, Red Cross, garden group, historical society, Rural Fire Service, the Progress Association.
35 There's a fishing club, sporting groups and church groups and tourists have a variety of accommodation choices and even venues such as the courthouse museum and the rail museum. I think that's quite impressive for a small rural village and therefore the community of Paterson must not be expected to sacrifice their rural amenity and lifestyle.

40 To read in the DPE assessment that this project is in the public interest is galling. It shows total disregard for the people of Paterson, those living in the vicinity of the quarry and along the haulage route. The only way to avoid, minimise, mitigate the negative social impacts associated with the proposed project would be to adhere to
45 the current legal consent for the operation of the quarry which residents are living with now and have done so in the past and this especially when there are six other approved hard rock quarries with the capacity to provide significant volumes of high

strength aggregates and construction materials within the Hunter region. I am outraged to read in the assessment report statements such as:

5 *The department also recognises that the proposed annual road haulage limit of 500,000 tonnes per annum represents a rate that is not dissimilar to historical road transportation rates undertaken by the quarry over an approximate 18 year period.*

10 Let's be very clear that this represents a level of operation that was illegal and outside the consent conditions. The heavy truck movements through Paterson created unbearable living conditions, initiating a formation of the Martins Creek Quarry Action Group and ultimately the case bought by Dungog Shire Council in the Land and Environment Court. I also want to emphasise that the baseline for comparison is the current legal consent for the operations of Martins Creek Quarry and that the 2016 application and the 2021 application are both proposals. The full effects of the decisions made will be felt by future generations of the Paterson community and for many years, in fact, 25 years. The timeline for the proposed conditions of consent by the DPE are very generous to the applicant. I would suggest to you that if the applicant is permitted to transport their product by truck through village of Paterson at the rate they have applied for that it will gradually destroy Paterson as a thriving community hub and an appealing tourist destination. Now is the time to make the appropriate and the right decisions for the future of our area. Thank you very much.

25 MR WILSON: Thank you very much. Just Ashton. Just clean the mic, Mr Ashton.

30 **MR J. ASHTON:** Morning, Commissioners. Ashton, J. appearing as spokesperson for the Martins Creek Quarry Action Group. I'd like to begin by acknowledging the traditional owners of the land on which we meet today. I'd also like to pay my respects to elders past and present. Personally, Commissioners, I have a significant amount of information to get through in this 30 minute allocation so forgive me for the urgent tempo. Please feel to interject if you would like to explore the issues I raise with you in further detail. Next slide. Our group was incorporated in 2014 and has membership across Dungog, Maitland and Port Stephens Council areas.

35 Our group was formed to represent members impacted by the unlawful operations and the proposed new use and expansion plans on foot. Our mission statement is to seek government recognition that the proposed change in use and the expansion is an incompatible land use to counter the proponent's claims with our own independent experts and to seek modern approvals that reflect the existing consent conditions. Our members and our committee have attended every meeting on this issue since 2007, every Daracon CCC meeting, every every hearing at LEC and the Supreme Court. Next slide. Commissioners, whilst there's no such thing as a truly unique SSSA, this proposal is truly unique.

45 Commissioners, to get to the nub of the issue and respectfully we hope you've identified in this your site visit already but in essence we say the proposal you are

determining involves firstly, a historic extractive industry (1) whose lawful purpose was railway undertakings only. Secondly, it involves a site that has for more than 18 years by RailCorp and now Daracon been used for unlawful purposes and the impacts of which are well documented in court affidavits and submissions in this
5 planning process. Thirdly, this is an extractive industry with literally no land buffers to residential receptors and adjoining private lands. Fourthly, it involves a proposal to change – a proposal for a change in use from an effectively contained low impact railway ballast quarry as determined by the courts to a more generic mega scaled extractive industry that seeks approval for intensification of extraction and
10 processing at the site and for transport in orders of magnitude more volume of new product along 27 kilometres of local road network, traversing multiple residential community and activity centres to reach state arterial infrastructure.

Fifthly, it involves a cohort of residents both around the site and along the haulage
15 route who have experienced on an hourly and a daily basis for 18 years or more the intensity of operations unlawfully that for many has caused unacceptable impacts to lives, households and environments more generally. Sixthly, the impacted communities, if approved, are located within a unique, historically significant and highly valued natural environment of the Paterson River Valley. Next slide, please.
20 Commissioners, if I can draw your attention to the map. It may be difficult for you to see, but this lays out the location of the construction aggregates industry within the Hunter region.

Working from left to right, Buttai Gravel is one of Daracon's own other quarries
25 located immediately next to John Renshaw Drive, a state arterial route. Taralga Quarry is located within a few kilometres of the Pacific Highway with restrictions in terms of trucking movements and to the local road network. Quarry Products Newcastle is the Allandale Quarry that's located and joined immediately onto the Hunter Expressway. Martins Creek Quarry, as you can see, 27 kilometres away from
30 any state arterial infrastructure. Brandy Hill Quarry, Boral Quarry, immediately adjoining the Pacific Highway. Eagleton Quarry proposed immediately joining the Pacific Highway. Hunter Quarries Karuah, immediately adjoining the Pacific Highway and Karuah South Quarry proposed immediately adjoining the Pacific Highway.

35 My point here with this slide is that all other quarries in the region bar Brandy Hill are within a kilometre or less of state arterial infrastructure. The impacts in terms of transport to the local communities are nil. Next slide, please. I'll quickly push through this. In 2007 RailCorp had a public meeting in Paterson. It was attended by
40 a full house of residents complaining about the level of trucking occurring from RailCorp. Next slide. 2014, another public meeting. This was a public meeting with Daracon. Full hall in Paterson. The managing director of Daracon now retired told residents if they didn't like it they should move. He told them that he could not control subcontractors' off location. Next slide.

45 2016. This was Howard Reed's public meeting in Paterson again, another full house. He left that meeting saying, "I've heard the issues. I'm going back to Sydney." Next

slide. 2021 in this hall full in the middle of COVID of objecting residents. Next slide. Bedlam and chaos from 2007 to 2019 at the rates that are proposed now by the proponent. Next slide. More bedlam and chaos. That rock fell off a truck, Daracon or a Daracon contracted truck transporting rock out of the site and landed at the location of a school bus drop off zone in Paterson. Next slide. So the key – one of the key points that maybe, respectfully, the commissioners are starting to identify is the proposed transport rates compared to the historical. What the proponent has not disclosed in any resolution is the historical weekly or monthly transport rates to enable the Department of Planning or the Commission to draw comparison or to make a clear assessment. When one has access to that data, one can see that 280 movements per day as per the proposal is seeking a scale equivalent to 2014 terror and well in excess of levels being complained at in 2007 by impacted residents.

There's been no correlation between historical trucking rates and the proposal. There's been – and the Commission need not look further than the 600 objections in 2021. Next slide. This, potentially, is one slide that Daracon didn't want you to see. This was a graph that they produced in 2014 in a meeting in the Martins Creek Hall that detailed historical monthly truckloads leaving the facility. Can the commissioner see the two red lines in that graph? So the lower red line is the equivalent of 100 loads per day into what would be a monthly figure. So 100 times 4.33 times five gives you a little – somewhere from 2200 loads per month.

The red and the – I beg your pardon – the red and the blue lines essentially reflect the monthly tonnages coming out of the facility between May 2014 on the right-hand side back to July of 2007. What the commissioners can see from that is the top line that 140 loads per day is, in fact, equivalent to the 2014 intensity that Mr Kelly has stated he agrees is unacceptable. And then what the bottom red line of 100 loads per day shows is that are now seeking an intensity that reflects the peaks and the maximums all the way back to 2007. Next slide, please. Could you please play the video, please. Thank you.

MR WILSON: Just while we're getting that ready, Mr Ashton, is that in your submission? I didn't see that.

MR ASHTON: It will be - - -

MR WILSON: It is.

MR ASHTON: - - - in our submission - - -

MR WILSON: Yes. Okay.

MR ASHTON: - - - in our written submission. Yes.

MR WILSON: Thank you.

RECORDING PLAYED

5 MR ASHTON: So, Commissioners, I'd like to take you to a video of the lived experiences of just one impact. The physical presence of multiple class 9 quarry trucks. Commissioners, whilst we watch this video I'll detail our group's position on the DPI assessment report and by association the proponent's studies. The assessment report and the proponent's work to date has failed to properly and correctly characterise - - -

10

MR WILSON: James - - -

MR ASHTON: Yes.

15 MR WILSON: - - - just before you proceed, can you let us know where this was taken from.

MR ASHTON: Beg your pardon?

20 MR WILSON: Where was the video taken?

MR ASHTON: That was taken across the road from a Stockers & Partridge's in Paterson – in the village - - -

25 MR WILSON: Okay.

MR ASHTON: - - - of Paterson - - -

MR WILSON: Okay. It's in Paterson.

30

MR ASHTON: - - - within – from within a resident's house.

MR WILSON: Okay. Thank you.

35 PROF BARLOW: Across the road from where?

MR ASHTON: In Paterson.

40 MR ASHTON: The assessment report and the proponent's work to date has failed to properly characterise the current use and purpose of the land the subject of the application. We say this is vitally important and material for the Commission to understand because it's one of the fundamental factors of the assessment to understand the baseline environment, to understand the sustainability of and how the resource is currently being extracted and explore – and to understand what the
45 changes in impact would be on the neighbourhood if the new land use and purpose was to be granted and approved. We say this is a relevant and important factor to be

considered. This lived experience is what the impact will be if you grant this approval.

5 In respect of traffic impacts, the DPIE has made a tacit justification that the proposed impacts are acceptable based on 18 years of historical unlawful operations of the site. We say the traffic impact assessment is deficient and erroneously misleading. The TIA has ignored numerous safety issues related to the proposal detailed in our written submission. Put simply the lived experiences of 40 truck movements per hour, 280 truck movements per day do not align with DPI assessment report findings
10 regarding traffic impacts. We are advised and it's our opinion that the traffic impacts associated with this change in use that in spite of the few intersection upgrades proposed by the proponent will be unacceptable. The impacts will be unacceptable having regards to the single lane bridges, the activity centre function of Paterson Village, school bus routes, pedestrians, cyclists and other uses.

15 Commissioner, we'd also point out to you the definition of a local delivery. In the word of Mr Kelly at your site visit, the definition of a local delivery is anyone who wants to pay for the product. Commissioners, this clearly means having regard to the lack of conditions relating to transport limits that Daracon intend to do what – as they
20 wish post approval. Is a local project considered to be a five year 5000 lot development in Wallalong with a haul route through Butterwick and Paterson Road? Is a local project considered to be Tillery Dam 2.0 by Dungog Road? Is a local project considered to be Singleton Bypass with a haul route via Horns Crossing Road and Gresford Village? Absolutely. Consideration has been given to the – absolutely
25 no consideration has been given to the likely impacts associated with the local delivery routes.

In respect of noise, the DPIE has noted that the 18 years of operation that were largely of an unlawful purpose and that were the subject of ongoing environmental
30 and community complaints and noise and other amenity impacts. The site is now being operated lawfully in accordance with the 1991 consent and those legacy noise issues have been remedied. According to our independent expert, the noise impact assessments contain adjusted models that have greatly understated the anticipated noise impacts that will emanate from the site. The Commission ought be made
35 aware that after year 2 there will be 11 receptors impacted from the proposal between three to five dB and a 12th receptor on Dungog Road triggering VLAMP acquisition at greater than five dB.

40 Commissioners, this wasn't brought to your attention, but that resident's land was located where we parked in the minibus at the entrance of the new location. Commissioner's our independent noise expert advises us it is likely that the noise impacts will be fair higher than is claimed in the DPIE report and the proponent studies. We will detail this comprehensively in our written submission. The DPIE –
45 as you may have observed during the site visit, the lived experiences of noise impacts from unlawful operations around the site and along the haulage route do not align with the proponent's nor the DPIEs findings. The ambient background noise of the existing environment with the facility operating in accordance with the 1991 consent

were pointed out to you. You could hear the wind in the trees, the sounds of nature and the village of Paterson between intermittent light vehicle movements. You could also hear the function of the village: people talking, people chatting, people getting connected within the activity centre.

5

The fact is, setting aside the compliance with non-discretionary standards, the proponent and the DPIE has claimed to be made, the fact is the proposal is – the proposal if approved will result in an intensification of operations of the site and an intensification of road haulage from the site. The noise from the site was and will be industrial in nature, continuous day in and day out, 48 weeks per year for 25 years. It will be new and it will be emerging from the existing environment and for many residents new and old that noise will be unacceptable. The noise from the trucks, despite the reported compliance with the road noise policy, will generate a new type of noise. The maximum level from a class 9 quarry truck is quite different to most light vehicles. It is lower in frequency. This lower frequency noise is more effectively transmitted through walls, windows and ceilings and residents will find this new noise substantially more noticeable inside a resident compared to car noise.

For this who have objected to their rural area and activity centre villages being used as a 40 truck movements per hour mining haul route, this new noise will be unacceptable. In respect to the air quality, the DPIE stated that the assessment – in their assessment that the likely exceedances will only occur at one of the nearest receptors at year 20. Commissioner, I can confirm to you that this is not the lived experience and we will detail in our written submission the evidence of the lived experiences of air quality impacts that have occurred at residences around the site. In respect of social impacts, Commissioners, this is perhaps the most serious and significant impact category of the whole proposal. Do you know how much time the DPIE afforded this in the assessment? One and a half pages, seven paragraphs. The DPIE peer reviewer did not attend the locality. The peer reviewer of the whole of government review did not review public submissions. The DPIE reviewer did not check or confirm the veracity of the SIA analysis or the residual risks.

There was one reference in the entire assessment report to lived experiences. There is no detail or acknowledgement by the DPIE on what 40 trucks per hour, 280 trucks per day will do to the activity centre of Paterson. How will that likely affect and impact visitation? No detail. What's the current pedestrian movements across and around the activity centre of Paterson? How will 40 truck movements per hour likely change the residents' habits and behaviours? How will it make them feel? How have these social costs been weighed, estimated and factored into the assessment? Zip, zero, zilch, nothing. What will 1.1 million tonnes of extraction and processing at the site and half a million tonnes by – per annum and 280 truck movements per day under a new approval do to people's rural and village amenity and how have these social costs been weighed and estimated and factored into its assessment zip, zero. How will these new – these new uses affect the social fabric, sense of community and character? Confirmed as likely to occur in the assessment report, but not quantified, costed or weighted. In respect of VLAMP triggers, you can take it from us that one receptor who has triggered the VLAMP acquisition does not want to

be impacted. They do not want to be acquired where their family resides – where their – where their family resides. He also asks where will his family be forced to move to? He doesn't believe he'll be able to buy back into this area. What will happen to his small business goodwill that he has developed in the local community for the last 10 years?

His family will be collateral damage, as you have seen beforehand. How are the social costs of VLAMP and other impacts being costed and factored into the DPIs assessment? They haven't. In respect of cumulative impacts, the DPI assessment report haven't even assessed a cumulative impact. The table 6-17 other impacts where it's reported to have been addressed doesn't even consider it. It merely states cumulative traffic impacts of the combined annualised flow of 870,000 tonne of product is okay. In terms of cumulative impacts, what weighting has been given to the residents who endured cumulatively industrial noise impacts, blasting weekly, degradation in air quality? None. What weighting is attributed to that same resident who then needs to stop in Paterson and cross a mining haul road to clear their mail, pay their bills or do their grocery shopping? Nothing.

Well, the cumulative impacts of a resident who no longer invites guests to their residence during the week because of the impacts from trucking to their household is intolerable. The same residents now have increased mental health issues. The same residents now have the impossible task of selling their houses which are located on a mine haul road. The same residents now can no longer enjoy the pleasantness of the village and rural amenity because they are reminded hour and hour, day in, day out that they live on a mining haul road. Commission, we state that your determination ought to take these cumulative factors into account. I'll very quickly run through for you now, Commissioners, our group travelled to the Southern Highlands and we travelled to the Southern Highlands because we were fed up with the spin from the proponent and the proponent's experts.

A group of us travelled for three days and we toured four modern quarries in the Southern Highlands: Lynwood, Gunlake, Peppertree and Multiquip. Next slide. We discovered new reasonable and feasible measures that are considered best practice that are not being offered or suggested or have been determined as not feasible by the proponent. Next slide. We saw a \$34 million interchange onto the Hume Highway by Holcim. That was to avoid the impacts of the village of Marulan. We saw a six kilometre private bypass road around the village of Bungonia. That was for Multiquip's quarry to avoid the impacts on the village of Bungonia which has a population of 25 people. We saw 22 kilometres of upgrades of Jerrara Road by Multiquip. The work which they had to do prior to allowing any product down that road.

We viewed rail loading facilities at Boral and Holcim, Boral being 100 per cent transport by rail. We viewed \$125 million of rail infrastructure capex. We viewed the rail distribution centre at Rooty Hill and we noted that Holcim also in addition to all of those public infrastructure investments to mitigate the impacts, they also included the community investment funds and sponsorship funds. We witnessed

untold things that are not being offered in this project. Next slide. There's a \$3 million light screen that was installed at Lynwood Quarry. That was to mitigate the light spill impacts on four residents located 10 kilometres away. What do the – what do the residents of Paterson that live 6.7 kilometres away, 200 of them, what mitigations do they get? They get a camera and a widening of an intersection and a loss of parking.

Next slide. There's Lynwood's rail loading facility and their train set. Next slide. There's Lynwood's fully enclosed crushing facility and enclosed conveyors. Next slide. There's Lynwood's \$34 million interchange onto the Hume Highway to avoid impacts on the village of Marulan. Next slide. There's Boral's dedicated rail facility into Sydney. Next slide. There's Gunlake's bypass road, Red Hills Road that bypasses Marulan. Next slide. There's the six kilometre bypass road around the village of Bungonia. Next slide. There's the road upgrades bringing the entire 22 kilometres to Austroads standards. Next slide. Commissioners, the proponent has taken a conscious strategy to solicit bias from the DPIE and yourselves in making this determination. The proponent and the DPIE have incorrectly characterised the species of the existing land use of the site. The proponent repeatedly refers to historical unlawful production of product from the site in almost every single technical study.

Because this – because of this, the whole of government assessment has been led to believe there's nothing to see here, business as usual. Well, it's not business as usual. It's far from it. The proponent has made unsubstantiated claims and the DPIE concurs with this that the resource is incredibly valuable and scarce in the region. But on the other hand, the proponent then states they need to compete with the other quarries more appropriately sited next to state arterial infrastructure to be commercially competitive in the Hunter region. The proponent has made claims that there's no suitable offloading facility for rail in the Hunter region but the proponent's own rail study in the amended development application has assessed and confirmed the feasibility of three sites in the Hunter region.

Commissioners, the proponent's own study says that the three sites will cost \$3 per tonne extra to transport that product to those offloading facilities. The DPIE has incorrectly concluded that the unsubstantiated further mitigations demonstrated by other reasonable and feasible quarries in New South Wales for those impacted residents in this state is not reasonable and feasible for this project. The DPI assessment lacks any detail on how the cumulative impacts of the project have been weighted and assessed in a polycentric approach. As we have detailed above, the assessment has not considered, let alone correctly weighted the impacts of the proposal applying that method. I close with a quote from Preston CJ from the New South Wales Land and Environment Court in Gloucester Resources v the Minister:

A dam can only be located on a river, but not every river needs to be dammed. The environment and social impacts of a particular dam may be sufficiently serious as to justify a refusal. Mining developments may only be able to be undertaken at the location of a mineral resource, but not every mining

development is acceptable to be approved. The acceptability of a proposed development of a natural resource depends not on the location of the natural resource but on its sustainability, one of the principles of ESD.

5 Put simply, the 1991 consent to exploit the resource as a particular end product and
in a particular way and a particular scale was made by Dungog Shire Council having
explicit regard to the management and mitigation of offsite impacts. The resource is
currently being exploited in a socially and environmentally sustainable way. It is not
reasonable and feasible – if it is not reasonable and feasible for Daracon to continue
10 the operations under the 1991 consent and if it is not reasonable and feasible to
implement the mitigations demonstrated by other modern quarries in the state and
apply additional mitigations at the site because, presumably, the size of the resources
does not underpin the capital investment or because those reasonable and feasible
mitigations will make their product commercially uncompetitive with other quarries
15 in the Hunter, then we say the problem belongs to Daracon. They chose the wrong
hill and the wrong resource.

Audience member: And the wrong town.

