

5 MR WILSON: Good morning, everybody, and welcome to day two of the Independent Planning Commission's public meeting into the state significant development application for the Martins Creek Quarry Project. I am Chris Wilson. I am the Chair of this Independent Planning Commission panel. Joining me are my fellow commissioners, Professor Snow Barlow, and Clare Sykes.

10 Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, the Woonarua People. I would also like to pay my respects to their elders, past and present, and to the elders from other communities who may be participating today.

15 Martins Creek Quarry is an existing hard rock quarry located in the Upper Hunter Region of New South Wales. The applicant, Buttai Gravel, which is part of the Daracon Group, is seeking approval for expansion to extract, process and transport up to 1.1 million tons per annum of quarry material from the quarry over a 25-year period.

20 The application has come to the Commission for determination because it received more than 50 unique public objections. I note the department's assessment report has concluded that the application is approvable subject to conditions.

25 The Minister for Planning has asked the Commission to determine this application within 50 days of receiving the final whole government assessment report from the department.

30 In the interests of openness and transparency, we are live streaming today's proceedings on the Commission's website. A full transcript of the two-day meeting will also be published on the Commission's website in the next few days.

35 Following the public meeting, we will endeavour to determine the development application as soon as possible, noting that there may be delay if we find that additional information is necessary.

40 Written submissions on this matter will be accepted by the Commission up to 5 pm Australian Eastern Daylight Time on Tuesday the 15th of November 2022. You can also make a submission using Have Your Say portal on our website.

45 We have many speakers on today's schedule. As such, I would ask everyone presenting today to please try and keep to your allocated speaking time. If you're still speaking at the time of the second bell, I would encourage you to sum up as quickly as possible. As Chair, I will maintain these timeframes to ensure everyone receives a fair share of time.

All submissions made to the department during the exhibition of the EIS have been made available to the Commission. As such, today's speakers are encouraged to focus on the department's recommendations, key issues relevant to your submissions, or any additional information relevant to the panel's consideration of this application. Thank you. It's now time to call our first speaker. May I call upon Kate Mitchell, please.

MS MITCHELL: Good morning. Thank you for this opportunity to speak today as a resident of Horns Crossing Road, Vacy. The proposed amended development application by Daracon to turn Martins Creek Quarry into a long-term mega mining venture is completely untenable to most local community members and residents on the truck haul route.

The changes made to the original project are nowhere near substantial enough to reduce the very real traffic risks, health and well-being impacts, social amenity impacts, and environmental damage that would result from approval of this large scale quarry.

We have lived through very similar levels of massive quarrying operations during the years that Daracon, and RailCorp before them, unlawfully expanded their operations.

Our local communities were subjected to frequent high numbers of truck and dog movements in and out of the quarry and through our township where we work, shop, and enjoy meals and social engagements with friends and families in the Paterson business and community hub.

Between 2009 and 2019, driving into Paterson from Vacy to take my children to and from school or to travel to work in Maitland often resulted in being sandwiched between huge truck and dog vehicle convoys. The impacts on driver safety are a huge concern to me with three children now describing on our roads, and the fourth due to get his P plates in 2025.

The department reported that Daracon's revised project has, quote:

... an implementation of reasonable and feasible mitigation measures ...

And they are, quote:

... satisfied that the project would pose an acceptable risk to road users, including cyclists and pedestrians.

This is a staggering statement. The department has clearly not witnessed, as parents, local business owners, and other community members have, the traffic chaos that occurs when these huge trucks are moving through our town, past buses with children alighting and crossing the road to waiting cars. There is absolutely no visibility with these massive vehicles traversing Paterson. The safety risks are huge.

Our rural property on Horns Crossing Road has a direct view of the west quarry pit, which has been unlawfully cleared and worked by Daracon.

5 When we moved to our property in 2009, we could not see the quarry as this area was still well forested. Large scale clearing without approved consents have the two-fold effect of ruining visual amenity on the south eastern side of our property and increasing the noise impacts from blasting, from the crusher, and from trucks moving and reversing on the roads created in this new, barren void.

10 Despite Daracon and Umwelts commissioned technical reports on noise and blasting, which suggests that noise levels are acceptable, this is not our lived experience. The blast that we were subjected to by the quarry operations between 2012 and 2019 were loud, unexpected, unsettling, and caused stress and anxiety to my husband and I, my children, and our animals.

15 We completed a knock down rebuild in 2019, but prior to that our old farm house would shake, the windows would rattle, the floor would vibrate, and new cracks formed in the walls and ceilings.

20 The frustration, anxiety, and powerlessness felt when this occurred is difficult to describe. Each blast to me was always a reminder of the environmental destruction occurring right on our door step. The environmental impacts on biodiversity in the area, in and around the quarry are extreme and cannot be compensated for by offsets or impact credits.

25 Daracon want to increase the excavation of rock into another 52 acres of native bushland by excavating, quote:

... *rockery source beneath the forest and landscape.*

30 The total footprint of damage would then be 163 acres. This is the size of 97 NRL football fields. If this immense quarry operation project is allowed to go ahead, a further 2287 slaty red gum trees, prime koala feed trees and a threatened flora species will be destroyed.