20 MR ASHTON: Commissioners, we respectfully say the Commission must make the
necessary inquiries to understand the characteristics of the current use and purpose of
the site and consider what the likely impacts will be from the development proposal.
Commissioners, these impacts are already detailed in the documented lived
experiences of court affidavits, council complaint records, RailCorp complaint
25 records, EPA complaint records and over 600 objecting submissions. Put simply, the
proposed hourly and daily scale of operation is unacceptable and intolerable for
many. As detailed by our own social impact expert and – I’m sorry – and SIA in the
response to submissions report the proposal is likely if not almost certain to have a
high and extreme social impact that extends across a wide area from Martins Creek,
30 Vacy, Paterson, Tocal, Bolwarra and East Maitland, affecting many people for 25
years. We say respectfully the Commission, contrary to the DPI recommendation,
ought determine that this proposal be refused. Thank you.

35 PROF BARLOW: Mr Ashton, can you hear me? Can you hear me now?

MR ASHTON: Yes, yes.

PROF BARLOW: Good.

40 MR ASHTON: Yes.

PROF BARLOW: You went to the Southern Highlands to, you know, study the
quarry. What were the size of the quarries that you visited there?

45 MR ASHTON: From recollection, the Multiquip Bungonia Quarry was
approximately 700,000 tonne per annum approved extraction. From – and Adam can
probably point me up on this a bit better. I believe Boral is 3.4 million tonne per

annum and I think Lynwood is possibly four million tonne per annum and Gunlake at the time was 750,000 tonne per annum. And I guess the only point that I would make is Lynwood is only operating at the time or was at the time only operating at 1.5 million tonne.

5

PROF BARLOW: Thank you.

MR ASHTON: So their whole system to be duplicated to increase their production.

10 PROF BARLOW: Thank you. The second question is you talked about data that you hoped the applicant might release but specifically what period was for that data? I noticed one of your graphs showed the truck movements from presumably 2000 up to about 2018, that approximately; is that correct?

15 MR ASHTON: The graph that was in the presentation was between 2007 to 2014.

PROF BARLOW: Yes.

20 MR ASHTON: Yes. So that – it doesn't – we – the complaints records and the issues that our members have experienced stretch back to before 2003 when the RailCorp facility modulated from being a ballast quarry to a general construction aggregates quarry. That was – 2003 is when the transport impacts were begun to be felt.

25 PROF BARLOW: So which period are you wanting to get the historic data from?

MR ASHTON: I would respectfully suggest the Commission might wish to see - - -

PROF BARLOW: Yes.

30

MR ASHTON: - - - daily, weekly and monthly data from as far back as the proponent has access to that data to inform the Commission's understanding of what they now propose, how that compares to historical data.

35 PROF BARLOW: Yes. And just a historical question of – the video footage you showed, presumably that was early morning because it began in darkness and then - - -

MR ASHTON: Yes.

40

PROF BARLOW: - - - it seemed to come past dawn; is that correct?

45 MR ASHTON: Correct. Yes, yes. In winter. And to give context and out of complete decency to the proponent, that image was of all of the trucks and if anybody wants to look at it, they'll count them. There was 23 northbound heading towards the quarry. I believe they've all left their depot together and they all drive out to site to be loaded and then when they're loaded the weighbridge takes two

minutes per truck to dispatch. So trucks heading the other way full laden would be expected to have a minute or two's separation as they leave the weighbridge one after the other. So the inbound movement of trucks we say is uncontrolled in particular when they're using exbin which is – I'm not sure if the commissioners are
5 aware of exbin. Exbin sales is where anybody drives into the quarry to pickup a load of gravel just like you drive to the supermarket. It's anybody that's allowed to get an exbin sale has an exbin drive in and pick up. So the proponent hasn't mentioned that, whether they're proposing to not have exbin sales or whether they are but it's another issue that's in our written submission.

10 PROF BARLOW: Thank you. Probably a final question and it's probably obvious to everyone here from Paterson but, you know, we're not from Paterson. So what is the – you talked about, you know, an interchange onto the Hume Highway in the case of Southern Highlands. Presumably, here it would be to the New England
15 Highway and as the crow flies from Paterson what would be the distance to the New England Highway?

MR ASHTON: Directly I'm not sure. 27 kilometres from the site.

20 PROF BARLOW: Yes. 27 kilometres presumably relates to the roads that are proposed - - -

MR ASHTON: Yes.

25 PROF BARLOW: - - - to be used. Yes.

MR ASHTON: Yes, yes.

30 PROF BARLOW: But I mean what is the proximity as the crow flies where there are no roads at present? Do you know?

MR ASHTON: No, I don't, sorry.

35 PROF BARLOW: Sorry.

MR ASHTON: I'm guessing 20ish kilometres.

PROF BARLOW: Yes.

40 MR ASHTON: Sorry.

PROF BARLOW: Okay.

MR ASHTON: Yes.

45 PROF BARLOW: Thank you.

MR WILSON: Mr Ashton, I just want some clarification regarding this issue you raise about change of use.

MR ASHTON: Yes.

5

MR WILSON: I'm just trying to understand the context. Because my understanding, it's a fresh application, it's permissible to consent subject to a merit assessment. So what's the context of your issue with change of use?

10 MR ASHTON: Respectfully, we would submit to the Commission that in order for the Commission to fully understand the likely impacts from the proposal they must fully understand or have factored and clearly understood what the current impacts from the current use and purposes – and generally categorising it as a quarry that for
15 lawfully never been allowed to be impacted upon or extracted from we say is material, but I understand the Commission isn't allowed to consider the unlawful issues. But for the Commission to properly understand the difference between the current use and the new use that's being applied for they first need to understand what the existing use is and it's not just a quarry.

20

MR WILSON: So you're - - -

MR ASHTON: It's a railway ballast undertaking. Sorry.

25 MR WILSON: So you're asking us to – in our deliberations to consider current operations as the approved operations from 1991.

MR ASHTON: Correct.

30 MR WILSON: Okay.

MR ASHTON: Which is - - -

35 MR WILSON: But you want us to consider all the lived experiences for those years where it was operating outside the consent.

40 MR ASHTON: We respectfully say that that's the most factual – probably the only SSDA in this state that will have this opportunity. You have a whole cohort of residents from around the site all the way to East Maitland that know exactly what it's like.

MR WILSON: No. I'm not - - -

45 MR ASHTON: And - - -

MR WILSON: I'm not suggesting we won't consider that. Of course that will inform our – you know, as one part of any information. I'm just trying to understand

this change of use issue because my understanding is what's proposed is permissible consent subject to a merit assessment so - - -

5 MR ASHTON: Correct. And purely to understand what is – what the land is being used for now and what the land will be used for subject to an approval

MR WILSON: Okay. All right. I think I understand. Thank you. Clare.

10 MS SYKES: Yes. Thanks for your submission, James, and the presentation. Just a question because it was moving fairly quickly, could you just provide an outline of – you mentioned it was 2014 that the Martins Creek Quarry Action Group was formed.

MR ASHTON: Correct.

15 MS SYKES: Could you give us a feel for your membership base and where the members live in relation to the quarry.

20 MR ASHTON: Yes. We have financial members that live in Wakaya Close and View Street in Vacy. They're impacted by blasting noise, industrial noise from the site and air quality impacts. We have a couple of financial members who live in the village of Martins Creek. They're impacted by – primarily by industrial noise and air quality impacts. We have financial members along the haul route all the way from Paterson all the way into Bolwarra and East Maitland.

25 MS SYKES: Okay.

30 MR ASHTON: Yes. So our point is our financial members in View Street, Vacy or in Martins Creek, they have the site impacts, but then they also use Paterson as a activity centre. So then they also have the – kind of the flow on, cumulative impacts that they're also having to stop in Paterson and take their life in to their hands as they cross the road to clear their mail or pick up their groceries. So they have the cumulative double whammy of the site as well as the haulage. Whereas a lot of our financial members just have to live or deal – have had to live with and deal with the transport impacts.

35

MS SYKES: Okay. Thanks, James. And then just another question, that you were referring to the – your point around local delivery routes.

40 MR ASHTON: Yes.

MS SYKES: And you mentioned that no consideration has been given to the impact of local delivery routes. Could you expand on that point or clarify that point that you were making terms in the – I assume you're talking about the receiving, you know, the destination - - -

45

MR ASHTON: Yes. So - - -

MS SYKES: - - - of the material.

MR ASHTON: - - - haul route 1 – all trucks following haul route 1 would turn left out of the proposed new entrance and that requirement as I understand it excludes
5 any local deliveries. So local deliveries can turn right or left. So local deliveries could turn right and travel into Gresford, Singleton, Dungog, along Dungog Road and anywhere into the shire and also local deliveries could turn left on to Paterson Road just south of Paterson and head through Butterwick, Brandy Hill into the local delivery areas there. So I guess, with respect, we could pick a road and that road in
10 the region could be subject to local deliveries.

MS SYKES: Okay. Thank you.

MR ASHTON: And – sorry. And to my understanding, I haven't read anywhere
15 any TIA of any assessment of the impacts of those local deliveries and what the magnitude will be limited to.

MR WILSON: Okay. Thank you.

20 PROF BARLOW: No. Thank you.

MR WILSON: Okay. James, thank you very much for your contribution. Just while the mic's being wiped down I would like to ask Owen Coakes to come to the
25 fore.

MR O. COAKES: Thank you for the opportunity to present. I'm a resident of [REDACTED] and I also connect to Paterson for social and commercial purposes. Next slide. This gives you the background of the history of the scale on the right-hand side you can see the increases in terms of factors in terms of the difference
30 between annual tonnage as in 1991 and now proposed and particularly so with regard to traffic and peak hour trucks. Quite extensive. Next slide. The amended EIS seeks to establish an improvement by reducing the scale from 1.5 to 1.2, but this has got no relevance at all because 1.5 million tonnes per annum was never accrued, it was never tested and it has no comparison value at all. The real comparison is
35 between 300,000 tonnes, the 1991 approval, and 1.1 million tonnes and the multiplying factors were shown on that previous slide.

There might well be a case for the baseline to be zero because there is a change in use. The original proposal or the 1991 consent was for railway ballast to a restricted
40 railway market. We're now being asked to approve a quarry for construction purposes – construction material purposes to a wide construction market. So there's no comparison between the two. The unapproved – the apparent improvement in reduction of daily trucks from illegal operations of 600 trucks per day down to 280 is not actually a reduction in peak hourly rate. The peak hourly rate in '13 and '14 was
45 of the order of 30 to 50 trucks per hour and we're now being asked to approve 40 trucks per hour which actually relates to one truck every 90 seconds.

Next slide. I am rather puzzled by the inclusion of this graph in the DPIE report because it relies on unapproved and illegal operations, so I don't see how they can be used as a justification for the present proposal at all. Next slide. I just covered those comments. Next slide. Social impacts, really, I think are the critical factor in this
5 proposal. There are 634 submissions opposed to the proposal. 94.6 of the submissions made. Through the SIA residents have shared their lived experience of increased industrial activities through the village and other settlements on the haulage route. All comments were based on lived experience. The principal impacts relate to trucks and traffic, changes to sense of community and place, way of life,
10 accessibility and public safety. Other impacts included impacts on surroundings and health and wellbeing.

The SIA has assessed and evaluated the social impacts of the proposed project using
15 DPIE SIA guidelines and in all respects, they found these impacts to be high to extreme. I'm not too sure how you can start to get past the starting line when all the impacts are high to extreme. Next slide, please. The proposed project will result in a range of social impacts as outlined in SIA report and the expert SIA review report commissioned by the Quarry Action Group. These changes include changes to amenity, sense of community, local livelihoods and sense of place and these
20 factors or concepts are all widely described in social science literature.

Next slide. This, I think, is actually quite an interesting proposition because the strategies proposed as part of the SIMP for the project failed to address any of the
25 hierarchical controls. They don't avoid, they don't minimise, they don't rectify, they don't reduce and they try to offset but, in fact, the strategies proposed in conditions to consent do not address the key social impacts particularly that relate to impacts on sense of place, community, way of life and there's no nexus between these. We have a driver code of conduct, a community engagement program, monitoring programs and perception surveys and planning agreements with the council but the impacts
30 that exist, they don't go away. Next slide, please.

The quarry at Martins Creek has coexisted for many years with the local community without any great difficulties, but cutting to the last comment, there are no benefits to
35 the village as a result of this project in its current form, only an incremental commercial gain for Daracon. Next slide. This is the area which concerns me greatly because it's the impact on Paterson: a proposal to modify the road geometry in Paterson by widening the critical King Street/Duke Street intersection is not acceptable. This location is the centre of village activity and mobility where 70 per cent of the pedestrian and vehicle interaction takes place. The removal of kerbside
40 parking facilities in this area would greatly disadvantage the elderly members of the community in accessing the post office particularly but also their access to other commercial and health facilities.

School pick up and drop off zones pose a safety hazard and general pedestrian
45 vehicle activity will be compromised by the impact of 32 tonne truck movement through the village. The combination of poor sight lines bends and a rail crossing all within 100 metres of one another is obviously an impediment to the

safety of pedestrians and vehicle movements. The last point is relevant because at all times when we've had discussions with Daracon about reducing traffic flow in the morning to coincide with school pick up they've said, "No. We can't do that because the market demands that we get the product to site early in the day." But they're
5 now suggesting that after 3 pm they can reduce the flow to overcome the hassle possibly coming from school drop off, but in fact, they don't have a great demand after 3 o'clock. It's too late in the afternoon to deliver a product.

10 MR WILSON: Mr Coakes, are you nearly finished?

MR COAKES: Nex slide, please. All quarries as has previously been mentioned have directly – in the Hunter Valley have direct or indirect access to arterial roads. This quarry has to go over 27 kilometres of rural road before it gets to an arterial road at East Maitland. The quarry has a unique advantage in having a rail siding
15 capable of extension and providing opportunity to minimise the environmental and social impacts arising from the transportation of product by road. There has been discussion about the Southern Highlands Quarry so I won't repeat that. What I would say is that if that – if the protection that was included in the 1991 agreement to reduce the amount of product on the road, 30 per cent, 70 per cent on rail and to
20 reduce the trucks to 24 hours – 24 trucks per day – if that was necessary to protect the environment and social fabric of the area in 1991, it must surely be necessary in 2022 and for the next 25 years.

25 MR WILSON: Okay. Mr Coakes, do you think you could sum up, please.

MR COAKES: Sorry?

MR WILSON: The bell's gone, Mr Coakes.

30 MR COAKES: Has it?

MR WILSON: Quite some time ago. I'm sorry.

35 MR COAKES: Sorry. I didn't - - -

MR WILSON: That's all right.

MR COAKES: I didn't hear it.

40 MR WILSON: If you could please – I'm sorry. I don't mean to rush you, but we need to keep to the schedule as best we can.

MR COAKES: Can I cut to the last slide then please for a summary.

45 MR WILSON: Yes, please.

- MR COAKES: Right. So the summary is that the project uses unapproved baselines. The quarry at Martins Creek has a history of coexistence with the community without any difficulties. The scale of the proposed project and the proposed traffic movements through the village will significantly affect the community members' use, value and experience of their village amenity and there are no benefits to the village. It doesn't employ anybody local and it doesn't actually buy any services locally. The only incremental commercial gain is for Daracon and the expense is all borne by the community. Thank you very much.
- 5
- 10 MR WILSON: I just have one question. Can you go back to your first slide please, Mr Coakes.
- MR COAKES: Sorry?
- 15 MR WILSON: Can you go back to your first slide.
- MR COAKES: First?
- MR WILSON: Is that possible? First. Yes.
- 20 MR COAKES: That one?
- MR WILSON: The one in relation to – yes, that one. There it is. Thank you. So I've seen a lot of figures. The 90 per cent, is that 30 per cent of the 300, is it?
- 25 MR: 90,000.
- MR COAKES: 90,000.
- 30 MR WILSON: Sorry. 90,000. Is that 30 per cent of the 300,000?
- MR COAKES: That's 30 per cent of the 300.
- PROF BARLOW: No.
- 35 MR WILSON: So I'm confused because 150,000 has been around as well. Anyway, we just need to clarify. I mean, maybe you could clarify that for us. I'm not quite sure where we've got – yes – that's correct - - -
- 40 MS SYKES: Yes.
- MR WILSON: - - - isn't it? We've got figures of 150 which was considered as 30 per cent of the - - -
- 45 MR COAKES: 150?

MR WILSON: Yes. I don't know where we got it from so we just want clarification.

MR COAKES: I'm not sure where the 150,000 came from.

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MR WILSON: Yes, no. That's what we're asking, so if we could have clarification from you please, Mr Kelly. Thank you. Thank you, Mr Coakes. Appreciate it.

10 MR COAKES: Thank you.

MR WILSON: Okay. Sorry. Cameron Archer.

MR ARCHER: Good morning. I pay my respects to the traditional custodians on whose land we meet, their elder past, present and emerging. Commissioners, thank you for being in attendance in person for this meeting. Thank you also for undertaking a thorough site inspection during October. I speak to you now on behalf of Paterson Historical Society and Dungog Regional Tourism but I've also had a long association with the district and clearly serving as principal of this college for 20 28 years. I completed a PhD for the University of Newcastle on the environmental history of the Paterson Valley and I've written a book on the Paterson Valley. I'm also a member of the CB Alexander Foundation and Charlton Trust, the Tocal Property and the Tocal Homestead. I'm a member of the Tocal Alumni Committee and form the chair of that committee.

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All of those organisations that I speak for are extremely anxious regarding this matter. If the project goes ahead as recommended by the department, it'll have dire impacts on the wellbeing of the people in this locality and the long-term viability of the village of Paterson. Who would have ever thought that the people of Paterson would object to the long-term operation of Martins Creek Quarry? It's been part of the community for 100 years. That all changed when Daracon took control of it. Long-term contractors lost their contracts, for example, the Preston family had been operating the quarry for 70 years, got squeezed out and then as we've heard a number of times today, Daracon knowingly and unlawfully operated the quarry illegally, literally have to be ordered to cease operations by a court.

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So when it comes to the final deliberations, the community acceptance of the conditions will be viewed through a lens of what they've lived through and what they've seen happen. So that's of great concern to me as to the outcome of this process because the community have a great mistrust, unfortunately, which is a pity. As well, there's been various public meetings which have given the strong impression that Daracon over community concerns time and time again. Community consultations have been stage managed and issues raised were continually dismissed by unwelcome Daracon and some community members left these meetings visibly distressed. So it's a distressing situation we find ourselves in and there's been a David and Goliath battle to get us here. Those opposing the quarry have had the resources to pay for consultants to prepare reports. This

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particularly applies to the traffic study and we believe the traffic studies were superficial the cumulative impact of traffic volume and truck frequency has largely been overlooked.

- 5 The accumulation of tracks from Brandy Hill Quarry on Paterson Road and Flat Road in Bolwarra will create unnecessary congestion in Melbourne Street and this has not been totally adequately addressed. Tocal Road bisects the Tocal campus and farm. There is pedestrian traffic across Tocal Road and the college continuously. Tocal Road was – bisects Tocal farmlands and the tractors and farm machinery regularly move along Tocal Road as part of the normal farm operations. Tocal Homestead hosts over 60 weddings per year and many of the afternoons, often on Thursdays and the noise of trucks will detract from the value of the site. So, Commissioners, I'll now turn to the impacts in Paterson which have been largely ignored by Daracon and the department. The post office corner in Paterson
- 10
- 15 Daracon has proposed to alter it somehow to accumulate trucks – to accommodate trucks and dog trailers, but it solves nothing.

The post office has 174 post boxes and there's a demand for about 20 more. About an extra 15 people also pick up their mail at the post office each day. About 600 parcels are delivered to the PO each week and about 600 go out as well from small business. It's a very busy corner with much pedestrian foot traffic. Over the road is a popular B & B and café in the former CBC Bank with outdoor seating within three metres of the proposed haul route. The same situation applies to the nearby Paterson Country Café. Other hospitality business impacted directly in this location are the Paterson Servo Café and the Court House Hotel. There's also hairdresser, bottle shop, clothing store, doctor's surgery and pharmacy.

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One of them I know has about 200 walk ins per day early in the week, 300 later in the week and about 400 on the weekend operate on a visitor economy seven days a week, not just weekends and there's an implication in the report that thinks that nothing happens in Paterson during the week so you can drive 280 trucks through it but that's not the case. The figures don't bear that out. Most of the buildings in Paterson are well cared heritage buildings preserved because their businesses are commercially viable. Section 4.12 of the Daracon's response demonstrates that the Paterson Historical Society was never consulted at any time on the impact of the project, never approached, never approached. The society's submission on impacts, on history and heritage have been not addressed. The historical society is a popular group going for nearly 50 years and has also got web-based brochures for people to walk around any time of the day. We've been doing this for decades. The society hosts groups to visit Paterson, then they dine at local hospitality establishment to a picnic in the park and Tucker Park is one of the region's most loved parks and is popular on weekends as well as weekdays.

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With more flexible working hours and working from home, weekend style recreation now occurs throughout the week. So proposing the truck movements during the week has less impact is not true. The conditions of consent seem to imply that nothing really happens in Paterson and 200 trucks a day can just go through without

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any impact. This is clearly incorrect. There are visitors in the village every day. Now, we move to Duke Street which is part of the haul route just in the post office. The village's school bus route with locations in Duke Street. There's a very convenient location adjacent to the post office and ought to remain there. There are
5 ideas of it being moved to a remote location to accommodate the trucks. Duke Street has three well-used public facilities: St Paul's Church, Church Hall, School of Arts. These can be used on any day of the week, especially in the daytime.

Also on Duke Street is the Paterson Grocery and Butchery. Both are busy, well
10 patronised and great outlets. Shoppers regularly cross Duke Street with heavy bags supplies from both shops. So everything about the proposal focuses on sacrificing the inherent culture and the civic Paterson for the expansion of the quarry. We estimate the village of Paterson has – is a service centre for about 1000 people in addition to the hundreds who visit it on a weekly basis. There are at least
15 13 small businesses within the central area of business of Paterson. They will not be there if they are not well patronised can the owners look to the future with confidence? What ought to be the outcome? We're not saying there should be no quarry. We accept the quarry ought to continue but under past operating rules. Daracon always says it will not be viable without expansion but we never hear any
20 details but they are seeking to operate it for 25 years with an option for another 25 years. We believe the ballast ought to be transported by rail. It's a railway quarry built to service a railway.

We have lived through the following experiences in the past: quarry trucks bumper
25 to bumper through the town, quarry trucks parked in lay bys at Tocal and Paterson Lagoon waiting for the quarry to open, quarry trucks stopping in Paterson, noisy empty quarry trucks banging through the town, quarry trucks using other routes that are unsuitable for the haulage, Paterson gridlocked by quarry trucks when the railway gates close, traffic incidents, sideswipes and the odd rogue contractor who
30 I've reported, but then along we go again and find another rogue contractor to support – to report and I – this happened to me on a number of occasions. It doesn't – they don't go away. They just pop up again and another lot pop up. So the rogue contractors seem to have been a problem and I can't see in the determination or the conditions that they wouldn't be in the future.

35 The draft conditions state that the applicant must prepare a traffic management plan to the satisfaction of the planning secretary. This is too late. That plan ought to be available now for scrutiny by the Commission. The draft conditions and consents notes that Daracon must prepare a social impact management plan to be approved by
40 the department. This is too late. That ought to be here for the Commission to scrutinise. We've seen what Daracon's community consultation is like: stage managed and arranged to obtain a predetermined outcome. Would a proposed community consultation committee be allowed to be representative of community feelings and impact? We feel they're manipulated to a predetermined outcome
45 driven by consultants who are paid by the applicant to obtain the applicant – what the applicant desires.

There seems to be few if any sanctions that smart lawyers, expert witnesses and lobbyists can't get around. Will community members have to monitor and report then provide evidence to the department? Will it be back again with a David and Goliath commissioned and paid by Daracon apparently with oversight from the department. How can the cash strapped public service do this when it comes to oversight? And I referred you to recent inquiries on casinos these conditions of consents are adopted, there'll be no effective oversight and sanctions. Will there be an independent audit of social impact? We believe the horse would have bolted and there's good reason to think that based upon recent casino experience where there's been years of non-compliance we heard this morning from the departmental representatives that they could come to the department and fix it up. Come to the department and fix it up. So if there's a problem, you come to the department and fix it up. Do the – do the community hear about what's being fixed up? I'd like to know.

Commissioners, I now refer to the proposed community contributions. The impact of these trucks on country roads cannot be compensated by the sums listed in the report so it's really an insult to these councils and the ratepayers and road users. I urge you, Commissioners, if you do end up striking a figure that it be indexed. I'm not sure \$180,000 would look like in 25 years' time if it wasn't or whatever it might be and I also note that both council – Maitland and Dungog Shire Council both objected to this proposal. The draft conditions of consent record that \$40,000 will be paid to a community benefits and wellbeing fund. Is \$40,000 going to ameliorate the impact to these trucks on the wellbeing of Paterson?

There are a few dimensions of wellness: emotional. How will that payment change an emotional response? Occupational. How will that payment change the decline of jobs in the local business area? Physical. How will that improve the local and physical wellbeing? Social. How will it improve social wellbeing? Intellectual. How will it improve intellectual wellbeing and mental health? Spiritual. How will it improve spiritual wellbeing with 280 trucks a day driving past the local church? Commissioners, the idea of \$40,000 to convince – to compensate this community for the impact of trucks is an insult, unfortunately, it really is. The draft conditions of the consent states the application must – the applicant must keep active records of all laden trucks and publish a summary of these records on its website every six months and this is every laden trucks every six months, publish that on a website? What use is that for community monitoring? I really wonder. So what use is it? What about the empty trucks?

So there must be real-time monitoring. This is technically very easy to do and can be live on a website. If it goes ahead, the current form of the Paterson Village will be sacrificed for a quarry. Road haulage of coal was replaced many, many years ago by upgrading rail infrastructure. Surely, a – which looks like a 50 year lifespan for the quarry and that's fine. Infrastructure should be put into place to take the majority of the product out by rail and stockpile it for road transport. As we've seen this morning, it's been done elsewhere. So, Commissioners, in conclusion it seems to me that the department has waved through this application by publishing a totally

unacceptable set of draft conditions of consent for you as commissioners to sort out. I thank you for the opportunity to address you in person and I have confidence you are hearing our concerns so I look forward to the outcome of the deliberations. Thank you.

5

MR WILSON: Thank you, Mr Archer.

10 PROF BARLOW: Mr Archer, what we're trying to understand is – you know, you've outlined very clearly the impact of the trucks on the tourism activities but in terms of the weekly cycle, what's the rhythm of tourism through Paterson? Is it largely on the weekends or is it through the week as well?

15 MR ARCHER: Well, it's through the week. There's people there all the time. See, people come up on – there's a heap of motorbikes parked in town on Monday morning even – people come there all the time. It's part of the culture of Newcastle is to travel up to Paterson for – have a picnic in the park or go for a loop round through Dungog and back. So – and with people working all sorts of unusual hours, people are out and about compared to this – the 9 to 5 doesn't work any more. So it's very active on the weekends. Like, I go to Paterson quite a lot as many of people
20 in this room know, but – yes – there's people there all the time. So it's not as if it's just on the weekends, I can assure you of that. And I started to make inquiries of businesses and talk to people and observing.

25 So it's on the weekdays as well including the park. You see people come up there. Sometimes NDIS carers come up and they take their – whoever they're caring for up to have something to eat and go and sit in the park or sit outside and you've got people that are retired come and sit outside and all the motorbikes come and park outside and then on the weekends it's quite busy. But it's a very convenient drive from 400,000 people and it's a nice drive and that's why people come to Paterson,
30 having lived in Paterson for many years and also in the district. So it is a popular place through the week as well as on weekends.

PROF BARLOW: Thank you.

35 MR WILSON: Mr Archer, can you just describe – I presume there's a number of local and state heritage listed items in Paterson.

MR ARCHER: There were. Here – this – here and the homestead are on the state heritage register. That's the top one.

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MR WILSON: That's here. That's - - -

MR ARCHER: That's – yes – here. That's in the top register.

45 MR WILSON: Yes.

MR ARCHER: What we have in Paterson is largely local heritage significance but that doesn't detract from the heritage value.

5 MR WILSON: Yes, no. I'm not suggesting it does. I'm just asking.

MR ARCHER: Yes, yes, yes, yes.

MR WILSON: I'm just trying to - - -

10 MR ARCHER: It's a local - - -

MR WILSON: - - - get a snapshot of - - -

15 MR ARCHER: It's a local heritage register - - -

MR WILSON: Yes.

MR ARCHER: - - - as to

20 MR WILSON: So it's scheduled in the LEP, yes?

MR ARCHER: Yes. On the LEP. But this here – these two here are right at the top.

25 MR WILSON: Yes.

MR ARCHER: The top one.

30 MR WILSON: Okay. Is Paterson itself a conservation area in the

MR ARCHER: There's an urban conservation area there. So if you want to put up an extra building or additions and things, you have to have a lot of heritage input into what you do. So if you look at those shops in the middle of town, the butcher shop and the grocer because they've got a heritage look about them, having actually
35 objected to the original version of them, so every time I walk past them I'm quite proud of them because nice looking place, 1985. So it's been around for a long time and before the State Government – it was a national trust heritage area before the State Government brought in LEPs and things like that. So it's all local – local heritage.

40

MR WILSON: Okay. Thank you very much.

MS SYKES: And how have you found the – you mentioned that, you know, more people are working from home, you know, there's a vibrant primary school in the
45 township. How have you observed the demographic change over, you know, the last five years or so in the town?

MR ARCHER: I think it's – the working from home is a big deal, I think. There's a lot of people up here that do work from home and you see them in town but you know they're working at home one or two days a week and the number of people and the number of houses being built in the local area continue to increase. I think it's
5 probably limited by the land available. There are some good subdivisions up around Vacy which will have people coming through Paterson. So there's been a genuine increase in population, just gradual, over the past years. Probably more so on this last recent couple of years because of all sorts of changes. But – yes – it's not only a
10 dormitory area, it's a dormitory area for people to go to Newcastle and Maitland to work but some of them stay home and work now and pick up their kids and also come to town and meet people for coffee, all that sort of stuff. It's clicked into that. Whereas say 15 years ago it was probably more just a dormitory. So there's more community activity in Paterson due to the working at home and it being a place where a lot more rural residential people live.

15 PROF BARLOW: A supplementary question to Commissioner Sykes' question, Mr Archer, was is – what's the population of Paterson doing as far as the locality is concerned? You know, is it increasing or decreasing? And you may know and you may not know what – the population of the Dungog LGA is increasing or decreasing.

20 MR ARCHER: They're all increasing. This end of the LGA of Dungog here in Clarence Town is increasing at a faster rate than the northern side just due to geography and access. The population of Paterson's three or four hundred people, but then you've got enormous hinterland of a lot of – a lot of small acre blocks out to
25 Duns Creek. All the people at Duns Creek, all their kids come to Paterson School. So they come in from Duns Creek to Paterson School, all of Webbers Creek, Martins Creek. So there is a gradual increase. I think the increase is probably limited by availability of building blocks more than anything else but – yes – it's increasing all the time and it'll continue to increase because it's a desirable to live and people want
30 to live here.

PROF BARLOW: Thank you.

35 MR WILSON: Thank you, Mr Archer. I would – he gets two claps. Robyn Rurgmann. Is that right? Did I pronounce that incorrectly? I'm sorry.

MS R. BURGMANN: It's Burgmann. Burgmann.

40 MR WILSON: Okay. So there's a misspelling on the sheet.

MS BURGMANN: Yes.

MR WILSON: Burgmann.

45 PROF BARLOW: Yes. I wondered about that.

MS BURGMANN: Thank you for giving me the opportunity to speak today.

PROF BARLOW: Speak into the mic.

MS BURGMANN: My name is Robyn Burgmann. My husband and myself are the owners of Paterson Service Station. We've been in business serving our community and surrounds since 1989. We operate a seven day a week business. We started as a country servo and mechanical repairs. We sell fuel, gas, ice, animal produce and over the last 10 years we've created a busy café and a gift shop. We have eight full-time staff and two juniors. We've employed many more, all local residents, over those years. We've worked hard to create a happy and a safe environment for all. Our customers that we have visiting our servo are not just local. We do have a lot of tourists coming through. Through the week we have many cyclists coming through from Newcastle and surrounds, not just weekends. We also have mothers and children's groups attending and many of Red Cross and there are other groups. We believe that the loss of parking King Street is going to be very detrimental to our businesses. We were at the – we were on the – sorry, I'm really nervous – we were on the frontline the last time the trucks were coming through town. We experienced it firsthand. It was dangerous. Not only – they're saying that they're going to stagger the trucks through town. That doesn't work. You have the railway line, the crossings going down. You have trucks already coming into town because of, as Cameron was saying, we have subdivisions now at Vacy that have been established and there's about three more. So the increase in traffic and trucks already has doubled. We have, you know, cement trucks. We have delivery trucks. We have trucks delivering water tanks. We have tradies coming through town so it is busy. Just our fuel tanker, for instance, delivers twice a week. They have to drive onto the road and reverse back. That blocks the traffic. So you're going to have a bottleneck of trucks which is what we used to have before.

Many a time I witnessed mothers standing on the other side of the road, if you can see them, through trucks coming both way, holding their children's hand trying to cross that road. We have many elderly customers that require wheelchairs and walking frames and they take – and they need extra time. They need extra time to cross. I feel that with the creation of the pedestrian crossing I don't know where they're going to put that. I have no idea where that is proposed. If it's up the top end of town where we are at King Street and Duke Street, well, how would people get from say the butcher's and if they live the other side of town, how do they – where are they going to turn around? How do they turn? They can't.

What will happen is that people will take shortcuts through Tucker Park which goes then at the end of King Street where they're going to be going past our doctor's surgery and our pharmacy and parking there is at a premium now. People are going to cut through Tucker Park. That's our playground for our children. My grandchildren are there and other people's as well. My grandson catches the school bus into Maitland. He gets on the corner of Duke Street. That is just – I don't know where they're going to put that – where that proposed bus stop is going to happen. It's not only him. It's not only the children standing in Paterson. If you've seen the speed – and I have experienced it personally – the speed that the trucks do come into

town is dangerous. The kids are standing on the side of the road to get on the bus. Their mothers, they're in their cars putting them on the bus. Trucks are overtaking those buses over double lines. We've witnessed it.

5 I believe there's a car park about to be or proposed car park – excuse me – going to be implemented in King Street. I don't know how that's going to work. Is that to replace the car parks that have been taken away in King Street? That's still – it's a dangerous T-intersection there. I just don't know. Excuse me. We've all suffered from the COVID pandemic. Many of us lost friends – I lost one – and we've lost
10 family. I feel that we've just started to recover and pick up and get our lives back into some normality. The mental health of people in our area has taken a downturn. We are – I've heard a remark that was made which was quite disturbing to me. It was like the people of the area around here live in bark huts and we're greenies and we don't care about anybody out of our environment. That's not true. We do care.
15 We are doctors, we are lawyers, we are teachers, we are nurses, we are tradies, we are students. We travel that road daily.

I'd like to know how the speed of the trucks is going to be policed. I've experienced reckless driving. I've had trucks coming very fast up behind me. I've seen them hit
20 the gutter in Paterson in King Street myself and also, I travel – I work every weekend at the service station so I coming in about quarter to 6, 20 to 6 of a morning. I've passed 12 – 12, I think was the record – 12 trucks and dogs at that time in the morning going to the quarry. So I – and there's – I have heard that we're going to get an increase in jobs in our area. I don't think that balances because we will lose
25 jobs in our town. People will lose their jobs because we won't have the tourism and the trade. I have no problem with Daracon running their business but I do have a problem with the way it's transported. It has to go by rail. What I also have a problem is is the lack of respect for our community and the danger that the trucks will pose. Thank you.

30 MR WILSON: Thank you very much. I'd like now to call Martine Brieger.

MS M. BRIEGER: Yes. Yes. Okay. Thanks for having me. I'd like to start by acknowledging the Wonnarua people and also everyone that took the day off work
35 because there's a lot of people who couldn't be here today. Next slide. I am a resident of Paterson on the Martins Creek side. I am one of those people who moved here during COVID from Sydney and work mostly from home but I'm also the great-great-great-great-granddaughter of convicts who were assigned to live on Gostwyck Estate which is the site of the quarry and the site of where I live now. My teenagers
40 live here and they drive these streets and I am the wife of a contract truck driver who might stand to get a job from this quarry but he is opposed to it and doesn't need it because we're short of truck drivers everywhere and he could get a job wherever he wants.

45 Some quick facts. Paterson is an absolutely beautiful rural town that you'll have seen yourself and everyone that comes to it loves it and that's a rare thing and I don't want to see it lost and there's many parts of the quarry proposal that I'm not going to

talk to because I don't understand much about science and I'm going to have to trust the conditions of consent around noise and water, biodiversity and other things. On the screen is some screenshots I took this morning. I went to Station Street, I parked and I put in my destination as Maitland. Apple Maps took me by Martins Creek
5 Road. Google Maps took me on the haulage road. So I would turn right from Station Street and go through Paterson and Ways which my teenagers tell me is the app to be using at the moment because it tells you where the police are, it takes me again left into Martins Creek and I ask you all in the break at lunchtime to jump on your phone and whatever app you use put in Martins Creek Quarry, see which way it
10 takes you.

It will take you not on any of the haulage routes in any of the EIS. It is on the Martins Creek Road which was the alternative route that was then taken out. So all of the expense, all of the mitigation plans that you have, all of the investment in
15 Paterson, in roads will do nothing for this route and if any of the truck drivers – I trust that Daracon's own drivers will do the right thing but for all the others who are like my husband, they will put the route of the quarry in their phone and they will take one minute faster to get home one minute faster and I don't know how you police this and I don't know how you put any conditions around it, but I ask you to
20 do that after today's sessions or at lunchtime and have a look for yourself. Next slide.

This is as you – you've probably seen it for yourself, Commissioners, I hope, but this is the drive on Martins Creek Road that is not one of the official haulage routes but is
25 the route that the truck drivers will take. It is very narrow. It is single lane. You can see, you know, how narrow it is just between all the cars passing each other. Right near my house is the bus stop close. That bus stop there is unmarked. This is the signage for it. That's what it looks like. So if your conditions of consent include things like putting in signage, that's what it'll look like a few years down the track when
30 you've all moved on and that's all that we'll have to try and do safety with some signage. Next slide, please.

As has been mentioned elsewhere, this area is changing rapidly. This is – that's my street coming up there on the left that you come off Martins Creek Road. There's a
35 house being built beside me. There's a subdivision going through it being approved beside me. At the bus stop that you saw there there are now – where one block of land is with one family with four kids we'll now have an extra nine lots. There's still no sign there. That is Martins Creek Road. You can't see people coming over you. We have to be very, very careful. There's not much line marking. The vegetation
40 often goes very high. Dungog Council's pretty poor in terms of finance. One more slide. Next slide.

So this is a screen – I took a photo of the social impact assessment across the road here at the beginning of last year and I didn't see that really represent in Umwelt's
45 social impact assessment. So this was the CAF, the community whatever it was called forum. This was what went up on the board. So I'm here talking for myself, but on the day we wanted number 1, 100 per cent rail. If not, we wanted a bypass

and then, you know, if you really have to approve this – and I – you know, does New South Wales really need this? I don't know – where are the conditions and how do you control that? So my fear and my plea to you today is that after this moves on if you approve this with – I don't know – how many pages of conditions and then it's not complied with again, it'll fall back on people like me to have to go out there and try to measure and try to prove and go to court to try to prove that they're not matching those conditions and in the meantime our kids are on the roads driving and going to school and it's already not very safe, so thanks for your time.

10 MR WILSON: Thank you. Just to let you know – just to let you know, we have travelled that you referred to in your presentation.

MS BRIEGER: Thank you.

15 MR WILSON: Okay.

MS BRIEGER: Thank you.

MR WILSON: I'd like now to call, please, Maree Amos. Hang on, Maree. We'll just clean it down. Thank you.

MS AMOS: In announcing changes to the planning rules for Barangaroo last month, the New South Wales Premier Dominic Perrottet stated, "I don't want people to look back and say the Perrottet made decisions that put developers before people." The New South Wales Planning and Environment Martins Creek assessment report seems to show too little evidence of consideration of the community submissions. Of 670 public submissions, over 95 per cent did not support expansion of the quarry and no local business identified any benefit. In the report many of the relevant issues raised in the community submissions were not acknowledged. Some errors were identified and some of the diagrams are of poor quality with notes on them unable to be read.