35 We know that koalas are now on the endangered list with habitat loss leading to a 62 per cent decline in New South Wales koala populations in the last 20 years. This fact alone should be enough to stop the project. Perhaps koalas, like residents in the Paterson Valley, are just collateral damage for Daracon.

40 Since the cessation of unlawful large scale quarrying operations at Martins Creek Quarry in 2019, we have seen an increase in native animal sightings in this area, including koalas, quolls and brush-tailed phascogales. If this expansion is granted final approval, the result will be catastrophic for our flora and fauna.

45 The department states, quote:

There is a strategic need for hard rock quarry materials in the Lower Hunter region and considers the site to be well suited for the project.

5 This astonishing comment makes a mockery of the many opposing community submissions supplied to the department for consideration, and the meetings the department had with concerned community groups. Surely the sight of the quarry, embedded in a rural residential area, and 28 kilometres away from an arterial road, could barely be worse. Daracon should operate at the current levels of consent or shut the quarry down.

10 Please recognise the intergenerational injustice that would be served on our communities if this probate is approved, and finally call a halt to Daracon's quest to legalise large scale quarrying in an area totally unsuited to it. Thank you.

15 MR WILSON: Thank you, Ms Mitchell. I'd like now to call Grant L'Green.

MR L'GREEN: Good morning, Chris.

MR WILSON: Morning.

20 MR L'GREEN: And Dr Barlow. Thank you for your time here again today, and yesterday. I'm Grant L'Green. I'm the president of the Paterson School of Arts Hall committee. Are you familiar with the hall? Have you been into the village? So the hall is located right in the middle of the Paterson Village in the zone that would be most affected by Daracon's proposal.

25 It's an integral part of the community and is used for everything from kid's birthdays, parties, weddings and celebrations, funeral, wakes, and performing arts performances, and local meetings.

30 Most of these uses result in a high volume of pedestrians crossing Duke Street, which has no pedestrian crossing.

35 Thrive dance studios has been using the hall six days a week for over two years, now, and have just signed a new contract. Every afternoon from 3 pm there are between 20 and 30 primary and high school aged children negotiating Duke Street to get to dance class. Anybody that lives in Paterson would tell you how busy it is at that time.

40 In January, the Little League's performing arts collective from Sydney are bringing a five-day holiday program for students and young people to the hall which will involve around another 20 school aged children based at the hall every day during the school holidays for a week.

45 Everybody knows Paterson, loves Paterson, whether they live here or they visit here. It's a beautiful, friendly, country village. It's a vibrant creative community. What it is not is an industrial highway.

A few years ago when Daracon were operating illegally doing what they're now trying to make legal, I can recall hearing the trucks roaring past the front doors of the hall while we were holding events. While this was annoying to the hall users, I'm more concerned about the dangers involved on the street out the front.

5

Duke Street is already a busy road and with the train crossing, the post office corner, and the dog leg in the middle of it, it's already a recipe for disaster without putting all these trucks back into the mix. Even the 30 trucks per hour after 3 pm is still way too many.

10

Aside from all of this, I'd like to remind the panel of a credo that is well-known in the medical industry. The best predictor of future behaviour is past behaviour.

Daracon has already shown this community that they are prepared to operate illegally and do whatever they see is necessary for them to make as much money as possible, regardless of the consequences to people or the environment. It took the concerted effort from a lot of concerned locals, a long drawn out court case and a lot of public money for them to be held to account a few years ago. So why would we trust them to do the right thing now? Thank you.

20

MR WILSON: Thank you very much. I'd now like to call on Mr Robert Parsons.

MR PARSONS: I would like to begin by express my appreciation for being able to join the information process about the disastrous implications of the Martins Creek project.

25

My comments are made in reference to the transport arrangements from the quarry and the unbelievable damage this is going to do to our lifestyle, value of our property, safety of our family, and indeed the continuation of our ability to live in this area. Multiply the implications for my wife and myself by thousands because, as you know by now, everyone else from Paterson to East Maitland will be harmed in the same way.

30

I find it disconcerting, in a democratic society, that I am now in a position of having to defend my right to live peacefully in due retirement in a house that I own and built, also in the area my daughter and her family are in a house, which would enable us to be in close proximity in a safe and pleasant community.

35

Even worse, standing here defending our right to live peacefully and safely when a decision to destroy that right has already been made.

40

How on earth is it possible to make a decision that will wreck the beautiful village of Paterson?

Nobody with any common sense at all can stand in Paterson and say that a village with a 90 degree corner in the middle will not be desecrated by a constant flow of heavy vehicles.

45

Talk about all the ameliorating factors you like. But none of that will have any meaning. In reality it's a little village and no matter what cover words are used, the flow of trucks will destroy it. Good-bye Paterson.