I will mainly address traffic and noise issues related to the report. I live near [REDACTED] over which every truck to and from the quarry must pass. On the table 6.1, the existing road network, this bridge was described as a two lane (single lane for heavy vehicle) bridge on the state heritage inventory. This is misleading as the bridge has not operated as a two lane bridge for many, many years. It has no overtaking or passing and give way signs. The give way sign has been moved to the quarry side of the bridge as a safety improvement attempt. This bridge is also used by cyclists and pedestrians at – it's the only river crossing between north of Vacy and south of Paterson. This part of the route is a dangerous bottleneck as the bridge approach from the quarry is a bend followed by a short, steep descent to the bridge deck.

45 The give way sign is on this descent so this is where loaded trucks must stop in order to give way to oncoming bridge traffic. The slope could only be slightly reduced if at all by construction of the proposed banana-shaped bend which, if anything, will

reduce visibility to the bridge. A vehicle activated flashing sign notorious, of course, for frequent outages, is the other proposal that Daracon is going to construct. This will, of course, be more infrastructure for council to maintain in a shire that has as far as I'm aware no traffic lights. Although Daracon has stated that none of its trucks
5 have been involved in an accident, this is not the whole picture. On two occasions I have been – observed car that were already on the bridge being obliged to reverse off when met by Daracon trucks. As I can only see this when at my gate entering or leave the property, I have no idea how frequently it has occurred. No laden truck usually could safely reverse up the slope on the quarry side.

10 On one other occasion a car that was reversing after encountering a truck ran off the road and down the steep embankment of the Paterson side bridge approach. A photo of this showing the attending emergency vehicles was included in my husband's submission to the revised application. On page 111, the reports state that:

15 *Some deterioration in intersection and road network performance is predicted. This would be expected to occur with or without the project and mostly result from broad regional traffic growth.*

20 In which universe will this volume of laden trucks and dogs not damage rural road network? A road engineer once described to me what they call the 10,000 or 100,000 factor. You can walk across your floor for 100 years without appreciable damage, but what damage would be done if an elephant did it once? No mention is made of the other dangerous traffic issues in Paterson. Only the Gresford
25 Road/Duke Street right angle bend is being improved. The sharp left angle bend 75 metres before the rail crossing means that traffic queued at the crossing is invisible until almost on top of it. There have been a number of accidents there recently fortunately not yet involving a loaded truck. Also on this bend is the intersection which – Church Street which leads to the primary school, police station, sports
30 ground and new subdivisions. This is already a hazardous and increasingly busy intersection.

The dogleg intersection with Prince Street has also been ignored. As several public submissions pointed out, this intersection is a serious safety concern because a high
35 concrete retaining wall totally obscures vision on both Prince and Duke Streets. With the added disruption during the roadwork, it's not reasonable, I don't think to allow truck movements of twice the current legal rate which is what has been proposed. Section A32 in the development consent states that:

40 *Daracon must relocate any public infrastructure that needs to be relocated.*

Surely, parking spaces constitute infrastructure. No mention of parking is made in the department's report or development consent, although in the original application Daracon proposed providing a parking area in Paterson. This seems to be not to be
45 included in the revised submission. Figure 6.5 in the department report contains a note:

New concrete footpath, kerb lay back and driveway access to car park to be constructed.

5 It's well-known in Paterson that Daracon purchased a block of land many years ago
ostensibly for a car park. Hopefully, the car park has not been proposed because of
the realisation of the utter unsuitability of this block which is accessed directly from
the problematic 90 degree bend and slopes steeply down to the river. Figure 6.5 in
the report does not make clear how many parking spaces will be lost. In section B58
10 Daracon is required to provide a summary of laden truck movements on its website
twice as a year as Cameron mentioned. Given what the department has called the
history of unlawful operation, this is manifestly inadequate to keep the community
informed. With very little trouble daily truck movements could be reported at least
on a weekly basis since B38 also requires the applicant to keep accurate records of
all truck movements.

15 We would also like information on the rail transport quantities. The identified
benefits of this project are totally outside the area but costs are all on the local
community. A large number of submissions concern property and business values.
The mention of property price impacts is in social impact 185 on page 49. Property
20 price impacts are identified as a residual social impacts and the people most effected,
the near neighbours or those who have – reside or have businesses along the haulage
route. In other words, from Bolwarra to the quarry.

25 MR WILSON: Maree.

MS AMOS: A quick count - - -

MR WILSON: Can you sum up, please. Sorry.

30 MS AMOS: I would like to say that the submission by the local real estate agent
made clear the severe impact of truck traffic on the marketability of properties. I
don't understand why the loss of tens or hundreds of thousands of dollars by me or
other is fair. The assessment report dismissively concludes with the mitigation
measures proposed which we know are minimal and token, the project would not
35 significantly impact the local community. How absurd. Following on Cameron's
point, as a retiree, we know and there are more and more of us, weekends are our last
choice for tourist activity. No tourism business could survive on weekend income
only. And the last point I really would like to make, the summary points out that the
proposed 500,000 TPA extraction is approximately the same as what has been
40 extracted illegally for many years as though this somehow justifies the approval for
the greater than threefold increase in legal extraction.

Reverse is true. We have lived through what the department calls a history of
unlawful operations so we know and have been fighting the impacts on our
45 lifestyle for years mostly through the council who first took legal action in 2015 and
knowing that eventually the law would prevail and we would get back to our
peaceful rural life. This fight was protracted because no agency appeared to have the

regulatory power or willingness to enforce the '91 consent. The report also smugly points out on page 32 that:

5 *The start of quarry operations over 100 years ago pre-dates all current inhabitants of the area.*

10 However, many of us have lived here before and through the entire illegal operation period so we know what it'll be like when the illegal becomes legal. The end of the report states that in spite of road haulage related issues being the key economic
15 issues of concern, the proposed annual road haulage rate is less than the historic average. So economic impacts on local tourism and businesses are acceptable. In other words, if you manage to survive the long effort by the community to stop the illegal extraction and the fight by the applicant to refuse to comply, if someone gets away with something for long enough, the community must be used to it so let's
20 legalise it. Is this how IPN works?

MR WILSON: Brendon Young. Just – Brendon, just wait while we - - -

20 MR B. YOUNG: Yes, sure.

MR WILSON: Thank you.

25 MR YOUNG: Thank you. Good afternoon, Commissioners, ladies and gentleman, and thank you for letting me speak with you this afternoon. My name is Brendon Young. I'm 64 years old and I live in the [REDACTED] I live with
30 my 66 year old wife Margaret on 11 acres of land. We bought our land a built our home because of the peace and tranquillity that the area provided. We've been married for 44 years and both are in poor health. Margaret suffers from muscular dystrophy and I have advanced metastatic prostate cancer. Both of these conditions
35 do not respond well to stress and anxiety. The increase in truck movements from the expanded quarry will travel on vastly inadequate local roads, lead enormously to our stress levels and ultimately to a decrease in our mental and eventually physical health. It is for that reason that if the expansion of the quarry does eventually happen then rail be the means of transporting the quarry materials. Rail was the preferred
40 method of moving the product from the quarry. Why change it now?

45 Economic profitability. That is the reason, but at what cost? Who will pay the price? The cost of transporting materials by heavy road will be paid for by the inhabitants of the local communities that border the road corridors, but these
50 inhabitants are not only human. What of the flora and fauna? The trees, animals, birds and reptiles. They cannot write submissions or speak at meetings but they are impacted just the same, in fact, more so. They'll not sell their portion of bush and relocate. No, they'll die. The human race in the 20th and 21st Century in its quest for expansion is causing more species to erase – more species to become extinct than has
55 ever been experienced in our history. We as Australians are leading the race to exterminate our co-inhabitants of this planet, but their voice is small.

In Australia we do not have a good regarding dealing with people with a small voice, our Indigenous people. However, after 200 years we said sorry. We said sorry. But who paid the price? It has been proposed that the quarry expansion will create local jobs and more employment in the area. My experience in this after spending 30
5 years in the mining industry is that there will be a small increase in personal employment but more importantly a large increase in the size of the machinery used to extract and handle the product. Economic growth of the community will be minimal. Economic growth for the quarry operator will be enormous. I fully understand that quarry materials are needed for our roads and infrastructure to be
10 built and maintained. My concern is for the safe and ethical transportation of these materials. Ethical, relating to moral principles.

If the operators of this project took a more ethical approach to this issue, I wouldn't be here. I'm not opposed to progress, but at what cost? Who will pay the price?
15 Ethics and morals, both interesting terms not usually used in the same sentence as budget proposals, economic viability, profit forecasts. But they should be for without ethics and morals the rest mean nothing. I'm chairman on a prostate cancer awareness and support group. I speak with men and their partners who are travelling a road I hope no one here ever has to travel. But when people come to our support
20 group I tell them that doctors, the medical fraternity, etcetera, they deal with the disease. Support groups deal with the people. As stated earlier in this, if this project goes forward in its present form and the impact on the environment is irreparable, who will treat the victims both hum and animal? Who will say sorry when it's too late? Who will pay the price?

25 I've spoken to you this afternoon about the impact that road transportation by – a product by heavy road transport on ill-prepared roads in an ill-prepared community will have. I've spoken about how if a more ethical and moral approach were to be adopted by the quarry operator, then the negative impact to the inhabitants of the
30 local communities both human and animal would be lessened. I've also touched on the fact that putting financial gain and profits before consideration of others goes against the moral fibre of humanity. Ethical practices. It just isn't right. My time is nearly up and when the bell tolls, it will be. Please don't allow the bell to be
35 sounded on the people and other inhabitants of these local communities, but once that bell has sounded, it can't be unwrung. Who will say sorry then? Who will pay the price? Thank you.

40 MR WILSON: Can I just confirm – sorry, Mr Young. Can I just confirm where you live. Are you happy to tell me?

MR YOUNG: [REDACTED]

MR WILSON: Did you say? [REDACTED]?

45 MR YOUNG: [REDACTED].

MR WILSON: Sorry?

MR YOUNG: I live in [REDACTED]. [REDACTED]

MR WILSON: Okay. All right. Thank you very much.

5 MR YOUNG: Thank you.

MR WILSON: I think that draws to a close our morning session; is that correct? So we will return in 30 minutes. Thank you very much. Thank you very much, everyone.

10

ADJOURNED

[1.42 pm]

15 **RESUMED**

[2.19 pm]

MR WILSON: Good afternoon, everybody. Good afternoon, everybody. Welcome to this afternoon's proceedings. I would like to call now Mr Todd Oldfield.

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MR T. OLDFIELD: Thanks. Thanks for squeezing me in since I can't be here tomorrow. If you don't like it, just move. The buck stops with me. These are the arrogant comments made by David Mingay, the owner of Daracon, while addressing the residents of Paterson and surrounds regarding this quarry expansion. Just a little history. I've been part of this process dating back to when the panel was called the PAC, Planning Assessment Commission. Now you guys are called the IPC, Independent Planning Commission. Should this name change instil any confidence in the community that you're actually independent? It appears that the New South Wales Planning Department is not.

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Has anyone checked if there have been political donations from Daracon? This morning we have heard the department – the Planning Department – try and sell us this project. I'm a resident of Paterson and have enjoyed the peace and quiet of this historic town for time before Daracon started operating the quarry illegally. We the residents have the lived experienced of the excessive blasting, dust, vibration, noise, pedestrian safety, congested and dangerous damaged roads. Who would want to visit Paterson, grab a coffee and sit down and put up with trucks thundering past as often as they will? Who will want to try and get in and out of their car to duck into the shops while trucks are passing each other in the street? Think about parked cars either side with their doors open and two trucks trying to pass each other. It's a recipe for disaster.

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Who will feel confident their children are safe existing school buses and crossing roads to get home? For the record, can anyone explain how Daracon made millions of dollars whilst illegally operating the quarry yet they only paid a small fine? My concern is the same thing will happen with any guidelines or limitations that you put in place. For example, truck drivers have told me they can go over the weighbridges

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without receiving a ticket and therefore there is no record of the truck movement. This will easily falsify truck traffic movements and the actual volume of road use. Who will regulate them? Who is going to count the truck movements? How will they be held accountable? Who will monitor and record the figures for dust,
5 vibration, water pollution, truck movements, road incidents and road damage? This needs to be accessible by the public in real-time so at least someone can keep an eye on them and hold them to account.

10 Some food for thought. I work for the mining industry. I have seen firsthand the relationships between mining regulators and coal mines. The mining regulators, inspectors let the mines know in advance they are coming to site. This enables the company to get everything in order before they even arrive. I would have thought that turning up without notice would be the best thing to keep compliance in check. I
15 expect this would be the same process for the quarry. Again, I ask people hold them responsible in between these pre-arranged inspections. If a fine is issued for non-compliance, I can only assume there'll be a small fine and a slap on the wrist similar to the mining industry.

20 I would also like to ask does Daracon have any proof of their consultation with the business owners and residents that will be directly affected? Because at most of the meetings I have attended there have been people complaining that they didn't know anything about what was going on. It seems they're only finding out through the general community. Now that this has dragged on for so long businesses and
25 properties that are under new ownership are just finding out. Umwelt have said that there are 686 submissions to the Planning Department. Of that 686, 95 per cent of the submissions were in objection. The councils of Dungog and Maitland do not support this project and yet the Planning Department goes ahead and recommends the project. How should the public interpret this decision? Were our concerns heard
30 at all?

The Planning Departments can't even get the basics correct. They state the Gostwyck Bridge is a two lane bridge, single lane for heavy vehicles. In fact, it is a single lane for all vehicles. If simple details like this are incorrect, what else have
35 they got wrong? Also, it's quite strange how the Planning Department's website has 1061 submissions listed in comparison to Umwelt's figure of 686. Can someone please explain. It just doesn't add up. So will the panel be reading every single submission on the planning website that residents have taken time to lodge on the understanding their voice will be heard? Will they take the time to understand the
40 community's concerns and how these concerns have not been addressed?

I'm assuming by now the panel knows about Brandy Hill Quarry and their truck route will join with Daracon trucks at Bolwarra. Just how congested and unsafe do
45 you want to make our roads? I just wanted to mention this again so it sinks in, I really mean sinks in because at the end of the day my wife in the car with my kids driving that road every day, it's not yours. I'm assuming the panel knows where all the other quarries are in this area and how they are positioned on main roads and do not require travel through main streets of small towns. Even the proposed Stone

Ridge Quarry on Italia Road will have direct access to the Pacific Highway. So why does Martins Creek Quarry need to be turned into a mega quarry?

5 Just something else in case you missed it already. Martins Creek Quarry has the ability to utilise trains for transport. If this infrastructure is available, why do truck need to increase at all? The answer is plain and simple: profit and greed come before the safety of our community. I have four children who'll all be getting their licence over the next eight years. It concerns me that you're willing to add risk to their lives by introducing more heavy vehicles on our local roads. I'll leave you with
10 a quote from Thomas Sowell:

It's hard to imagine a more stupid or dangerous way of making decisions than putting those decisions in the hands of people who pay no price for being wrong.

15 Thanks.

MR WILSON: I'd now like to introduce Jan Davis.

20 MS J. DAVIS: Thank you. Can you hear me?

MR WILSON: We can. You might have to speak up a bit, Jan.

MS DAVIS: Okay. Can you hear me now?
25

MR WILSON: Yes. Very loud and clear.

MS DAVIS: Lovely. Thank you very much, Commissioners, and thank you in advance. We also acknowledge land of Wonnarua people a full submission
30 but today. Thank you, Commissioners.

MR WILSON: Thank you.

MS DAVIS: primary concerns about the impacts of the operation has on
35 habitat for endangered animals. We believe that will be destroyed. We also believe that in the vicinity. We believe that this – that these issues to show due to the proximity of Martins Creek – due to the project proximity – sorry – to Martins Creek proposed use of locals roads between Martins Creek and East Maitland including through Paterson quarry products. The department considers
40 that relate to traffic and transportation air quality and impacts and the ongoing landscape. The department said it considers that potential water, biodiversity and rehabilitation and impacts are also issues for the project.

45 However no evidence of that the other issues surrounding this quarry are increased air quality degradation and noise as well as issues which would also weigh heavily we believe should apply of not previously, Daracon was 300,000 tonne per annum railway load production to increase the scale to 1.1

million tonnes per annum. The main problem is truck at that point all trucks to go to the so Butterwick Road could only be used for local however when that quarry was operating illegally that the quarry truck traffic impact and other road users of that bridge.

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The Martins Creek Quarry truck volumes under this plan will be similar to then. The means traffic in Maitland and East Maitland in particular now are much worse without any Martins Creek Quarry trucks 45 per cent of trucks in the future quarry operator Daracon increase of the number of Hunter Environment Lobby but we object to this overdevelopment and destruction of habitat needlessly which endangers local population at the same time. In 2021 residents of the Martins Creek express concerns about the potential impact on heritage conditions, noise and environment. It is time for you to order our health and the health of our precious environment. Thank you very much. I've sent the bulk of the submission in on email. Thank you, Commissioners.

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MR WILSON: Thank you, Jan. So I'd like to call Fiona Baker.

MS F. BAKER: I'm a shorty. Thank you. Good afternoon, Commissioners. Thank you for allowing me the time to speak today. My name is Fiona Baker and I reside in adjacent to the railway station. Behind me is the reserve and I can review Tocal Maitland Road from my backyard and hear the traffic noise. I will be impacted both via rail and road by the proposed expansion. I won't be speaking on what has already been stated today or provide a separate written submission with my analysis of the proposal before it closes. Today I am speaking as a resident, a commuter, a consumer, friend and most importantly, a mother.

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To start, I would like to state that I do not wholly oppose the operation of the quarry. I can clearly see the economic value it brings to the region, local jobs and the product extracted for use by council on infrastructure improvement will no doubt be of benefit to our shire. We cannot dismiss that we have lived in harmony with the quarry for many years as it stands. However, the proposal that has been put forth and conditionally approved places the local community in an impossible situation. We are told to not have an emotional response, but there are very relevant safety concerns for those of us who reside in the village as both pedestrians and road users. I have a son who travels on a school bus to Dungog every day. His bus stop is located at He travels along the route which these trucks will travel. His bus stops at least three times on the roadway between Paterson and the turn off to the quarry.

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In the last 20 years I have witnessed near incidents many times as there are multiple school buses and traffic travelling both ways on the roads in these peak times. As a mum, how can I not have an emotional response to this proposal? The assessment report noted that a bypass of the village of Paterson would likely require extensive road upgrades, involve travel over a longer distance and not necessarily achieve substantial reductions in traffic. It also stated the requested 500,000 tonnes per annum to be moved via road is a rate not dissimilar to the historical transportation

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rates between 2002 and 2019. I was also of the understanding that the original 1991 proposal was for 300,000 tonnes per annum with 70 per cent moved by road. That means 90,000 tonnes. 24 trucks per day. How is that the same as stated in the report as what is proposed now? I just can't fathom how that is in the report.

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With all the evidence put forth today surely you cannot agree to the statement either. Anyone who lives in the shire knows the council struggle with road funding. Our roads are already under constant repair and with continual filling of potholes especially after weather events. I would ask how the increased measure of movement is not going to adversely affect the road users as stated and the wider community. My immediate concern is for the safety of my family and friends and their welfare and wellbeing. If you talk to any community member, they will honestly respond with the details of the noise, near misses and infrastructure decline which has been detrimental to the mental health and safety for anyone who resides of travel within a specific route. The current proposal does not provide any confidence within the community that they truly care for our safety and wellbeing. Historically, their response to our concerns have been less than ideal to, you know, say the least.

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The new proposal approved has special conditions and reduction from the original, however, it still does not address the true impacts on residents and local business other than the proposal surface fixes, so to speak. You cannot analyse these on paper. The changes do not alleviate my concerns, it increases them. I have a daughter who is on her P-plates as do many other parents in our region. We have Tocal College just up the road and along the route and they are also younger, less experienced drivers who use these roads at peak times. Some intersections in town cannot cope with the current amount of traffic. If you've ever tried to negotiate the left turn from Prince Street onto Duke Street, you would know it is a blind intersection and we cannot see the oncoming traffic. It doesn't allow time for a reaction if a truck would be coming through at the proposed rate which equates to every one and a half minutes at peak times. I use this intersection daily.

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The impact of this decision has greatly affected the wider community and I've witnessed a decline in mental health of many people whom I call friends as well as myself. This is not an over exaggeration. We are still recovering from an unprecedented few years of disaster. We suffered through drought followed by devastating fires, floods and the pandemic which saw the whole of the world suffer. Our local beekeepers are now struggling with the impact of the varroa mite response and the whole country is struggling with cost of living pressure and inflation, rising interests and the real threat of more floods this season. In this time local businesses suffered yet still found a way to operate to serve our community. This is how we cope as a regional village. We support each other in tough times. No submission on papers can truly capture our spirit nor can it understand the daily challenges we face negotiating our roads and poorly maintained infrastructure.