5 The traffic through Largs, Bolwarra Heights, Bolwarra, and East Maitland will be
horrific and dangerous, particularly during school bus times. These roads are coping
now with the transition from semi-rural to urban. Sometimes there might be a 10,
20-second period when you can look up and not see traffic. It's rare. At other times
10 you might have to wait five minutes at the intersection after dropping a child off at
school before being able to
re-enter the main road.

15 Within the last 10 years, a by-pass to East Maitland was completed. This was
essential because it was taking people up to 45 minutes during peak times to go
through Lorn. Even so, with the extra traffic caused by increased population, Lorn
can still, at times, be congested. And East Maitland, through Melbourne Street. I do
not believe that anyone has seriously or adequately assessed these intersections.

20 Hugely increasing the number of trucks through these intersections will cause a
massive increase in delays, frustration, pollution, and damage to the public – danger
to the public.

25 An example of one of the numerous social negatives will be the significant increase
in travelling time for secondary students travelling to and from school, and for
primary students attending non-government schools. And ambulances to the new
Maitland Hospital, I can only be selfish and say that I'm never in an ambulance that
has to get through that traffic or find a way around it.

30 The most concerning result of the Martins Creek Quarry decision is that without
doubt, it will result in a significant increase in road deaths and serious injury. Even
more devastating is the knowledge some of these would involve school buses. I have
had personal experience with the sadness caused by school bus accidents, and I can
only say what an unbearable feeling of desolation that creates.

35 I really do not believe this is an outcome of which the planning commission
members, you people, would be proud. I do not believe that.

I should mention that the area is also flood prone and easily isolated.

40 We speak a lot these days about mental health and that's a very important aspect of
human nature to be concerned with, and I do have to say quite honestly, that this
whole issue has certainly created enormous anxiety and depression for me
personally. It has left me with a sense of helplessness. It does not matter how
wrong, inappropriate, unfair or dangerous this decision actually will be for my family
45 and I; it will still go ahead because I have no power, and others do, the power of
money and the power of influence.

It probably means that both my family and I will have to move somewhere else. I don't know, of course, how the mental health of other people would be affected by the outrageously inappropriate decision concerning their place of living. I do suspect, however, that the mental health of many other people would be affected.

5

There is likely to be significant financial losses caused by being forced to move, so the obvious question is will there be compensation from the New South Wales government.

10 It does seem amazing that a decision has been made to increase traffic on our roads, on our access road, which will make it much the same as the traffic that runs through the main street of Singleton, the only difference being, however, that the New South Wales government is now spending millions of dollars to by-pass the Singleton urban area, partly because of deaths caused by bus and truck accidents.

15

When I first came to live in this area 40 years ago, there were hundreds of coal trucks, probably around 300 a day, on the New England Highway. Very wisely, a decision was made to send the coal by rail.

20 I am not challenging the right of companies to make a profit, indeed companies run quarries because the products are needed and obviously they have to be transported, but there's got to be more to the story.

25 How is it that a company can make a huge profit and the community in which I have lived for so long and enjoyed and loved, along with thousands of other people, will have to pay for the success for this company for the next 30 years? How is that fair, how is that even decent?

30 It is worth noting that the Glencore open cut mine has been – has not been allowed to expand its operation in the Upper Hunter because of the need to protect a cultural area. This is a commendable response to protect a culture, yet the irony of it by comparison, where is the consistency.

35 In the same Hunter Valley, we're prepared to destroy a community to create an unsafe environment and to make a lot of people feel anxiously concerned for a long period of time.

40 What you are about to create is a huge problem and the continuity of this will end up like being a publicity campaign for poor, bureaucratic decision-making because once these trucks are on the road, you can be sure that all the people not yet engaged in the problem will become – will be unable to avoid ongoing and ever increasing campaigns to have the decision reversed, and whatever the number of trucks identified, double it because from the point of view of community safety, and convenience, it's a truck up through the community to Martins Creek Quarry, and
45 down through our community, loaded with gravel. So how can this be anything other than a very poor decision?

In the first place, the company you are supporting has a history of not being reliable and that includes legal matters, of which you are aware. Therefore none of the agreements you have made with them can be relied upon.

5 In the second place, none of this is necessary because the whole transport process could be by rail. Why are we going backwards? Is the government going to spend millions to alleviate traffic problems? Maybe not. Maybe. I doubt it. But it must make more sense to avoid the problem in the first place.

10 You obviously have a relationship with the people who run Daracon, but what about the relationship you have with ordinary people like me through your engagement with the New South Wales government?

15 Plan effectively and sensibly for the next 30 years. If Martins Creek has to go ahead, do it by rail. Please do it by rail, not by road.

MR WILSON: Thank you. I would now like to call Luke Barker. Sorry, Luke Barker.

20 MR BARKER: Thank you, commissioners, for the time afforded me today to discuss the proposed Martins Creek Quarry as allotted by Daracon. I also appreciate the extra time to speak, as discussed yesterday afternoon, so thank you for that. For me today, and I also attended yesterday, as this is very important to me, as it is to lots of people here you've seen.