45

The Department of Planning and Environment assessment states there will not be an excessive effect on this aspect of the project yet ask anyone who travels through here daily and they will state honestly from a position of experience that our roads are not

good enough and the amounts proposed to council will definitely not make enough of an impact to maintain them at this rate of movement proposed. We have lived in harmony with the quarry for many years and realise that there is – that it has been there for a long time. I would ask the current proposal be rejected and that Daracon
5 go back and propose a smaller expansion in stages, limiting road movements similar to that which we did live through the years from 1991 approval which equated to the 24 trucks per day. I would ask they work with residents surrounding the quarry to continually monitor report on real-time noise levels for blasting schedules which will not have a greater impact on surrounding residents of Martins Creek.

10 I would also request they propose even more rail movement as this is the safest way to move forward for all of us and I live directly across the road from the train station. I will be affected by noise, but I'm more concerned with safety. There can be better negotiation with the community which really addresses our concerns. The
15 submissions opposing the quarry speak for themselves and you cannot request the community to speak without emotion as they are living a very real experience. We also feel as if these concerns have been dismissed by the proponent and the relevant departments assessing this expansion proposal. Finally, I would like to address the very real aspects of the decline in mental health this will cause on an entirety
20 community of people. I ask you how much is even one life worth?

Certainly, it cannot be worth the revenue generation the quarry proposes that will not necessarily be spent in this region. The real prospect of a road accident or the stress that may be put on a member of the community who has struggled far too much over
25 the last few years. Add to this very real concerns on the decline in the value of their property. Meanwhile, interest rates continue to rise and life seems to get harder. These are very real and raw concerns. Nothing that has been put forth so far is good enough to protect the lives of my children so I ask again, how much are our lives and mental health worth? Thank you for allowing me the opportunity to speak and I do
30 hope you take into consideration everyone who has either taken the time to put forth a written or verbal submission. Thank you.

MR WILSON: Fiona, I just want to address the issue about emotions and non-emotions. I'm not quite sure the Commission's ever set an edict that we wouldn't
35 listen to emotional submissions. We understand this has been going on for many years, 10 years and we accept that there's a lot of input into our decision-making process and that may be emotional. We've never said for anyone not to make an emotional submission so, please, that doesn't come from us. I'm not quite sure where you got that from, but it certainly didn't come from the IPC.

40

MS BAKER: I got that from many people in the community - - -

MR WILSON: Okay. But not from us.

45 MS BAKER: - - - who have been told - - -

MR WILSON: Well, I'm telling you - - -

MS BAKER: - - - you know to state facts and figure and not emotion.

MR WILSON: Yes, I know.

5 MS BAKER: Yes.

MR WILSON: I understand that. That's – and we understand that, but we understand there's a lot of emotion from all stakeholders.

10 MS BAKER: Yes.

MR WILSON: So I just want to make that clear.

15 MS BAKER: I'm glad that's going to add weigh to the decision. Thank you.

MR WILSON: All right. Thanks. Okay. I would like now to call upon Julia Wokes.

20 MS J. WOKES: I'd also like to thank the commissioners for coming to Paterson to hear our issues and, in fact, yesterday I prayed that you did hear our issues because I was terribly concerned that I wrote in 2016 and I also wrote in 2021 and I don't believe my objections were heard. And, in fact, out of the 670 public submissions, as we've already heard, 634 objected. I consider myself extremely fortunate that I actually have a church to go to in Paterson. I note only have a church, I have many
25 more amenities and services and Chris Walker's already enumerated those so I won't go into that other than to say that we have shops, services and entertainment here. All this with a population, you know, compared to – with your question of 892 in the 2016 census. This shows our level of services and amenity shows the extent that Paterson is a true rural service community.

30 So state governments have been trying for decades for such successful decentralisation. Social isolation is a big issue in our communities today, not so in Paterson We have a very cohesive community where people can actually join a huge number of clubs for such a small population – relatively small. There's the CWA,
35 rotary, Progress Association, historical society to name a few. What do you think would happen to the village of Paterson with all this wonderful amenity and community with 280 trucks a day moving through the village? As we've already heard, that' a truck every 1.5 minutes on top of not inconsiderable amount of traffic that already moves through the village. The village and its community would slowly
40 wither. The lack of safety and lack of amenity would kill the commerce and services available.

I know that the DPIE planner James – and I'm sorry, I don't know the exact
45 pronunciation – advised James Ashton the lived experience was not taken into account in the assessment because it wasn't possible to quantify. I could actually take this planner through Hunter Valley and show him countless examples of the death experience to communities from extractive industries because that's their lived

experienced. In 1991 the approval of 300,000 tonnes per annum from the Martins Creek Quarry was in consideration to the rural and village amenity and when I look at the Martins Creek Quarry Project prepared by the DPIE and the development consent, I keep seeing Mr Kelly being asked wasn't he aware of the 300,000 limit
5 and the Mr Kelly saying yes, but we couldn't make any money from those restrictions.

So I looked at the conditions in the development consent documents and ask why would Daracon be any more likely to abide by these conditions. Any breach in the
10 consent does not lead to a cease and desist order. It leads to process involving the department which can take months. There are no penalties included in the consent. Not only that, section A31 of the consent permits Daracon and the planning secretary to modify the strategy, plan and program without consultation with the community. Very concerning. And I come to hear – coming from the western part of the valley, I
15 come – we left Jerrys Plains to come to Paterson in 2005. Jerrys Plains was very impacted by extractive industry. We bought a – locally when – locally heritage listed property. We ran a beef operation, a wholesale nursery and a B & B. Duninald was the first grant to non-convict settlers in 1821. Thank you. We were – and we are on Paterson Road and we access Tocal Road over the bridge. So Duninald and Paterson
20 are together. So the impact on Paterson seriously impacts on us. It also impacts on our operations.

The trucks from Tocal Road – we actually come out of Paterson Road onto Tocal Road over a bridge. The trucks on Tocal Road will make it difficult and unsafe for
25 us, the cattle trucks coming to and from the farm. Our staff at the nursery largely come across the bridge. I have responsibility to provide a safe working environment which includes their transport to and from work. We have visitors to our B & B who are unfamiliar with the roads and to access the amenity of Paterson across this bridge. This is a route which is taken by trucks just as the gentleman from
30 Butterwick was saying and – and I do notice that within the consent there are roads which are earmarked, that this is not a road which is actually earmarked to be looked at and when a truck – believe me, when a truck swings on to the bridge when you're travelling in the opposite direction there's nowhere to pull off, just the Paterson River below or to reverse.

35 The other impacts. Noise, air and water quality our B & B Old Duninald is the oldest house in the Hunter Valley. It was derelict when we arrived and we have renovated it so visitors can come and enjoy our beautiful valley. It is part of a push for tourism to become an important economic driver in our shire. Many of our
40 guests comment on the peace and tranquillity of the house and surrounds. This house is 335 metres from Tocal Road. In the development consent B4 there is a reference to road noise, yet B7, the noise management plan only refers to noise at the quarry. Not so travel with a truck every 1.5 minutes. That's if they're spaced out. I find it absolutely extraordinary that the DPIE in their executive summary assert the traffic
45 volumes generated by the project would not result in a change to existing levels of service for routes – along the primary route. It's – we've had these figures before but I repeat, a basic understanding of numeracy would see 30 per cent of 300,000 tonnes

is 90,000 tonnes to be moved by road over a year. This is the current approved amount.

5 The proposed amount of 500,000 tonnes moved by road over the year, that's an additional 410,000 tonnes. That is a 450 per cent increase. James's video has already highlighted the issue of road noise and it's well documented that excessive noise level can have negative health impacts. Similarly, I have concern about the air quality. Air quality operating conditions focus only on the quarry. The air quality is significantly impacted by road transport, diesel fumes, dust and silica and just as the previous gentleman from Butterwick has experienced cancer, I've had three cancers since I've been at Duninald. So air quality is extraordinarily important. There is provision in B44, C3 for there to be minimising transmission of dust and tracking of material onto public roads. Where reasonable is defined as applying judgment in arriving at a decision taking into account the cost and benefits associated with the mitigation. No one is saying who is making that judgment.

20 The expansion of the quarry has a cumulative impact to well documented poor air quality in the Hunter Valley. I'm also very concerned about water quality. Our beef and nursery operations depend in on quality irrigation water from the Paterson River. There is a gauge for salinity at Gostwyck Bridge but no monitoring of heavy metals or other substances. There is provision B35(2) to monitor discharge but no detail as to what it is actually monitoring. The water quality section looks quite detailed – the part of the consent but one asks the questions how familiar was the planner with our water plans when it suggested Daracon obtain water licences to meet the requirements. The quarry is in the unregulated Hunter plan and there's no trading, so how they're meant to acquire the water licence I don't know.

30 The socioeconomic impacts. The change in scale from 300,000 tonnes per annum to a mega quarry of 1.1 million tonnes changes the entire community. We grow from a bucolic rural community to an industrial environment with only one winner and as the previous – Daracon and as the previous speaker said, the rest of us need to get out of the way because we're coming through. Words spoken by David Mingay to a Paterson community meeting. We left an environment heavily impacted by extractive industries. If in doubt, please drive through my old community from Singleton to Denman to Jerrys Plains onto Muswellbrook and down the New England Highway. What do you think the properties are worth in that environment? Has the reduction in our values been taken into account in the cost benefit analysis by the department? No rural residential blocks there. No properties like Duninald. No tourism, no horticulture. As president of the local district Landcare group I'm very concerned about the environment. The proposed environmental destruction by the quarry expansion adds to the cumulative total of environmental loss in the Hunter Valley. Similarly, the power granted to the planning secretary – the planning secretary can waive some of the environmental plan requirements if they are considered unnecessary. No clarification on who has suggested they are unnecessary nor any lens on this process. In summary, I implore you to reject this application for the expansion of the quarry and the haulage of 500,000 tonnes of material through our roads for the next 25 years. Thank you.

MR WILSON: Just hang on a tic. Can we just – Julia, can we just ask one question.

PROF BARLOW: Yes.

5 MS WOKES: Certainly. Any questions.

PROF BARLOW: Mrs Wokes, you and your husband are – sorry – is that all right?

10 MS WOKES: Okay. That's all right. Well, you can still hear me though, I think.

MS: Yes. Beautiful.

PROF BARLOW: Can you hear me?

15 MS WOKES: Yes. I certainly can. Thank you.

PROF BARLOW: Thank you. You and your husband have run a rural business in, you know, the thoroughfare of Paterson and you've been there long enough to have the lived experience of the high truck numbers and lower truck numbers and perhaps
20 some demographic changes in Paterson as well. What's the experience of your business in this? Have you had cycle – you know, there will be the normal, you know, droughts and floods - - -

25 MS WOKES: Yes.

PROF BARLOW: - - - but – in rural businesses, but have you seen particular trends that have or have not been related to the trucks, but is there a growth in your business at present in Paterson?

30 MS WOKES: The reality is is the beef operation other than there's danger for the trucks coming in and out and the nursery business, the safety issue for our staff. The major impact is that we have spent a considerable amount of money restoring the oldest house in the Hunter Valley to a B & B. This is part of the effort of the – the shire's supported it, I've actually had State Government supporting tourism.
35 Tourism exists and our B & B business exists because of Paterson. The – you know, the fact that there are three places for coffee, there's accommodation there, there's two pubs, there's a fabulous park, Tocal have now got these weddings here and when we first arrived there was the rumble of, you know, the odd truck going through. Certainly, there's been an increase of traffic just generally which has nothing to do
40 with the quarry, just because of increasing number of residences here. I'm not sure whether the chook farms are about the same. Certainly dairy's declined but there's just not – there's a considerable amount of traffic anyway.

45 When the – looking at my notes for my presentation, when the trucks went up to whatever number they went to, my notes in I actually – I do exactly what the environmentalists want me to do. I do everything I need to do in Paterson. I – we use every single service available in Paterson and it is fantastic to have that there.

My business in – and the – I’m able to do with my B & B people I’m able to say please go and have a coffee, please go and, you know, buy gift, you know, go and – go to the pub. And without Paterson, there isn’t a lot – you know, there isn’t a lot.

5 PROF BARLOW: Thank you.

MR WILSON: So just before you leave, sorry, can I just ask one question. Whereabouts exactly are you located in relation to Paterson?

10 MS WOKES: So we’re directly opposite – so we’re directly opposite Tocal. So
- - -

MR WILSON: Okay.

15 MS WOKES: So – and, in fact, James Webber when he selected his land, William Dun selected his land in January 1822.

MR WILSON: Right. Okay. Thank you very much.

20 MS WOKES: Yes. Just directly opposite. Yes.

MR WILSON: Thank you.

MS WOKES: sorry.

25

MR WILSON: Can I now please call Stephen Sneddon.

MR S. SNEDDON: Hi guys. I’d like to pay my respect to the traditional owners both past and present whose lands we’re gathered today and welcome and thank the
30 IPC commissioners for coming to Paterson. I’m Stephen Sneddon and I am a member of the Martins Creek Action Group. I didn’t declare that when I put in. I think I should. However, I’m here today representing the three generations of my family residing in the community for over the last 47 years. I’d like to voice our objection towards the quarry project. A quarry approved for the of railway
35 ballast and material and now reclassified for an approval as a general aggregate quarry never noted in the assessment report of October ’22.

I’d like to draw the commissioners’ attention to the vibe of the community and how this project has been presented to the community and to regulators alike from both a
40 technical and real lived experiences. So the vibe or the first impression spoke about before a real lived experience of a community living near the quarry along its haulage routes. The predicted impacts as per the assessment of October ’22 have already been experienced so it's very important to understand what you’re hearing is not based on modelling, it’s not based on perception, it has been – happened before
45 and these are real lived experiences. From the onset, the project has been sold as a reduction and approval sought 1.5 down to 30 year project or a 1.1 25 year project

and the department has now said in the assessment that the applicant was listening to the regulators and the community.

5 Actually, if you view the response from the then director resources assessment to the applicant on the 2.12.16, what's clear is the EIS and the incorrect baseline used was totally inadequate and if you review the attachment 2 of that, you'll see why that was so. Unfortunately, the recent assessment of October '22 continues a reduction in scale upfront. Then you go to page 5 and what's actually approved today. The baseline's not 1.5 nor 1.1. It's actually 300,000 as per the consent or 500,000 as per
10 the EPL licence and trucking baseline 60 movements per day, not 480 down to 280 as highlighted on page 2 of the defining the project assessment. If this information was presented correctly upfront and I've only seen it on the board once today, it really changes the vibe of the project. So, Commissioners, what you see today and what you witnessed during your site inspections is the real baseline which should
15 have been adopted for all modelling to assess the impacts of the project. So what's the vibe of Paterson?

And I rural village with a thriving CBD, schools, churches, historical buildings. Really a great place to live, play and visit. Actually, Commissioners, if you were to
20 pick this up on your trip up here from East Maitland all the way up through. I'm biased and proud to admit it so I went for a bit of a google independence and found the micro suburbs report for Paterson generated for this latest census – yes – confirms it. In summary, tranquillity 10 out of 10, lifestyle 10 out of 10, family eight out of 10, safety 10 out of 10, community 10 out of 10. So why did this idyllic
25 community members have over 634 submissions been received objecting the project? The answer's easy. Because they've already lived through it. What's been predicted? They've lived through it. I hope you listen to these real lived experience because from my understanding and from what the department has said, there's no box to tick for this in your assessment process.

30 So what has the DPI – well, I'll refer to them as the department from now on – concluded? What's their vibe? The assessment emphasise the need to carefully balance consideration of competing land uses. The department believe their assessment has achieved this. A balance of environmental, social and economic
35 costs and the benefit of the project. I'm afraid I don't agree with this to be the case nor do a lot of people in this room. The outcomes are still the same, the risk to sustainability and viability and liveability of the community are almost certain. The department states several times in their assessment the proposed production rates for the project are not dissimilar to the illegal period of production and that residents
40 have been subject to these impacts before for many years. Why does this make it acceptable? Does the department believe it's acceptable to disregard approvals?

On page 30 of the assessment, traffic and transport, the department consider that the appropriate mix of road and rail options have been incorporated into the project to
45 balance road haulage related impacts to the community with the viability of the community. There appears to be a heavily weighted sentiment from the department towards the viability of the quarry. Sorry, that should have been the viability of the

quarry. There appears to be a heavy weighted sentiment for the department towards the viability of the quarry. I think it prudent to remind the department that there are many other quarries supplying similar products into the marketplace who only want to compete on a level playing field. Did the department in their assessment
5 independently research the supply of product coming online or solely on what was put forward to them?

As we speak, there's other quarries around seeking application to bring online 1.5 million tonne per annum for 30 years of similar product that will not be travelling
10 through a multitude of communities. Liveable, sustainable communities are also a priority and the viability of Paterson is under serious threat with this project. The viability of the community nor the approval process was never considered when and I'll quote from the New South Wales Morning Herald:

15 *The operators of the quarry knowingly breached their consent and illegally extracted over 100 million worth of product from the quarry causing community rage, mayhem and dysfunction.*

On page 31, the department acknowledge traffic and transport impacts from the road haulage are a key community concern and states these concerns are "fully
20 understandable". Then they go on to say:

25 *The applicant's transport impact assessment indicates that the traffic volumes generated by the project would not result in a change to existing levels of services of each of the roads along the primary haulage routes.*

The department then state:

30 *The broader traffic growth would generate the same amount of deterioration with or without the project.*

And they're virtually word for word out of the statements. They ask the commissioners how this could be reasonable or feasible comment. How injecting
35 280 truck movements per day will not impact on local roads. If the concern was fully understandable, there's no evidence of interrogation in this point. My lived experience over the last injection of 280 truck movements per day was of local learners terrified and staying off these roads, elderly neighbours, some of mine, ceased to do their working trips to Paterson and Maitland due to fears and interaction with trucks. These folk became socially isolated and I believe the trucking seriously
40 contributed to a loss of wellbeing and a sense of place for them and I could go on and on about that sort of stuff. I'm sure you'll hear plenty of that. It was truly a community under siege.

45 The noise and air assessment adopted data from illegally – illegally operation period as similar to the new project. Residents were subject to these levels for many years and were outraged. That's why we're here today. Using data to inform baselines for a new project is incorrect and accepting this is neither a reasonable nor feasible

approach to project assessment. I'd like to discuss the social impact assessment. On page 49 the department acknowledge that the nature and scale of social impacts are difficult to accurately predict particularly in relation to intangible aspects.

5 Nevertheless, the department's in-house social expert found the social impact assessment was thorough, inclusive and meaningful and the community and stakeholder engagement process represented leading practice in SIOs. I tendered one of the social collaborative assessment forms and shortly after when

10 I've seen the rankings and the ratings come back I penned a note to the senior planning minerals and quarry assessment and if you just bear with me, I've just got that and I'll attach this all in details later. And it's – it was to the senior planning minerals and assessment commission – assessment collaborative assessment program:

15 *As a resident of Paterson Martins Creek community, I'm very disturbed at several aspects of the social collaborative assessment forum I recently attended at Tocal on the – February the – sorry – Friday, 12 February '21. My main concerns include communication of the event, the information at the meeting was not broadly disseminated within the community, unless you're on the*
20 *previous emailing list of the proponent, you were not aware of the opportunity to contribute. Since the Land and Environment ruling the region has grown to its appeal of rural amenity.*

25 *Through my inquiring, particularly along the transport route, many of these new residents were unfamiliar with the proposal. The presentation was quite detailed we received. It was in a – the font size was quite small and difficult to read you have a look around this room, you'll understand why I say that. Audibility was certainly an issue and inadequate time during that collaborative assessment was allocated to complete the presentation that were delivered to*
30 *us. Neither session completed the entire contents of the presentation. The social impact assessment information presented omitted to include the approved quarry operational conditions which was the '91 consent. The omissions of these conditions in comparison to the latest proposals doesn't reflect the true social impact or allow for accurate project ranking. The process and outcomes didn't include physical – didn't physically include*
35 *community representative from – and in my point, not a true inclusive process.*

40 *The actual lived experience can't be interpolated and should be reflected in the risk process. I'm not aware of any community members being invited for the – to do the final risk ranking. I am continually astonished with the concept that the mitigation measures proposed to allow this quarry would be acceptable by any reasonable person in relation to this proposal having lived through the experience of previous quarry operations, I personally view the 2020 quarry proposal as socially immoral. Thank you for taking time for my concerns.*
45

And I didn't say that – didn't write that lightly. I've had a fair bit of experience in this field. Okay. It was interesting to hear Martins Creek Action Group comment

from their independent experts in this field that a number of residual social risks should have been more correctly rated as almost certain to occur, having a major social impact that will result in an extreme or very high risk ranking. The mitigation measures such as driver protocol as discussed at the assessment are soft measures and we all know soft measures are inadequate. The social impact assessment omitted to include the loss of social capital. This community has already suffered the loss of valuable members due to the project. There has also been a considerable change in business ownership in the last two years. These new owners have not felt the continual pressure of trying to stay viable under the burden of the horrendous social cost imposed on this community by the quarry.