25 By contrast, I can only assume that it mustn't be too important to the directors and shareholders of Daracon because only one of them is actually here. Spending 10 minutes and as little as \$27 at ASIC tells me that retired or not, David Mingay is still very much involved by his role as director, together with his son, John, and son-in-law Adam, who is with us here today. Further, following the corporate trail is
30 plainly evident that David Mingay is one of the ultimate beneficial shareholders, along with other members of the Mingay family.

35 Buttai Gravel is owned by Daracon engineering, which in turn is owned by Daracon holdings. So I ask the commissioners, why should one family benefit from a socially devastating and unwanted enterprise at the expense of so many other good families in this community?

40 On account of my trade, and I'd like nothing more than to show you endless spreadsheets and talk data and numbers all day, but I understand that not everyone likes numbers as much as I do. That's what's called empathy, empathy for those in my area and for those that I'd like to interact with. It's something that could probably be listened to.

45 However, to assist the commissioners, I'd like to give a bit of context as to why I believe I'm a well-qualified person to speak here today.

I find myself in somewhat of a unique position in that I seem to be able to tick just about all of the IPC respondent public forum bingo. I grew up on the proposed haulage route at Tocal Road, Mindaribba. The later stages of my primary and high school years were from the family home in Bolwarra.

5

The family moved to Paterson Road, Woodville, where I committed to both work in Maitland and university in Newcastle for several years. Like a lot of young fellows and my cohort, I followed love, learning and sport and moved into Newcastle.

10 Thankfully, following love worked out. We ended up getting married in Paterson's Tucker Park. Had our reception at the Woodville School of Arts Hall, and we stayed at the CBC, now the Paterson Lodge.

15 Over two years ago, and now married with three kids, we moved back into the area for the better life. A very picturesque 12 riverside acres at 150 Gresford Road, one and a half kilometres on the northern side of Paterson township.

20 Further, I worked at Daracon as the chief financial officer for a period of two years between December 2012 and December 2014. I've been on the inside, as it were. I know firsthand the ruthlessness and focus on profitability at all costs by the directors and management teams.

I currently work in Beresfield. I'm travelling the full extent of the haulage route on a daily basis.

25 My brother-in-law is a truck driver. My wife, Heidi, is a teacher at Dungog high and commutes in the opposite direction to me, but again along the haulage route. And my eldest is in year 8 at Dungog high and travels by bus to and from our home. Ever the entrepreneur, he also runs an egg business. It's called Bonfield Bumnuts. You should try some. Selling dozens of eggs by the week from our roadside.

30

My other two attend Paterson primary in year 4 and year 6, taking the provided bus to and from our driveway. We are a community minded people in the Paterson school, P&C, involved in various committees. We coach and manage sports teams. We ferry kids to and from school events, friend's houses, and like a lot of people

35 you've heard from and will hear from, take an active part in many community fundraising events our community enjoys.

40 And yet at no time has anyone knocked on my door to consult with me, to ask about how this may affect me and my family or what it may be done to mitigate the impacts that have now already been well documented and spoken about by others. I'll say that again. Not one person has consulted with me.

45 I understand the representatives of the Commission stayed in Maitland last night. I feel it was a real missed opportunity to be able to stay in Paterson and be exposed to the current lived experience of our tranquil little lifestyle. Maybe next time.

Daracon talked yesterday about the calculated net present value being \$58 million for this project. To me, that doesn't even sound like that great a number for a project that is projected to operate for 25 years. Does the MPB calculate the loss in real estate value should this project be approved in its current form?

5

Commissioners, as the saying goes, the pen is mightier than the sword, and it couldn't be any more true in a sense. Should the IPC find in favour of the project in its current form, before the ink is even dry and a proclamation, the value of my house and many of my neighbours will halve, as will just about every other house on the haul route. Who compensates me for that? Does that value reduction factor in the MPB count? I suspect not.

10
15 In contrast, I have recently approved a DA for substantial renovations to our home and outbuildings with other works in the order of a million dollars. Is that factored in? Are all the other proposed renovations, subdivisions, tourism events, weddings, and other community events factored in? My construction work certainly won't be getting done if the haulage route is approved. That's real, local construction jobs, materials and value being lost to this community.

20 And for those who haven't lived in a tight knit community, you just – you may not get it. This community have been through a bit of late. There's been a decade of drought, fires, past few years of La Nina with flood after flood in these last two years alone, Daracon phase 1, we'll call it, COVID, the Boorowa mine extermination that's going on at the moment, and now this shit show. Excuse the language, but I'll talk
25 frank, Daracon phase 2.

And yet we've got through it all together, shoulder to shoulder, because we act as a true community. We don't get to leave at the end of the day. Unlike all three Daracon reps here today, I'll call it four, there's another one today, we don't get to
30 leave for Newcastle and, guess what, we don't want to. We live and breathe our community. We know our neighbours. We check in on them. We help out. We care.

35 And as you look out over the crowds of attendance yesterday and today, and without causing any disrespect to my fellow community members, the grey hair is a somewhat prominent feature, and I'm certainly heading that way myself, I'll be honest.

40 It could be easily construed as a bunch of older folk trying to hold on to a past era, times gone by. However, I assure the Commission that the younger people in our community are just as outraged as what we all are. I'm able to get this time from my employer, but not everyone has that luxury. Next slide, please.

45 They are running their businesses. They're at works, they're juggling their kids and their sporting commitments. I feel like I'm having my very own Dale Kerrigan moment from The Castle, the fight for the little man.

I only get 10 minutes to defend my patch, to defend my community. I don't have the millions of dollars to spend on consultants who'll give me the answers to officially rebuke Daracon's puppet contractors. It's just little old me and my camera phone. Indeed, holding this public forum at relatively short notice and on a Monday and
5 Tuesday during the day does make everyone's ability to speak somewhat limiting. I just hope that I'm doing my generation justice with the words I speak today.

10 With due respect, I suggest the IPC hold a subsequent forum on a Saturday morning or even mid-week, at night, and witness the community turn out.

I also propose that Martins Creek Quarry's not truly needed due to the recent approvals for Brandy Hill quarry done by Hanson, and the recent establishment of the Karuah East Quarry, owned by Hunter Quarries. These two quarries were combined with other active and better placed quarries, have the capacity and
15 longevity to support current and future demand of the Hunter and wider New South Wales requirements.

Further, Martins Creek Quarry was originally utilised with a 30 per cent distribution of its output via its dedicated train line. It was not distributed through small village roads and did not destroy the amenity and community of its neighbours.
20

The quarry's proposal to use the local roads and infrastructure is disruptive and damaging to the local community, of which we are very proud members of. The tight Paterson community and its surrounding communities, Vacy, Beresfield,
25 Dungog, Martins Creek, Duns Creek, Woodville, Hinton, Largs, Worrell, Lorn and East Maitland, will all be impacted from the increase in traffic from the excessive truck movements both to and from the proposed quarry.

The roads in all of these areas will become inherently more dangerous with the additional traffic, and are themselves not designed to take the volume of traffic that this proposal will add. This additional wear and tear on the road infrastructure will not be maintained, again making the road even more dangerous. Next slide, please.
30

So my house is on Gresford Road, one and a half kays from Paterson township, and the movement of trucks on this road, as the proposed main haul route, is already
35 incredibly busy and not well regulated for its current speed zone.

My house in this photo was taken from the front porch. It's very close to the roadway. Twenty metres from the front door to the painted white line on the roadside, and that constant noise and rattling of the home with more heavily loaded
40 trucks would be truly devastating. The noise from the unladen trucks as they make their way back to the quarry to get further loads would be even worse. Next slide, please.

45 We already have trouble sleeping due to the road noise that starts anywhere from about 4.30 onwards. The hours of operation of this applicant will increase road noise at a time when the traffic is already increasing to a very high level from people

starting their work day, children going to school, and child care. We will have trouble both leaving – and I'm going to continue, sorry, so - - -

5 MR WILSON: Try and sum up, if you can.

MR BARKER: I will try.

MR WILSON: Thank you.

10 MR BARKER: But as we all know what's good for the goose is good for the gander in terms of going beyond what's been approved.

We will have trouble both leaving and entering our own driveway, impacting directly on my farming business and the amenity of rural lifestyle. Next slide, please.

15 Our children currently catch the bus from in front of our house. The increase in traffic makes this very dangerous and haulage trucks especially increase the risk of our children being injured or killed due to their size, reduced visibility, especially where children are concerned, and the inability to stop at speed limit. Next slide, please.

20 Photos from this morning. My eldest goes to Dungog High School and needs to cross the road in the morning to catch the only available bus. It was quite a scene on the pick-up. Next slide, please.

25 Our youngest two get off the only available bus in the afternoon from Paterson public primary school, they need to cross that busy road at times unsupervised, to get into our front door. When it's envisaged that 40 trucks per hour will be using this haulage route, the only logical and rational outcome is tragedy.

30 Combine the above with the increase in population as more and more estates are approved and inhabited, the volume of traffic on the main route between the valley and Maitland, Newcastle and Sydney, is only growing and becoming increasingly incompatible to a development of this magnitude and haulage expectations.

35 The level of trust with Daracon in this community is very low because of this, but we only hope the IPC sees the devastating impact this proposal will have in its current form, and fails to address the needs of the community and lack of consultation and lack of adequate mitigations. Next slide, please, and if you could click on the link to let us get into Google Earth.

40 MR WILSON: Just how much longer?

MR BARKER: Couple of minutes.

45 MR WILSON: Okay.

MR BARKER: You can start with the presentation on it. There's a button to start the presentation. Looks like the technology's not working today.

5 Effectively, all I was just going to show you, and I'll summarise this piece, was the multitude of areas, and you can have a look at it in your own time, I guess, afterwards, where congestion is imminent, where danger through schools, through corners, and through its proposed mitigations, are just not going to say.