I believe the social impacts in the assessment have been deficient in the following areas. Traffic and transport. It's not addressed the increasing rail movement of the new project's product being a fine product that's high silica content. There's a line of thought, including me, that all products should be moved from the new project by rail. My house is about 25 metres off the railway. The assessment failed to explore whether this would create or simply just relocate a potential significant health issue. The health and welfare of the people living adjacent to the rail also needs to be considered. This should be explored by the applicant supporting – or a proactive business would have been already been on top of this – the Hunter and Upper Hunter Regional Air Quality Network by installing real-time monitors and quality monitors and instrumentation in Paterson and Maitland to understand if the future haulage of this product, the fine particle levels, if it's going to be altered at all.

This will provide real, valuable baseline information and ensure if rail transportation of this product was increased, potential health impacts identified, measures could be implemented to mitigate these impacts. These air quality networks are great. They're not totally transpirable and accessible to the community. Another aspect was amenity. It's much broader than Martins Creek as stated. Liveability is a major aspect of overall amenity. I've spoken with many people from Gostwyck Bridge down to the flats – down to the flats and the sheer fear of entering and leaving their properties during the trucking was horrendous, even more worried about people coming along. Sense of community is much broader than Paterson. Extends the entire route. Numerous communities and clusters of housing along the route have suffered the same impacts as the people of Paterson.

Community trust. We've heard this so I'll just try and move on quickly. If you don't like it, move, so you know where that's come from. Health issues such as depression and anxiety are hidden and community donations won't fix this. The ongoing social cost to this community and others is a burden the community still shoulders from the illegal periods. I don't believe it reasonable or feasible for our communities to prop up the viability of the quarry at the expense of the community's health. My final topic is in a real-time monitoring as discussed in part B of the specific environmental conditions. These conditions and associated equipment, it's listed as contemporary, they're not contemporary. They've been in place in other mining industries since 2005 – yes – and if used correctly they are good.

A major omissions from the assessment is the ensure all real-time monitoring including air direction detection blasting complaints and daily volumes of material as captured within this system and in that it is transparent to the communities and the regulators. In conclusion, I believe the assessment to be
5 inadequate or inappropriate. It's used incorrect baseline data for all modelling and impacts of the new project and the process for determination of residual risk, social risk. The impacts from the illegal operation resulting in extreme or very high social risks to a community. I fail to see by legitimising the same level of impact through a contemporary consent will result in a different outcome. Thank you.

10

MR WILSON: Thank you, Mr Sneddon. I'd now like to call Krystal Barry.

MS K. BARRY: Can you hear me well here?

15

MR WILSON: Yes.

MS BARRY: Okay. I'd like to start by acknowledging the traditional owners on the land that we gather today, pay my respects to elders past, present and future. I'm not a lawyer or a consultant. I don't bring fancy words, presentations or stats and
20 graphs to persuade you to side with me. But I'm a daughter, wife, mother and someone who lives and loves in Paterson. I'm a part of a four generation family who has lived in Paterson. My son Finn is here with me today

25

MR F. BARRY: Hello.

MR BARRY: I [REDACTED]
When it's operating we can hear it and we live along the railway. My points I outline to you today is the importance of health and safety impacts to my family, friends, neighbours, the community from Martins Creek to East Maitland. My son
30 Finn is starting next year which will entail transport from either myself, husbands – not husbands, husband – his grandparents or the school bus once I can accept that he's growing up as an independent little boy. I'm not sure if the Commission panel has driven around Paterson and Martins Creek but the roads are not great, potholes everywhere, which Dungog Council finds hard enough to maintain as it is.

35

Now, imagine the impact that the additional haul trucks will have on our roads, the ballast and potentially construction aggregate they'll haul. You can say the trucks will be covered but we all know the material it carries comes away, creates dust, the rocks on the road smashing into your brand new windscreen you just go fixed last
40 week for the same problem, let alone the intimidation of sharing a one lane country road with big haul trucks carrying tonnes of material for profit which the community doesn't get or need. These massive trucks driving through our small town during school hours, driving past multiple preschools and schools.

45

Our roads are not built for a quarry to be expanded and the increase of trucks it will entail. Since Daracon put in their expansion quarry application years ago the community has grown. There has been more families moving into the area with

more little ones to escape the traffic and congestion, chasing that fresh country air, but now this could be stripped away. I can assure you that new community members do not understand the full implications this will have on the area. As a fourth generation family member of Paterson who has lived through the quarry being open and operating, it wasn't – illegally, I might say – it was not good for the community or the businesses in town. My family has had firsthand experience with my husband's grandmother who lived on Maitland Road in Paterson with all the trucks going past.

10 Maitland Road in Paterson is a central hub for the surrounding communities and – surrounding communities. We run down to grab milk and break, head into the butcher's to grab some meat for dinner or down to the tab or top pub for a beer with mates. The expansion of the quarry will impact parking and the safety of crossing the roads, again, with little ones. The Maitland region loves Paterson. It's beautiful here. The river, the park, the cafés, the pub for lunch, what more could you want? Paterson is growing in local tourism and you'll have people who are not from the community sharing the roads with these trucks and potholes. It's a one-way lane from here to East Maitland with more people moving into the area and the approval of housing developments the congestion is getting terrible on Flat Road coming into East Maitland on Melbourne Street. Imagine the impacts the trucks will have. We aren't a city. We don't live in Sydney CBD.

Traffic accidents have increased in the community, growing especially the corner near the CBC and now additional trucks on top of it all. What will it take for the New South Wales Government to take our concerns seriously? A serious car accident? A child being hit by a truck, perhaps? I'd also like to mention that it's been said if we don't like it, just move. You got to be kidding me. Four generations just rip up and move for a quarry that leaves environmental impacts, rips up the dirt for rock. The people who have recently moved here will not fully understand the impacts this expansion will have if approved and it'll be a little too late so please hear my pleas. A fourth generation and someone who loves in the community I live in. Please understand that these trucks are driving through the heart of our community, past schools and don't care for safety, just make sure they can get the load in and out as quickly as they can.

35 Yes. Daracon and the Department of Planning will show you the fancy presentation stats, use legal terms, lawyers, whatever it is, but they aren't living through it. Their presentations are not factual of what the community is living through. You'll have people stating it's good for job growth and the community. It's not. Aren't we going through a bit of a job crisis, you know, trying to fill roles in Australia as is? I plead with the Commission to listen to us today who live and breathe Paterson. Please take our concerns seriously and know it is us that will have to live with your decision. Thank you very much, panel.

45 MR WILSON: Thank you, Ms Barry. I would like to now call Chris Wokes.

MR C. WOKES: Good afternoon. Yes, yes. I was disappointed but probably not surprised with the spin that Daracon put on this project. I was very disappointed and very upset with the assessment made by the department. My presentation is a transcript of a discussion that was made post the assessment between a representative
5 from the Macquarie Creek Quarry Action Group and a representative from the DPE. I can't see that all that clearly so I don't know how other people will, but they may have better eyesight than I have. The initial question was that basically the information we provided, the submission we made was basically disregarded and not taken into account in forming their conclusion.

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The response from the DPE was all submissions were considered in accordance with the guidelines. When the representative from the action group stated but there was no or very minimal discussion on the impact of village activity and the social changes the response from the DPE was, well, there are no guidelines on these. I
15 find that extraordinary. The next slide, please. So basically, when anybody puts in a submissions requesting a development application, it wouldn't be unusual for them to put in a claim, to go for everything that they thought could reasonably do so and, obviously, they expect to get some knockbacks. The department seems to give themselves a pat on the back by reducing the increase in the quarrying from 300,000
20 to 500,000 – 1.5 million tonnes, an increase of 500 per cent, to only giving them an increase of 300 – I think even 66 – per cent. I don't see that's a cause for complaint. They still gave them a massive increase. And the answer from the DPE was, well, we had to strike a balance, but the Act does not require them to strike a balance and therefore in doing so not only as I mentioned earlier did they not assess social
25 impacts because there were no guidelines, but they did not take into account all the issues that were necessary in accordance with the Act.

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When we come to the justification for the increase, Daracon said that they got this justification because Daracon said they could sell this amount of money an – this amount of aggregate and that it was a negotiation with them. Now, my
understanding is that public interest overrides private interest. Why did they not negotiate what the limit was with the people? Why did they do it only with Daracon? Now, Daracon mentioned that the net present value of the project was \$58
35 million. Now, in my former life I was an insurance partner with PriceWaterhouseCoopers and I know that the net present value can be determined in many different ways. It's all based on assumptions, taxation interest rates, sales crisis and, in essence, that 58 million will be greater if – to other companies if this project does not go ahead because other companies will not have the overheads that Daracon will have in running a standalone process.

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Daracon also said that New South Wales would suffer from the \$58 million. It's just simply not true. Who knows where the money's going to finish up? In summary, and I'll be on time, the assessment for – by the department was grossly deficient. It didn't follow the Act. It only took note of what it wanted to do, it put private interest
45 before public interest. In conclusion, the conclusion resource at Martins Creek is in the wrong place. There should be no mega quarry in Martins Creek. There should be no mega quarry 27 miles from the nearest state road. There should be no mega

quarry which requires 280 truck movements per day along country roads which requires 280 truck movements through peaceful and vibrant villages and settlements. The public interest easily outweighs the private interest. It should not be a difficult decision.

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MR WILSON: Mr Wokes, are they notes of your conversation or is that a recording?

MR WOKES: No. They weren't recorded.

10

MR WILSON: Sorry?

MR WOKES: They weren't recorded. It wasn't my conversation. It was another member of the Macquarie Group Action Committee.

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MR WILSON: Okay. And those – they're accurate responses from the department, are they?

MR WOKES: That's what the department said on the phone.

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MR WILSON: So it wasn't recorded. It was just notes.

MR WOKES: No. What happened was the phone call took place and immediately after a transcript of the meeting was taken.

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MR WILSON: In your words?

MR WOKES: Not my words. The representative from the Macquarie Group Action who - - -

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MR WILSON: Okay.

MR WOKES: - - - wasn't me.

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MR WILSON: Thank you very much. Now - - -

MR WOKES: Do you want to know why 58 million will be generated more – there will be more than 58 million if this project doesn't go ahead?

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MR WILSON: Tell us.

MR WOKES: Yes. Okay. Well, the 58 million – all – from what I understand there is no shortage of quarry material. There's lots of quarries around here which can easily do it. The department in their assessment only took according to this conversation Daracon's word for it. So that money and also the employees will be employed by other companies to extract that quarry material and those companies that do it have already got the infrastructure in place so they don't have to incur the

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infrastructure costs. They don't have all the overheads according – with the standalone. So they will generate more – a net present value of more than \$58 million. No employee will lose a job. These 22 people aren't going to go on the unemployment line. So the economic benefits that they purport are fictitious, totally
5 fictitious.

MR WILSON: Yes. Okay. We'll look at the costs and the ratio, no doubt. Thank you very much.

10 MR WOKES: Pleasure.

MR WILSON: Now I'd like to call upon a speaker for the early afternoon session. That's Carmen Northwood.

15 MS C. NORTHWOOD: Thank you. My name's Carmel Northwood and I'm speaking for the Koala Coalition EcoNetwork Port Stephens I have five minutes to speak more detailed written submissions or notes. Firstly, I'd like to the particular impact of this quarry should be considered in relation to all quarry sites there are already four established quarries apart from Martins Creek and are
20 proposed nearby and there's also and to the south. The 2021 biodiversity assessment report prepared by indicated that they surveyed but no were found well minimum requirements of the the report also indicated the measures were limited and much of the quarry is located the suggest numerous threatened species may be present. The habitat being cleared as part of
25 this project and the limited number local concerns regarding the air quality will also affect koala and their stress levels. Koalas are very stressed by stress can cause to surface.

Koalas do not other will do nothing to help koalas. Daracon has
30 identified several potential offset but offsetting has been found to be a highly conservation practice. The New South Wales report on the effectiveness of the scheme published in August '22 found there is a risk that biodiversity gains will not be sufficient to offset losses resulting development. Recognition of the danger of extinction and should supersede
35 the intent to for a commercial basis in an area that currently supports each is being assessed separately using methods that separate parcels of land there's been no assessment around or this quarry there is no discussion of fauna fencing mitigation is critical to ensure breeding capacity and genetic diversity has been very recently announced as part of the
40 New South Wales koala strategy but it's only being more recognised threatening the survival of the and increase the council struggled to maintain to be discouraged volunteer wildlife no mention the value another quarry will directly increase those risks and there'll be emotional trauma suffered by bodies.

45 The to volunteer such as submissions that are in the best interests of the environment is not considered contributions will not mitigate the significant

impact of the project on the environment. It will haulage route sufficiently throughout

..... concerned. There is an appalling attitude stated on page four the department recognises that the quarry 100 years and it's evident that many of these for a long time. Unbelievably that amenity impact on the community. If in 100 years especially when local community as well. So more people will it is obvious that but environment. The community has a right to depend on the the quarry will cease operations as read and that further cannot be upon their very existence. The plan the protected and quality of life and wellbeing of the residents. This should be for the area. Port Stephens Council made it clear on the 20th that it refused Boral's application because the proposed development would cause unacceptable impacts to road safety resulting adverse social and economic impact. Its approval would be contrary to the public interest Martins Quarry should be the same but declined. It at risk habitat and affects important to the survival of the iconic wildlife. If not, then based on the and to in conclusion, we submit that

MR WILSON: Thank you very much, Carmel. That concludes the early afternoon session. We'll break for 10 minutes. Thank you.

ADJOURNED

[3. 35 pm]

RESUMED

[3.54 pm]

MR WILSON: Welcome back, everyone, for the final session of day 1 of these proceedings. I would like now to call Margarete Ritchie.

MS M. RITCHIE: Thank you. Okay. Well, I'd like to thank the commissioners for allowing me to speak here on behalf of my community. As an introduction, my name is Margarete Ritchie. I [REDACTED] My family has lived here since 1990. I'm president of VOWW which is the Voice of Wallalong and Woodville which is also – also incorporates a wider area including Butterwick and Duns Creek which are really quite close to Paterson. It's a community organisation. It deals with all sorts of problems and this is one that's close to our hearts. Obviously, many of the residents in this locale, even the locality that I speak for, use the local road networks because they go to Paterson for some of their everyday needs. They see the doctor, visit the pharmacy or like me they play golf and they may have a coffee at the Paterson Bridgeside Café.

These are all localities that will be impacted upon by this expansion should it go ahead. So what I actually say here today is – incorporates the views of my community and what they have already experienced. The merit review of the social impact statement mentions identifying, predicting, evaluating and developing responses to social impact. I don't believe this has been adequately addressed with

reference to the problems along the haulage routes. The example of the intersection of Paterson Road and Tocal Road springs to mind where no mention has been made of the cumulative impact of the two quarries at that intersection and no thought given to the safety aspects. In fact, Maitland city Council was not even aware that this was
5 going to be an issue and therefore as far as I'm aware did not bring it up with the department. I'll speak more about that intersection later.

It also notes that:

10 *Social impacts are consequences experienced by people as a result of changes associated with that project direct, indirect or cumulative and must consider the public interest which includes the promotion of the social and economic welfare of the community.*

15 My assumption is that means the local community but I believe it must also take into consideration those that are impacted by the haulage route. When I say local community I mean note the state community which seems to be emphasis here, that the quarry has a product that's good for the state. We've got to keep – bring it back to local. How can a community like Paterson ever continue to exist let alone thrive
20 with these haulage trucks through every minute of the day? I hope to bring to your attention some more of the issues of noise amenity, ambience, carriage through the area, safety and the community impact. You've already heard of that today. I hope I can bring something extra to it. I'll refer to the lived experience that my community has had to endure, the Brandy Hill Seaham community has had to endure with truck
25 movements along what is referred to as haulage route 2.

This was a route that was used by both Brandy Hill Quarry and Daracon for major and minor contracts for many years. The horror years for us were around that
30 2014/2015 when both quarries were sending up to 200 trucks a day along Brandy Hill Drive and Seaham Road. 600 trucks a day, two quarries, cumulative 1200 trucks. That is insane. Neither quarry felt that that was an imposition on residents even though both quarries were not adhering to their own conditions consent. It is understandable that our residents are a bit nervous about Daracon's mention of haul route 2 for local contracts. As far as Brandy Hill residents and those of Seaham
35 Road which is Nelson Plains and onto Raymond Terrace are concerned., there should be no extra trucks on that route. Brandy Hill Drive cannot tolerate any more than the 600 trucks that are going to come out of Brandy Hill Quarry because it has been granted this expansion. So that is going to be our daily number, 600 trucks. We can't tolerate any more.

40 Safety, physical and mental health issues, sleep deprivation for shift workers, to name some of the major problems. Getting out of the driveway or children walking to bus stops on the side of the road with no footpath. There are so many other things I can go through and they're all the social impacts that arise with that particular
45 expansion and this one. We have the lived experience at Brandy Hill for what will be the future for residences of Bolwarra and beyond and that is when the tracks from Hanson and Daracon meet at that corner of Tocal Road and Paterson Road. In fact,

if you look at the facts, you will have 25 per cent of Hanson trucks going up there, that is, 375 trucks a day. Add that to the 280 that would come down from Martins Creek Quarry and you end up something like I can't remember, I didn't write it down, 655 trucks. That is more than Daracon was sending through Paterson at their peak.

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So Bolwarra residents stand to experience what Paterson has already experienced. So we're not talking about fiction, it is reality. If I talk about noise. The only effective way to reduce or eliminate truck-generated noise is to just get rid of them from the roads altogether. There is no other way of doing it. Daracon has the option by taking it out by rail. It might take a bit more planning, but it's not impossible and it should be their number one priority if they really take their local community and the – you know, the wider community all the way through to East Maitland into consideration. Associated cost is something that all business must take into consideration and it's factored into their bottom line. Perhaps one way of addressing this is to charge more realistic road levies that are in line with the true costs of maintaining the roads and that would make a more level playing field in the argument of road versus rail and the winners will be the many communities and businesses along the haulage routes and the other roads that the truck drivers use that are not gazetted and certainly not appropriate and I'll give an example there of the roads coming off Melbourne Street.

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You come across the bridge – Flat Road, you come across the bridge, Pitnacree Road, down into Melbourne at the end of Melbourne Street. Straight ahead you would go through Law Street which is the main shopping thoroughfare for East Maitland. It's not of no consequence. It's a very, very busy street but as someone mentioned before, we just have to google a particular route and straight away it'll tell you where all the hotspots are as far as your travel time goes. The trucks are already – go straight ahead instead of going onto Melbourne Street. That has been attested to by local residents. So they will go wherever they will find the quickest road and no one can monitor that.

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Nowhere in any of the reports if there mention of mitigating truck noise and that is because there's just no way of doing it and the monetary BPAs or the community funds setup by Dungog Council will not alleviate this issue either. Noise doesn't just effect homes directly along the haulage route. It depends on the lie of the land, the hills, the gullies. Hunter Glen, a new suburb of Bolwarra Heights is already being impact on the trucks that use engine braking which can be heard well in advance and I can tell you that is the – an example I know only too well on Brandy Hill Drive. It is not pleasant. Even ordinary braking depends on maintenance of the truck and can be equally intrusive. It can be heard for several kilometres before a truck passes and some reports from residents say that the intermittent nature of trucks becomes an issue as well. It's just as intrusive. The department has standards and guidelines for monitoring noise and the reports often refer to meeting minimum standards. Is minimum good enough when we're talking about thousands of residents being impacted?