10 MR WILSON: Will you be able to submit that to us?

MR BARKER: Yep. You've got it.

MR WILSON: Thank you. Thank you.

15 MR BARKER: So, yeah, I work in Beresfield, and basically travel that proposed main haulage route and this daily commute is already congested with heavy traffic experienced at Tocal College, the inner section of Hunterglenn Drive we've spoken about before, at the BP corner, that someone has spoken about before, and especially Flat Road and Melbourne Street. In this last intersection, Flat Road and Melbourne
20 Street is a single right-hand turn lane on to a very congested Melbourne Street which gets residents from many locations on to the arterial route and New England Highway, not just trucks.

25 Working from home is not an option with my employer and any further increase in travel time may make the commute untenable.

30 Look, we're not opposed to the business, per se, but the current proposal is staggeringly inappropriate in regards to its logistics. The quarry was initially designed to have 70 per cent of its output freighted out by rail, and it's still possible. Daracon just haven't explored this opportunity to its full extent to freight their products by rail. Their ruthlessness and focus on profitability at all costs is on fine display with this current proposal.

35 During the presentations and documents available for review, I keep seeing the interchanging of words feasible and profitable. Look for clarity. Feasibility's a spectrum. Two outcomes may be feasible, but one is more profitable than the other. They're both still feasible. I can't imagine the exorbitant amount of money that this has now been expended over the years on consultants, PR, marketing, planners, reports and solicitors to get to this point. It's an all-in effort from here for Daracon
40 and no other option will now be explored. However, there are other feasible options, maybe ones that aren't quite as profitable and possibly harder to implement, but they're there.

45 What is tabled is the best case scenario, and that alone is a scary prospect.

Look, at the end of the day, what will it take for common sense to prevail here? An injury? God forbid a death? But by then it will be too late.

In summary, Commissioner, look, we were married under the poplar trees in Tucker Park, Paterson, and grew up in the area. We are raising three very fine young community members that are already contributing to the very fibre of what makes our area very special. We coach, manage, local, junior sporting teams, we are
5 members of the school P&C, we volunteer our time for the community, as do so many others, and we live in and for the community. We know and love the township and the people that live here. There's a very strong community that often comes together in times of need, in times of celebration and when the chips are down. That is what we are doing now and the fight to save what we have will not be extinguished
10 easily.

Daracon already know this and unfortunately they've spent copious of money to try and turn us away. However, we are resolute. We are connected, and we won't stop the fight for what we have and love. Thank you.

15 MR WILSON: Thank you very much. May I call Lisa Lampe, please?

MS LAMPE: Thank you very much, commissioners, residents and others. Can you hear all right?

20 MR WILSON: Yes, we can hear you fine. Thank you.

MR L'GREEN: I'm speaking here today – thank you. I'm speaking today as a resident today who stands to be impacted by Daracon's expansion plans. This is
25 purely a business proposition for Daracon as with any business they would like to increase their profits.

As you've heard from numerous presenters, what does that say for us and others who chose to live in the areas that would be impacted? There's our health, well-being,
30 and even financial security. The costs and benefits need to be fairly evaluated.

If the extension is not approved, Daracon will still be in business and construction in Sydney and elsewhere will continue. There'll be minimal impact for them. But if it is approved, there will be major adverse impacts on quality of life for residents for 25
35 years.

We place a high value on the amenity of our rural and semi-rural lifestyles. The clean air and quiet, low traffic environment, and the beautiful natural landscape, create a sense of well-being and quality of life. Thirty to 40 truck movements now
40 will have major adverse on health and well-being. As it happens, I'm also a mental health professional, so I know the truth of this.

The key impacts I wish to address today are noise, traffic and pollution and well-being. Personally, we walk my dogs along Tocal Road. In the 80 kilometre an hour section, there's no footpath and in the 60 kilometre an hour section, the road is
45 narrow and often very close to the footpath. Large trucks, every 90 seconds at peak times, will make that walk feel like a wall of noise. It will be like bringing Pennant Hills Road to Bolwarra Heights, but there won't be any NorthConnex

The proximity of the trucks will also present a danger to pedestrians and dogs. It's more than just our morning walk though. At the height of Daracon's prior operations outside what was legal, the noise was such that some residents near Tocal Road couldn't hear each other if they tried to have a conversation outside their houses. In
5 a supreme irony, the council disallowed a fence to reduce the noise impact saying it would be out of keeping with the rural character of the area.

Daracon have said there will be no impact on traffic. This beggars belief. The Martins Creek Quarry traffic and access assessment was conducted in 2016, six years
10 ago. Since that time, there has been a huge expansion in residential development in local council areas which has resulted in a very obvious increase in traffic.

However, even in 2016 the assessment found that the queue on approach to the Pitnacree Road, Melbourne Street intersection at East Maitland could be up to 336
15 metres long, and the queue on approach to the Melbourne Street, New England Highway intersection could exceed 600 metres. What Daracon proposes is a huge increase in truck traffic along this route. And even more trucks than this.

In addition to the Martins Creek Quarry vehicles, at Brandy Hill quarry with its
20 expansion to 1.5 million tons per annum was approved in 2020, information I saw said that it intends to send 25 per cent of its trucks along Paterson Road. So that's about 370,000 tons added to Martins Creek Quarry's 600,000 on the road. This would typically impact residents and users of Paterson Road from the Tocal Road intersection onwards, and further congest the Melbourne Street intersection.

25 In terms of pollution, briefly, diesel particulate matter has shown to be associated with long-term health impacts, food, and heart and lung disease and cancer. Increased truck movements will reduce air quality, particularly in winter when wood smoke is also an issue.

30 Daracon's proposal is wholly and solely about maximising a company profit. There's no necessity. The company is already profitable. Road haulage, as opposed to rail, will increase their profit margin. Residents of Martins Creek, along the 28 kilometres of community roads that Daracon wants to turn into a haulage route, are
35 to pay for this profit through loss of amenity, noise, traffic and health impacts, and economic loss. There is no mutual benefit here. The gains will be all on Daracon's side.

40 I like what the previous speaker said about why should one family's gains outweigh the impact of all the other affected families. This is simply unjust. Our society supports decisions for the greatest good, but applications that seek to profit the owners of a private company at the expense of hundreds, if not thousands of others, should have no place in a modern society. Thank you very much.

45 MR WILSON: Thank you, Ms Lampe. I'd like to call Mark Walker.

MR WALKER: Good morning, commissioners. I object to the expansion of the Martins Creek Quarry. There are a number of issues not satisfactory addressed or not addressed at all in the DPE assessment report or the DPE conditions of consent.

5 The concerns for residents and those on the haulage route is noise, safety, dust, and loss of amenity. There are four dominant traffic road safety concerns and pinch points on the haulage route that have not been addressed by the DPE in their assessment report.

10 The first is the intersection at the northern end of the township of Paterson, that being the T-intersection of King Street and Church Street. The safety issue is for vehicles exiting right from Church Street, heading into Paterson. The crested corner coming into Paterson is blind. I appreciate that the speed limit on this section of King Street is 50 kilometres an hour, but if driver's decision is to exit Church Street is not timed to perfection, a loaded truck and dog will have difficulty braking in time to avoid a collision. Also there is the added safety issue that immediately after this crest there's a boom gate railway crossing. When the boom gates are in the close position, cars are often banked back to the blind crest, decreasing driver's response time even more. No solution has been offered by the applicant.

20 The second is the blind dog leg at Prince Street and Duke Street in Paterson. This intersection cannot be made safe by modified line marking as it is constrained by historic buildings on opposing sides of the intersection, those being the rectory and Sunnyside, reputedly the oldest home in Paterson.

25 This intersection has a greatly restricted line of sight when exiting Prince Street, heading in a northerly direction. It is dangerous even without large quarry trucks. Trucks cannot legally traverse this section of Duke Street without crossing over double white lines.

30 There is also very limited pedestrian access along this stretch of road. This road is unsuitable for truck and dog quarry trucks. No solution has been offered by the applicant. Next slide, please.

35 The third section of the haulage route that is concerned is where Tocal Road meets Paterson Road at the BP service station at Bolwarra Heights. The cumulative effect of haulage from Martins Creek Quarry and Brandy Hill quarry has not been assessed by the DPE.

40 Once both quarries are at full capacity, up to a hundred trucks will meet at this intersection per hour. That is a truck every 36 seconds. Adding to safety concerns is Tillys child care centre and Bolwarra public school that are both a short distance from this intersection. Both these facilities experience peak child drop-off time that coincides with peak quarry truck numbers.

45 Also the Hunterglenn Drive development at Bolwarra will see many new homes added to this already rapidly growing precinct, bringing many more cars and pedestrians on

to the roads and footpaths. No solution has been offered by the applicant. Next slide, please.

5 The fall section of the haulage route of concern is the intersection of Melbourne Street and New England Highway, East Maitland. In its own assessment, the DPE states that, quote:

Melbourne Street, New England Highway. Four way traffic signal control currently operates at close to capacity.

10

Unquote. With the cumulative effect of trucks from both quarries, this intersection will operate at beyond capacity. No solution has been offered by the applicant.

15 Quarry trucks must traverse 28 kilometres of rural roads to reach a major highway. No other quarry in New South Wales forces haul route residents to endure such discomfort.

20 The loss of amenity for those living near the quarry in Paterson and on the haulage route is immense. Social impacts are extreme and detrimental to my mental health and the mental health of others. The loss of amenity is not an ill perceived prediction or an unsubstantiated claim. It is a lived experience. It is real. Something the DPE is unable or unwilling to quantify.

25 Throughout the assessment, there is a reference to the primary haulage route. This infers product will be transported by road to locations other than the primary haulage route alone. Is there a limit on quantity or number of trucks of this local delivery?