We heard – we all hear noise differently and respond differently to – I’ll give you a personal example. I had brain surgery on an aneurysm and afterwards found that my noise level tolerance was severely impacted. For quite a while I would react to noise – any jarring noise: a siren, engine braking, you know, it would just reduce me to a blathering mess and I – I’m not overstating that. Luckily, that severity is no longer an issue, but I use it as an example about how varied a personal response can be to noise. And don’t believe comments such as you’ll get used to it because you just don’t. You hear it. It’s there. It’s intrusive. We don’t stay cloistered in our homes. We cycle, we walk and take with friends and neighbours. We take babies out in prams to soothe them. We ride horses along the side of the roads and we want to do these things and live what we expect our everyday lives to be without the incessant noise and the diesel fumes of trucks.

I do not believe that the issue of noise for residents along haulage routes has been fully understood or indeed taken seriously. Mental health issues can’t be dealt with in the same way as physical health. The problem can take years to manifest itself and then there is a tipping point which brings it all to the surface and then it needs to be dealt with. There is a long list of stressors and I’ve just mentioned all the noise ones, but there’s a change in the character and the ambience of your neighbourhood and they are really high on the list. Residents subjected to the noise along the haulage route of those who witnessed the trucks rolling through Paterson may find that one issue brings their tipping point. Again, if I had more than 15 minutes I could give you some more examples.

Safety. I’ve read the transcript of the meeting that you had with staff from the department – one of the statements. The traffic volumes generated by the project were not resolved in a change to the existing level of service of each of the roads along the primary haulage routes. These roads are already severely impacted by the extra truck movements and scant mention has been made of the impending cumulative effect. When Hanson begins its expansion within the next 12 months and an extra 375 of their trucks will be using the same network as the Daracon trucks, surely this should be considered a huge safety concern for residents along those routes and those who access them daily. Little thought has been given to the congestion along Melbourne Street, East Maitland. Even though traffic volumes are already at capacity Maitland City Council has not factored in the impending increase from Hanson.

Maitland City Council has approved extra DAs along the road from that Pitnacree Road intersection I was talking right up to the highway. Two of them have to do with hospitality, one is a residential apartment block and it seems that the proponents of these extra – of these buildings have not been advised of the extra trucks that will be coming past. A colleague and I visited each off these businesses along that stretch of road to advise them of this pending IPC submission period and noted the difficulty with respect to the driveways leading to some of the businesses. Here, the safe entry or exit was already a problem for staff and customers alike. The impact from the extra trucks along that stretch of road will be well and truly felt and the dangers are not insignificant.

Other safety concerns for the entire haulage route from Bolwarra. I want to include the danger of exiting your driveway straight onto that main road through Bolwarra, the safety concerns around the intersection of that Tocal Road that I mentioned and, of course, you've got the petrol station that's there as well. Cars have to come in and
5 out of either of those roads. Entry to the lookout and the new toilet and playground facilities on the left. If you remember seeing them. BP service station at that – if you – if the trucks swing out of Paterson Road and have to go into the very, very short merging lane that is so short it's ridiculous, you wouldn't even get a full truck onto it, but there is at the end within 10 metres of that is the entrance to a major
10 tourist park which has beautiful views over the entire Maitland Valley. And yet no mention's been made of that. A new park, children's playground and two trucks that might very well merge at the same time at that intersection.

15 MS SYKES: Margarete, I'm sorry, could you just point out to me on the map where you're referring to with the playground.

MS RITCHIE: On the map, yes.

20 MS SYKES: Or – yes, or the locality.

MS RITCHIE: I don't have one with me but – okay.

MS SYKES: Yes.

25 MS RITCHIE: If you're coming down Tocal Road, if you go that way - - -

MS SYKES: Yes.

30 MS RITCHIE: - - - you come to a real – a pinch point intersection where Tocal Road kept going straight ahead and coming in from left was a road at a very sharp angle and the BP service station - - -

MS SYKES: The BP.

35 MR WILSON: Yes.

MS SYKES: Yes, yes.

40 MR WILSON: We know that - - -

MS RITCHIE: - - - sat on that triangle. At that triangle is a merging lane for trucks – for cars - - -

45 MS SYKES: Yes. Okay.

MS RITCHIE: - - - coming out of there and 10 metres past the end of that merging lane is the entrance to this tourist - - -

MS SYKES: Okay.

MS RITCHIE: - - - facility.

5 MS SYKES: Okay. Thank you.

MS RITCHIE: So that is a ridiculous pinch point. It's difficult for anyone. You've got to have eyes in the back of your head to be able to see if anything's coming behind you. Two trucks merging with possibly someone coming out of that driveway. You know, attention from this truck is taken by what's coming from behind them and then you have a – it's a problem of movement of cars but it is a problem.

15 MS SYKES: Thank you.

MS RITCHIE: So I've been particularly surprised that this intersection even though it was mentioned at previous meetings with Daracon and Maitland City Council did not raise a red flag for the department. It should be well and truly at the forefront of their minds now. The last area for this safety is, of course, Butterwick Road where if you cast your minds back a few weeks we stood, talked about the danger of that particular road. I'm not sure if you had the opportunity of driving down that road eventually.

25 MR WILSON: We did.

MS SYKES: Yes, we did.

MS RITCHIE: Not a nice road to be confronted by a truck coming the other way. They lurch. I've seen two trucks going – you know, full and empty going either way. If they lurch at the wrong time, they just about hit their mirrors. It is particularly worrying and the word local – and I won't mention any more about Butterwick Road but the word "local" is still something that has not been defined for us because a contract anywhere is not good enough. You mightn't be able to break amenity down into facts and figures such as truck numbers, decibel readings and so on but those things affect amenity. It can be a feeling, a change of ambience, something that can't be quantified, but it is reality. The dictionary definitions refer to pleasantness and attractiveness of place, a psychological comment that compounded or component – social component, you know, a pleasant environment, whatever. I'm sure you know all the – what that actually means.

40 But the department guidelines stipulate that character and amenity must be considered when deciding on any plan and that was in 2017 by the Secretary of the Department of Planning. According to the department's own documentation, it is pleasantness, attractiveness, desirability, very important to stakeholders. State significant projects should aim to minimise the impacts and yet Daracon has made little attempt to recognise that there will be a considerable impact to the wider community. When we read the term state significant, it seems that we as individuals

or as a community, we just – it just seems as if we're not important, that we don't count. As soon as state significant development, it's like well you might as well just throw your hands up and walk away.

5 So residents from this entire area that will be impacted upon, from my VOWW
community, the area – this was asked of them at a meeting – a VOWW meeting a
couple of years ago, what do you think you value about your area. And the answers
could – just five points: the open landscape, the fresh, clean air, the lack of industrial
10 or town noises, a place to relax, destress for whatever reason and the historic
buildings around the place. So our sense of place will be severely impacted by this
proposed expansion through the lack of understanding of the character, the amenity
of the area and what we value in our properties, be they psychological value or
monetary value. The term nostalgia applies to a feeling that residents have when
they have no control over sense of place. I'm not going to talk about. Glen Albrecht
15 has done a lot of research. I'm not sure if you've heard of his name but a professor
in sociology who has now got his concept all over the world into the extractive
industry planning principles of countries like Ireland, New Zealand and it's all about
cumulative impact of these impacts constitutes an amenity and a health burden on
people who have a reasonable expectation that their lives should not be negatively
20 changed in any way and I will finish on that because I think that's probably where
my time ends anyway. Thank you.

MR WILSON: Thank you. Thank you. Neil Ritchie.

25 MR N. RITCHIE: Good afternoon. I'm Neil Ritchie. Margarete and I, we're both
involved with the Brandy Hill Quarry expansion and continue being involved on the
Brandy Hill Quarry CCC. I'm a member of VOWW and MCQAG and I speak
today, really, from my own perspective. I have family [REDACTED] near where
you met with Margarete, family in Bolwarra, a member of the Paterson Golf Club. I
30 use the Paterson shops. I drive on the local roads to Paterson and Maitland. This
quarry had adversely affected me in the past and this proposal will do the same.
Now, my special interests area, I suppose, with the quarry is – has been road haulage
and road standards. I'll cover some technical. If I haven't explained anything
clearly just please interrupt.

35 So at the outset I'll say this quarry is entirely unsuitable for road haulage primarily
for the proven detrimental impact on Paterson's residents and businesses and
everyone that relies on that village's services and roads and I'll elaborate more soon.
And secondly, if grade haulage were to be allowed, it be very inefficient for this
40 quarry. You've heard the term local roads. Well, local roads general mass limited
roads, GML roads. I'm assuming if your Honour – IPC panel about a quarry, you'll
understand road transport and – so general mass limited roads are generally council
roads. They all have axle load limits and the maximum gross combined mass of a
vehicle with the with their payload on a GML, you know, local road is only 50.5
45 tonnes – 50.5 tonnes gross mass of truck – dog – truck trailer, whatever combination
50.5 tonnes is the maximum it can be. Trucks with fewer axles will have a allowable
GML total mass of much less than that.

So a 33 tonne maximum payload will apply to this quarry we're expecting for it's 25 year life. In comparison, other quarries with direct access to designated and approved heavy vehicle routes can all use much higher axle loadings, much higher GCMs, you know, gross combined masses, and much higher payloads which will
5 continue to increase over time as regulations evolve with truck and pavement technology. Now, the Australian Trucking Association's truck impact chart 2018 edition lists truck and dogs commonly used with quarries with a 58 tonne gross combined mass and about a 40 tonne payload and larger capacity configurations of trucks such as B-doubles currently have or – 2018 at least in that chart have 68 tonne
10 gross combined masses, 44 tonne payloads, all considerably more than Martins Creek Quarry will be able to use.

Now, the general mass limit restrictions increase transport costs by increasing the number of trips needing to deliver a given quantity of gravel. Now, this also inflates
15 traffic congestion and pavement wear and tear. Additionally, more fuel is used to transport that given quantity per gravel. So there's a double whammy in terms of traffic congestion and increase emissions, diesel particulates and greenhouse gases and they are all of serious considerations for societies. So that higher contribution to traffic congestion and pollution will be disproportionately higher for this quarry than
20 other quarries that are using more efficient vehicles capacities or rail. Now profit. Well, 10 truck operators to maximise their payloads even beyond what's legal. But the chain of responsibility includes all parties involved in loading that truck. So I encourage you to assess Daracon's fitness to hold a consent by check their weighbridge records or their – the invoices that – which the carrier has paid to
25 check their records for any loads exceeding general limits and nothing ever should have exceeded 50.6 total.

Of course, road haulage over long distances produces extraordinarily more pollution and congestion compared to rail and that's why the Gunlake Quarry near Marulan
30 that James Ashton referred to has an obligation under its recent consent to investigate the environmental benefit of converting it to rail haulage. The Hunter Valley, as you've already heard, is well-provisioned with quarries with more proposed north of Raymond Terrace. Now, none of those other quarries have or are likely to have rail access, whereas Martins Creek certainly does.

Now, I'm not necessarily proposing we deprive New South Wales of this quarry's products by rejecting the SSD outright but road haulage removes all of the most serious negative social impacts while rail is there available. I'm sure you are aware that this consent is issued to the site, not – as you know, Daracon just lease and
40 operate the quarry and if Daracon don't want to operate it as a rail only quarry, I'm sure there are other quarry operators who would love to do so. Now, just returning to the issue of the negative impacts of road haulage. As mentioned this SSD must be unique in that you're already having rely on hundreds of pages of theoretical SIA forecasts, projections and analysis, you have a perfect case study of actual traffic
45 through Paterson an understanding of the impacts and outcomes and that's already been covered today.

I also appreciate that any real life outcomes of an expansion of this quarry using road would have been and would be but for the expectation that existed with the LEC action taken by Dungog Council and also people expecting that you won't approve this expansion. So, in particular, I encourage you to answer this question
5 before assessing the SSD. How many businesses in Paterson were sold after the experiences and why were they sold? Now, my understanding is there were quite a lot including the CBC Bank and the post office and the reasons include that they were failing due to loss of trade and/or the owners could no longer stand living on the premises to run their business. Unfortunately, under the current interim orders,
10 new owners took them over and have kept those businesses going. They were either oblivious to whatever transpired or, as I said, expect this SSD to be rejected.

There's nothing in the SIA that mentions the loss of revenue and patronage of all those important Paterson businesses that service the whole Paterson Valley and
15 beyond. The closure of any business in Paterson would likely have a cascading effect on the other businesses. You might say that's progress. There are other shopping and service centres for people to use but – it's a long way to Dungog and while Maitland is closer, would you want to drive there amidst the convoys of trucks push at the speed limits. So any closure of the businesses will affect the entire
20 population of the Paterson River Valley and beyond me included. Amenity and character would be now, I note that this SSD proposes a huge increase in heavy vehicle movements through Paterson. You've spent time there. However many heavy vehicles equivalent to that were not quarry trucks did you experience in all the time you were in Paterson. I imagine it was fairly small number, maybe a handful.

My answer to that question, it was probably in the order of 20 to 30 a day. Now, two to three hundred mentioned is over a 1000 per cent increase on what we're seeing now. 1000 per cent is not – you know, it's more than a lot. So I hope that the lived experiences of the the changes in ownership of the businesses, the likely
30 cascading failure of businesses under the prospect of 25 or more years with a 1000 per cent increase in trucks and the inefficient and therefore environmentally costly nature of road haulage from this quarry on GML limited roads will convince you that road transport is not acceptable from this quarry leaving rail is the only acceptable alternative.

Now if – and heaven forbid – you do allow road haulage from Martins Creek, then the proponent must be required to upgrade the roads and intersections to the standard appropriate for the expected volume of trucks before haulage commences as other quarries have had to do. Even as a GML route upgrades will be needed. Now,
40 upgrading two a heavy vehicle route to overcome the inefficiencies of GML would require an even standard of pavement, lane and shoulder widths, intersections, bends and a heritage bridge duplication, cost, I doubt the proponent would be prepared to ever pay for and that's why I say GML will apply for the life of the quarry.

45 Now, the Department of Planning's proposed conditions as I said give financial concessions to Daracon, proposing that they could operate without any infrastructure upgrades and that would be completely unfair to other quarry operators that have

been required to do upgrades first. The Department of Planning should not be giving any competitive advantage to any quarry and it is also completely unfair to this community because the existing rural roads which do not meet the standards of pavement strength, lane and shoulder widths, intersection designs, etcetera, will fall
5 further into disrepair. Damaged roads now and into the future not only impact and character of our rural setting. They cost residents in car wear and tear, damage windscreens, mentioned, damaged wheels and reduced safety with the potential for harm to life and limb.

10 A good example of a road allowed to be reused by Brandy Hill Quarry before being upgraded to the appropriate standard is Clarence Town Road to Paterson Road in the BP station that Margarete mentioned which will carry approximately 25 per cent of Brady Hill Quarry product. Those roads are now severely damaged, in need of
15 construction, some currently happening even before Brandy Hill Quarry doubles it's output and neither Port Stephens or Maitland Council insisted on those upgrades and had some expense before the quarries were operating and both councils are now paying the repair costs that greatly exceed any haulage levies and commuters are paying for damage to their cars, my family included.

20 So don't allow any trucking before roads are operated to the appropriate standards and that applies to roads from this quarry and all the LGAs that you permit haulage. So regarding my home area, the conditions don't say anything about only using route
25 1 or empty trucks going to the quarry, etcetera, and you've seen Butterwick Road and I won't say any more, but that's a typical road that's just not fit for empty trucks or full ones through a residential area. Now, if you do contemplate using – allowing the proponent to use route 1 to Maitland, remember, there will be a cumulative impact with Brandy Hill Quarry as already mentioned. Both quarry's trucks would
30 be using the section between the BP station on Melbourne Street totalling almost 900,000 tonnes per annum. 500,000 for Martins Creek, about 400,000 for Brandy Hill when it expands. My final points are that this quarry is not special. It's just another hard rock quarry with products that meet specifications. As mentioned there, and there will be other quarries that can supply New South Wales's needs.

35 Now, I'll just summarise. So road haulage from this quarry will always be inefficient and environmentally costly due to the GML roads and bridges. The lived experience of trucks through Paterson was a disaster and will be even worse when
40 people understand it's going to be for 25 years. Any one business closure will affect the entire population of the Paterson Valley and beyond. The 1000 percent increase in truck traffic is not insignificant. This quarry has a rail siding. It must be the only haulage option if you grant a consent and there other potential quarry sites without all of the negative social impacts of SSD.

45 So finally, please, please, do not allow the Paterson Valley population to be sacrificed to trucking gravel when there are far better alternatives. Thank you.

MR WILSON: Thank you. Now, I'd like to call – thank you very much.

MR RITCHIE: Thank you.

MR WILSON: Now, I'd like to call Jillian Stibbard.

5 MS J. STIBBARD: Good afternoon, Commissioners. When being asked to make a
decision, I think it's always instructive for us to consider both sides of the argument
and see how they may affect us. So in looking at this particular problem, I would ask
each of you, Commissioners, to consider how you may feel if these sorts of proposed
10 trucking movements were to occur in the streets of your homes. This particular
question was put to David Mingay, the owner of Daracon, at a public meeting which
I attended and his response was, "I'd move." Now, that's not an option that's
available to people living in the Paterson area and, indeed, they shouldn't be put into
a position where that's forced on them. What we have here is village life which we
see on a daily basis and no doubt you've seen. At times the village of Paterson is
15 now a busy precinct with local traffic, local people supporting local businesses.

There are always locals out in the area enjoying what the village has to offer. It's a
village that's now vibrant, largely self-supporting with its own butcher, grocer,
doctor, chemist, pubs, fast food outlets and numerous coffee outlets. So there are
20 lots of people in the vicinity of the village all the time. You've no doubt heard
before that all of that will be put at risk if this development proceeds as
recommended by the department. That recommendation will, of course, result in an
increase of hundreds of truck movements per day. I do wonder how it can possibly
be considered reasonable that the people in the vicinity of Paterson both in the
25 village and on the haulage routes should be asked to be put up with increased traffic
congestion, the risks to safety, the pollution, all of the things that you've no doubt
already heard.

As you are probably also aware, all of this was endured when the applicant was
30 unlawfully removing vast amounts of material by road. My family, although we
don't live in the village, experienced driving through Paterson and shopping in
Paterson during those times of excessive truck movements. My car suffered damage
from a broken windscreen, had paint chips as a result of trucks driving past the
vehicle. I note the department states at para 94 of its document that it's satisfied that
35 the project would pose an acceptable level of risk to road users, including cyclists
and pedestrians once Daracon has upgraded the Duke and King Street intersection
and their trucks be limited to a speed of 40 kilometres per hour.

It seems to me somewhat ridiculous that the department can be so easily satisfied
40 when we have such a vibrant village life. At para 92, the department refers to
cyclists predominantly using the roads at weekends. This is also just simply
incorrect. I know of a group of cyclists who regularly cycle in the area on weekdays
and let me assure you that the roads are not wide enough for gravel trucks and
cyclists to both be there at the same time in safety. There's nothing good to come
45 out of the approval of this development application for the village of Paterson. The
disregard which this recommendation shows for the local population is outrageous. I
think I'm running out of time because I heard the - - -

MR WILSON: No, continue. That's okay.

MS STIBBARD: That's okay. Yes.

5 MR WILSON: There's another bell coming. That's what - - -

MS STIBBARD: All right. Our local – as you are aware, no doubt, our local state member has spoken against this proposal, our local council is against it. If the department recommendation is approved, we the inhabitants will have forced on us something which is vehemently opposed and it will be for the benefit of others and not for us. And to make matters worse, there is an alternative which I know you've heard about and that is rail. Indeed, it's the part of the application for the – part of the material to be extracted and moved by rail. I would ask the question why shouldn't that be the exclusive movement of material from the quarry? It used to be a railway quarry, it can again and it will save the local community from the trucking movements which are so abhorrent. I think that's about it - - -

MR WILSON: That was your second bell.

20 MS STIBBARD: - - - since I've already had a couple of bells. But – yes – sorry.

MR WILSON: Just one question. A lot's been said about services today. In terms of access to services, where would someone go if they didn't have access to services in Paterson? Would it be Maitland?

25

MS STIBBARD: You'd have to go to Maitland or Dungog.

MR WILSON: Okay. Thank you.

30 MS STIBBARD: Thank you.

MR WILSON: I'd like to now call Stephen Stibbard.

MR S. STIBBARD: Commissioners, there are a number of issues which concern with this DA. These include an unacceptable number of quarry trucks, truck movements, road and bridge deterioration, noise, dust and importantly, disturbance of social amenity. Most of these issues have been raised before many times. However, I'd like to focus on just a few of the issues. Economic and – firstly, economic and financial loss. On a personal level, I'll tell you a story. In 1999 before Daracon came on the scene my wife and I purchased some 70 acres on the edge of Martins Creek Village with a view to subdivision and sale at a later date individual lots. Then Daracon appeared on the scene and the shadow of the quarry expansion has been a serious threat to the viability of any such development.

45 Others in the wider region also face economic cost, particularly those who have property near the quarry or along local haul routes or along the haul routes , rather. In my view, land values have and will continue to deteriorate should the quarry

expansion be allowed. The road congestion in Paterson Village and at Melbourne Street, East Maitland already at unacceptable level will be seriously exacerbated should increased truck movements be allowed. Businesses in those precincts will definitely suffer. Second point. The haul routes.

5

Daracon is proposing that truck movements to and from the quarry be limited to prescribed haul routes. To ensure that only those haul routes are used, a code of conduct is proposed for truck drivers and should this be ignored, Daracon is to sanction the defaulting driver. It takes little imagination to see the flaws in this.

10 Such an arrangement is putting the fox in charge of a hen house. Truck drivers, particularly independent contractors, will in turn – will in time take whatever route suits them. Daracon has not shown itself to be a good or trustworthy corporate citizen. It has deliberately ignored planning laws, ignored community objections and lost any social licence it may have had. Moreover, I doubt that the planning
15 secretary in the practical sense is the person to ensure compliance with any conditions that may be imposed on Daracon. It begs the question as to how breaches of conditions would be sanctioned. Should Daracon be required to pay a meaningful monetary penalty for each breach? Who is to police this and other requirements?

20 I expect Daracon will after a honeymoon period not overly concern itself with complying with conditions which they feel they can get away with. Might I suggest that Daracon be required to pay to the Dungog Council in addition to the tonnage rates and other imposts sufficient money to enable the council to engage a compliance officer. That person would formally report, that is, in writing breaches
25 of conditions to the appropriate authorities and the planning secretary. If we can just go back to several years, there were various breaches of conditions by Daracon and the EPA was very noticeable by its absence, should I say. And even those that were reported to it don't seem to have come to anything. So if something practical in the form of a compliance officer who's not funded from the public purse but from the
30 culprit, shall we say, is one way of ensuring that every breach or as many breaches as can be detected, is formally reported.

The third point I want to make is the unfair advantage of Daracon. Daracon wants to lower compliance requirements imposed on it. They want to have a better system – a
35 cheaper way of exporting its product, then it's competitors. Other quarries in our state have stringent conditions imposed on them. They have had to expend considerable amounts on road and rail infrastructure and other assets. On the other hand, Daracon wants to – the public purse for deteriorating roads, bridges, buildings and the loss of social amenity. If any approval is given to continue quarry operations in Martins
40 Creek., it should be at no public expense, both monetarily and otherwise.

The fourth point I'd like to make is the demand for hard rock quarry products. There is strong support given to the expansion of the quarry by the department and I quote from the executive summary, the last paragraph, I think:

45

The department considers that the benefits of the project outweigh its residual costs and that the project is in the public interest.

That really didn't help my blood pressure at all. But on page 8 of the department's assessment at table 3.2 is a list of approved Hunter region hard rock quarries and productive rates. And of the total of 8 million tonnes per annum from the local quarries Martins Creek Quarry contributes less than half a million tonnes per annum.

5 I don't know where they got those figures from, but I think it shows the size of the Martins Creek Quarry in relation to the other quarries. No mention is made of the proposed Stone Ridge Quarry which I understand will come before the IPC fairly soon and this new quarry is proposing to extract 1.5 million tonnes per annum. Also

10 in the planning stage is another quarry nearby to be known as Eagleton Quarry. All the quarries listed in the table and proposed are far better situated in relation to motorways and roads better suited to heavy trucks Martins Creek Quarry.

On the other hand, Martins Creek Quarry is handicapped by the proximity of residences and the constricted road network. Martins Creek Quarry is situated and cannot expect to operate as a large rock quantity rock quarry. The fifth point I'd like

15 to make and if you allow to moralise on this one, I and amongst others here probably or we, I should say, belong to a generation which has enjoyed prosperity never seen before. Young generations understandably view us with some misgivings. To some extent, we have squandered much of our resources for which the following

20 generations will have to pay. There is a strong moral argument, in my view, for keeping the quarry product in Martins Creek for future generations. Rather than extract as much as possible as quickly as possible, how about we keep the resource for our future generations. The resource is not going to deteriorate and future generations will still need the quarry product.

25 In conclusion, Daracon entered into its lease with the owner for a quarry in 2012, I think. I assume it would have done a due diligence assessment before the leaseholders entered into. Presumably, they decided that it was a viable proposition and I think it would be fair to say that any complaint that it's not a viable proposition

30 other than to increase the size of the quarry is a false claim. I submit that Daracon should not be given approval for a larger extension amount and that it all but for a very, very limited localised cartage be done by means of rail. Thank you.

35 MR WILSON: Thank you very much. Brian Watson. Just hang on a tic, Brian.

MR B. WATSON: Good afternoon. Brian Watson is my name. [REDACTED] and we're directly opposite a section of the [REDACTED] I acknowledge and I support the aspects that have been

40 outline by the previous speakers and I won't delve into a lot of that detail. I will, however, in the time that I have allocated contain my comments to the proposed method of transport of the material being by road and I'll elaborate on these aspects of what I'm outlining now in my written submission. But I contest that assessment and recommended approval of the haulage product by the existing and below

45 standard rural roads is flawed by the continued use of information contained in and not contained in a number of the reports, a few of them that I will elaborate on now.

The road patent survey was undertaken in 2018. As you would be aware, 2018 was in the midst of a prolonged drought. 2020 to 2022, in contrast, has seen some of the wettest years we have on record. The assessment therefore of the adequacy of the current road pavement and any subsequent modelling to determine the potential costs of ongoing road maintenance would certainly be different based, I believe on these current road conditions. And added to that is that this data then informs other assessments including the economic assessment any proposed and voluntary planning agreements that may stem from that as to the maintenance and ongoing costs associated with the roads.

Similarly, I would look at the traffic flow data which again was gathered in May 2018. Surely, the opportunity, some of which may have passed but hasn't completely to undertake a current traffic survey should not be missed. Any current survey work would either validate the model projections and/or provide data to inform traffic congestion of the safety aspects of the environmental assessment and submissions report. A number of the intersections that have already been covered by previous speakers, one in particular being the Melbourne Street, Flat Road intersection. Even in the current report it is referred to as being at near capacity, so I think it is certainly worthwhile testing that by current information.

The economic assessment has only evaluated the preferred option. The submissions report has indicated that this is only what is necessary to undertake an economic assessment under – it's only required to undertake an economic assessment of the proposed option. However, as there is almost unanimous support from the community for the transport of any product via the existing rail loading facility and north coast rail line. I think that you justify the position of road haulage as the only viable project option, an option solely that road haulage needs to be assessed strongly against. So if we have a look what the economic evaluation of a rail haulage only method of transport is versus with the road. With updated material we can get a much more valid outcome. Further, I believe that the proposed product haulage by road when an existing and in the near future underutilised north coast rail line would not meet sustainability and intergenerational equity criteria.

From a sustainability perspective, the north coast rail line is connected by an existing and proposed upgraded rail spur to the Martins Creek Quarry. The north coast line is current a major freight line and to a lesser extent a passenger line. The freight haulage aspects of the usage will, however, change with the completion of the inland rail. The current predicted completion date is 2027. Certainly, five years from now but certainly much less than the 25 year term that is proposed for the quarry. Do not maximise the use of this existing designated transport corridor that has had substantial upgrades in the last 10 years which have included under and over bridges and rail passing lanes does certainly not meet sustainability criteria.

The use of the road – the use of this corridor would negate the need for the proposed road upgrading works and the energy and resource use in the works as proposed to facilitate the roadworks. From the intergenerational equity perspective, if approved, it is proposed to use road transport from the 25 year life of the quarry. The

embedded CO2 emissions are arising from the truck movements along with the ongoing increased road maintenance safety and other social issues would not meet the concept of fairness amongst generations when considered against the obvious alternative, moving quarry product by an existing rail corridor.

5

I therefore cannot accept that on balance the option of rail haulage can so easily be discarded from a comparative analysis let alone long-term environmental, social and economically based assessment. Thank you.

10 MR WILSON: Thank you. I'd like now to call Peter Cook.

MR P. COOK: Thanks. My name is Peter Cook and [REDACTED]
[REDACTED] I object to the proposal as I still have issues with the rate
15 of truck haulage past my house. With a consent commission B44 requiring trucks
avoid traveling through Paterson before 6.45 am. This means that up to 40 trucks
will be allowed to pass my house within the hour prior to that.

MR WILSON: Sorry, Mr Cook. Can I just clarify where your house is again, sorry.

20 MR COOK: [REDACTED]

MR WILSON: Yes. Sorry.

MR COOK: I'm on the intersection - - -
25

MR WILSON: Down near the [REDACTED]

MR COOK: - - - of [REDACTED]

30 MR WILSON: Down near the [REDACTED] is that right?

MR COOK: This side of that.

MR WILSON: Okay. Thank you.
35

MR COOK: So [REDACTED] is an intersection that's just on the start of the 80 k zone
- - -

MR WILSON: Okay. Thank you.
40

MR COOK: - - - before [REDACTED] So the first truck used to pass at 5.15
am. So with the new starting rules, that is likely now to be 6.15 am. The issue is that
the empty truck and dog bins bump and bounce on the road imperfections and
potholes and make an awful din. Much like rattling a stick in a steel dustbin outside
45 my bedroom window. That's how I've been awoken at 5.15 am over the past 10
years. There is no let up with the noise and rumbling as the trucks travel in a convoy
so they can be at the quarry gates as soon as it options. This 40 trucks per hour rate

is equivalent to 1.3 million tonnes per annum. That is too high. I request that this number be lowered to the same condition as A12.

5 Similarly, the current 500,000 tonnes per annum by road is too high and needs
amending to the A12 condition. Whatever the final rate of truck movements will be,
I have grave concerns for who is going to monitor the hourly truck movements and
ensure compliance with the consent. The whole setup here is self-regulation by
Daracon. The Department of Planning won't be checking. Is a fictitious Mrs Smith
10 in Paterson going to do it? Am I expected to do it? Me, Mrs Smith and the other
people in this room are trying to forget about the impact of this proposal. We don't
need the anguish and stress in our lives. So loading information up to a website six
months late is not good enough and this needs tightening. So are we confident that
Daracon can self-regulate? I need to make it clear to the Commission that ever since
15 Daracon took control of Martins Creek, they have exceeded the existing rights
arrangement of \$449,000 tonnes a year. Every year, every single year and
exceedance.

Now, I don't need to convince the people in the audience that Daracon is not capable
of complying with any new consent. We know it, we've lived it. We only have to
20 cast our minds back to the nightmare of April 2015 when trucks were travelling at a
horrendous rate and through the back streets of Bolwarra. It is all evidence that
Daracon has no desire to comply. All the owners are interested in is making a profit
at the expense of the community. But I need to convince you to take our collective
experiences seriously and strengthen the draft development consent accordingly. As
25 an example on this point, in 2017 I was a project manager for a local mine expansion
and had Daracon construct some civil infrastructure for me under a contract. I can
say that the site people worked with me to comply with my development consent
and, in particular, the drivers code of conduct. You need to know that the site staff
were not supported by Daracon's upper management which is most disappointing.

30 I see the same thing is going to happen at Martins Creek. The site scale – sorry – the
site staff will probably try their best to comply with a new consent but will be no
doubt pressurised to bend the rules, just let another five trucks through, for example,
or it's an important job, etcetera, etcetera. Daracon cannot be trusted. I have no
35 doubt that others will spend their time detailing the other issues of traffic such as
congestion at Melbourne Street exacerbated by the Hanson trucks from Brandy Hill
Quarry. For example, on Friday, so just a few days ago, I saw a Hanson truck run
the red light of a Melbourne Street and New England Highway Intersection and a
second truck parked in front of the Australia Post box at Bolwarra Heights.
40 Unfortunately, such blatant road rule breaches already occur and here's hoping
Daracon will perform and monitor better.

There I urge the Commission to consult my submissions made in 2016 and 2021 and
to consider my presentation today and further strengthen the draft conditions of
45 consent. Finally, thank you for the opportunity to speak to you.

MR WILSON: Thank you very much. And our final speaker for today is Brenda Tanner.

5 MS B. TANNER: Thank you. I'd like to thank the Commission for this opportunity to speak and I'd also like to recognise the Wonnarua people and their elders past, present and future.

PROF BARLOW: Could she get a bit closer to the microphone.

10 MR WILSON: Brenda, do you want to just move a bit closer to the microphone.

MS TANNER: Bit closer. Okay.

PROF BARLOW: Yes.

15

MR WILSON: Yes. Thank you.

PROF BARLOW: We're not hearing you. I'm sorry.

20 MS TANNER: No, that's fine. Thank you. So I'm actually a resident and a business owner on [REDACTED] which is in the NAG area 12 impact area which is shown in figure 6.6. I've actually lived in the Hunter Valley itself for 10 years and my daughter actually attended this very college and two years ago I moved to the Martins Creek area. But having come from the area, I have lived experience of
25 the extraction industry. Next, please. So how I've approached my particular presentation is I am focusing more on Martins Creek Quarry itself but absolutely uphold all that's been said by previous speakers in relation to Paterson and the haulage roads. I guess the start point that I come from is that I actually want to now challenge the economic drivers for this expansion given that they were put together
30 prior to the current economic downturn that we've experienced both nationally and globally and recognising that the housing market for residential construction and general construction industry is now in a significant downturn and is likely to continue that for the next two to four years.

35 And also to note and question that the government infrastructure plans for the regional and state expansion, these were made prior to this global economic downturn, the change of Federal Government and the change of state leadership. And in the actual strategic text it references that the \$108 billion commitment to infrastructure projects was only given over a four year period to 2025. Next, please.
40 In reference to paras 66 and 67 in the SSDA, I just wanted to question the haulage numbers and I'll explain the table that I put together. Math wasn't my strongest point at school, but I think I'm pretty on the money. If we were to go with the tonnage that one of my previous colleagues spoke about which is general access tonnage of 32.5 tonnes of payload, my calculation is that if for 50 days of the year
45 there are 144 trucks carrying it, that would be 227,500 and then with the additional hundred trucks per day for the remaining 200 and I have taken out weekend haulage

and public holidays to a greater or lesser extent, that would be an additional 663,000 which makes a total of 890,500 roughly.

5 I understand I'm not in the haulage business but I did speak to somebody that you
can apply for a PBS permit which allows you to exceed the general accessed tonnage
and take it up to a payload for 48 tonnes and if we do that, we then get a total haulage
of 1.3 million – just over 1.3 million. In the SSDA I saw absolutely no information
around vibrational modelling and how this would impact the foundations of all the
10 properties along the nominated haulage routes bearing in mind that household
insurances are highly unlikely to pay out for foundational damage caused by road
tonnage increases. And also, the insignificant attention that was paid along the
nominated routes, the school busses and live stock movement which this very
15 morning as I was in from Martins Creek to this meeting the signs were going up by
one of the local farmers as he was going to move his cattle herd across the Gresford
Road.

I also wanted to point out that there was an incorrect statement on table 6.2 in the
SSDA. It stated that the road speed along the Dungog Road – and I'm referring to
20 the part that's after the Gostwyck Bridge – was only 80 kilometres an hour. It is not.
It's 80 kilometres an hour until you go past where the new proposed access road is
and then it goes up to 100 kilometres an hour, making that new access road which is
actually on a very blind piece of that road, it's going to be a hazard because there's
going to be people travelling 100 ks – I'm going to complete timeframe. The
train assessment, I just wanted to question what's the – sorry – next line, I'm sorry –
25 what's the justification for 24 hours a day loading seven days a week.

This is going to have an enormous impact. Noise, light and dust pollution to
everybody within the local quarry area including those in the NAG areas. You can
see what I've written up there. I want to question the actual number of train
30 movements per day that were being proposed, the length of the train and therefore
actually calculating the haulage that was going on. There's a yellow line shown on
the diagram that represents the new sidings, but it didn't talk to how those sidings
were going to be made and what they next slide, please. So the noise assessment,
6.5 – table 6.5 actually fails to give any figures given for NAG area 12. It refers to
35 all of the others. I didn't get any indication of what the baseline figures were for the
actual quarry activity in the NAG areas. It only spoke to exceedances. It didn't
show any of the historic data that was being used and I understand that might be
incorrect anyway.

40 Noise isn't contained, it's a pollutant that travels significantly. Next slide, please.
The air assessment. So it refers to para 6, 162 and 165 talking about CALPUFF and
the dispersion modelling. I didn't see any diagrams given for dispersion modelling
in the SSDA. It didn't specify up to what upper atmosphere levels were being
45 considered in the model and it also didn't give modelling around the new expansion
area in the west pit, the east pit and the increased train loading and crushing that
would be going on in the east itself. As we now, RSC is a precursor to silicosis, so
this actually means there is a high level of respiratory health damage to everybody

living in the local vicinity and that's not only Martins Creek, Hilldale, Vacy and Paterson, but exceeding beyond that because of the dispersal through the wind directions, prevailing winds that we have in our area.

- 5 I also wanted to point out that all of the people living in those named areas are on tank water. So then that means that our captured water will also become contaminated. Next slide, please. The light impact gets a cursory mention in table 6.17 under other issues. Directing light away from surrounding air residents. Light travel is omnidirectional and will travel up and out. That means we will have light
- 10 pollution 24/7 in the area and all of the NAG areas mentioned in this paper. Next slide, please. Water assessment. I'd like to know what the historic rainfall figures that were used for the surface and groundwater. As previously mentioned, we've just gone through La Ninas, three consecutive and these are now going to be predicted to be more frequent in the future. I'd like to challenge that the water containment and
- 15 management outlined in this proposal are inadequate. It would also mean that the discharge rates would almost certainly increase to cope with the rainfall events which would mean adverse environmental impacts to all landowners downstream feeding their livestock and irrigating their crops.
- 20 Next slide, please. Last slide, I promise. No. Second to last slide. Sorry. I just also wanted to challenge the clearing operations. In the way that it was written in the SSDA in para 235 are Daracon truly saying that before any bulldozer takes action in the area they are going to inspect every single tree before they knock it out trying to spot a koala and any other species that's in there or are they merely say that they're
- 25 going to count – try and count the number of endangered wildlife that they destroyed in order to keep count for the impact credit reporting? Last slide. Thank you. The development consent. The matters as I felt them from the point that they were given. All management or mitigation plans should be completed and approved prior to the commencement of any development, not within six months. Having
- 30 previously worked in corporate life globally where I was in charge of multimillion dollar projects, I was not allowed to start anything without full mitigation plans, training and standard operating procedures. I find that to be able to start this project with some of those things not covered would be untenable.
- 35 All owners are privately owned land within the NAG areas and long the haulage routes are going to be impacted by the vibration for this. Why can't we all have the ability to request acquisition by the applicant if we so wish to leave which most of us don't. We want just a quiet rural life. For all residents within a five kilometre radius of the quarry, I believe that the applicant should be made to provide and store and
- 40 maintain high quality water filters since all of our tank waters will become polluted. All privately owned properties within two kilometres of the extraction area plus all of those dwellings along the haulage route should be able to have paid for by the applicant prior to the commencement of any development the baseline inspection of their buildings given that our insurances won't pay out if our foundations start to
- 45 subside. And then prior to commencement for all residents within five kilometres of the quarry and along haulage routes, I believe that they should be made to pay the

lung functionality test so that we have pre and post testing for any RCS related disease.

Just to wind up, I completely understand that this quarry has been here for 100 years and that it provides work to the area and it provides road ballast but we need to start
5 from a point where there was illegal operations in the first place at a tonnage of 300,000 tonnes per annum, not 500,000 tonnes per annum. Thank you for your time.

MR WILSON: Thank you very much. That brings us to an end of day 1 of the public meeting for the Martins Creek Quarry Project. Thank you to everyone who
10 spoke today for your thoughtful presentations. A transcript of today's proceedings will be made available on our website in the next few days. Just a reminder that you still have time to have your say on this application. Simply click onto the Have Your Say portal on our website. The deadline for written comments, as I said this morning, is 5 pm Australian Eastern Daylight Time on Tuesday, 15 November.
15 We'll be back tomorrow morning at 9.30 am for day 2 of the proceedings. Thank you for your company today from all of us at the Commission. Enjoy your evening.

MATTER ADJOURNED at 5.16 pm UNTIL TUESDAY, 8 NOVEMBER 2022