30 The applicant's attempts to ameliorate the community via mitigation and management strategies are a community contributions and sponsorship program, community engagement strategies, infrastructure contribution plans, contributions to community initiatives, a community consultative committee, and employing a dedicated community liaison representatives. These strategies do nothing to lessen the noise, dust, safety issues, and are, frankly, contemptible. This community cannot be bought.

35

In regards to noise, the DPE assessment report, page 115 paragraph 32, quote:

Given the quarry's location and its extensive history of operations, it is reasonable to conclude that the residents of Martins Creek and surrounding areas have been subject to noise impacts from the quarry for many years. It is also reasonable to conclude that the quarry's operations which have been occurring for over a hundred years pre-date all current inhabitants of the area.

40

45 Unquote. This is an irrational conclusion and infers that residents of Martins Creek and surrounding areas should be used to noise from the quarry operations. In fact for the majority of the hundred years, quarry materials moved by train and when moved by truck, only 30 per cent was transported by this method. The community and

Dungog council objected to the quarry operations both when RailCorp and the applicant exceeded extraction beyond the 1991 consent. The community was not tolerant of the illegal quarry operation or what is proposed in the recent DPE conditions of consent.

5

Martins Creek Quarry is the only quarry in the State that is positioned within a rural setting where residential properties adjoin the fence line of the quarry, the nearest residential structure in Station Street being just 50 metres from the quarry.

10 In supporter submissions, there is often comment that the approval of the quarry will improve much needed supply of quarry material. The DPE assessment report states, quote:

15 *There are six other approved hard rock quarries with the capacity to provide significant volumes of high strength aggregate and construction materials within the Hunter region.*

Unquote. Also another important issue relating to supporter submissions noted in a DPE assessment report, quote:

20

Of the total supporting submissions, one was made within five kilometres and/or proximate to the haulage route, 24 were made with a distance of five kilometres to a hundred kilometres, and six were from further afield.

25 Unquote. Supporters of the quarry do not live around the quarry area, they do not live in Paterson, and they do not live on the haulage route. They have and will not negatively – sorry, they have and will not be negatively affected by quarry operations.

30 Martins Creek Quarry is the only quarry in New South Wales that has an existing rail siding at its doorstep. The reluctance by the applicant not to transport all product by rail is purely based on profit margin, that is the wish not to double handle the product which would increase cost per ton. My understanding is there are locations on rail spurs at East Maitland and Hexham that would potentially allow the applicant to
35 distribute product by truck to the desired locations.

If the profit per ton is not sufficient to make the project financially viable, the applicant should locate to another site closer to a main thoroughfare. It is not up to the community to be responsible for the financial viability of the quarry for the
40 applicant.

Of course there is a down side to transporting all product by rail. The residents immediately surrounding the quarry would be impacted greatly if this option was to be taken.

45

The quarry processing noise would continue, the blasting would continue, the dust could continue, and the loading of trucks would increase.

In regards to the driver's Code of Conduct, who will have the responsibility of policing this code? The community? Past experience shows that the applicant has very little control over contract drivers travelling to and from the quarry. History often determines the future, and the applicant's history at this quarry is a history of
5 illegally and knowingly extracting product far beyond what the 1991 consent allowed, as determined by the New South Wales Land and Environment Court.

The community has little or no trust that the applicant will abide by the conditions of consent if granted. The applicant has zero licence in this community.
10

I quote Chief Justice Preston in his judgment from 2019, Gloucester Resources Rocky Hill case, quote:

The fact that the coal resource is in the location of the Gloucester valley does not mean that the resource must be exploited, regardless of the adverse impacts of doing so. A development that seeks to take advantage of natural resource must, of course, be located where the resource is located. But not every natural resource needs to be exploited.
15

20 Thank you.

MR WILSON: Thank you very much. I'd like to call Michelle Toews. I hope I've pronounced that right.

25 MS TOEWS: Nobody ever does.

MR WILSON: Sorry?

MS TOEWS: Nobody ever does. That's okay. Good morning. My name is
30 Michelle Toews, and I am a 12-year resident of Paterson Village. Thank you to the Commission for hosting this public meeting, and I note I have read through the Department of Planning's assessment report of the project and the recommended development consent, as well as reading transcripts of separate video conference meetings the Commission has held during October with each of the applicant,
35 Dungog Shire Council, the department, and Maitland City Council.

As a resident within 100 metres of the main road through Paterson, the issues that most impacted my household in past years were around traffic noise and road and safety – road and pedestrian safety.
40

I have provided written submissions in both 2016 and 2021 objecting to the proposed expansion, outlining my lived experiences. As well as speaking here today, I shall be submitting a fuller written objection to the IPC.

45 This morning I requested a slight extension to my speaking time, and this has been approved and I am grateful for that. So in the interest of trying to keep to that

slightly extended time, please be assured that my past concerns relating to impacts in Paterson remain, despite proposed mitigation strategies.

5 My daughter now attends All Saints' College in Maitland, mostly catching school bus number 2251 at 7.53 am, opposite Stockers & Partridge. Several local students utilise this bus service with the majority getting on at 7.52 am opposite the post office. There are other southbound and northbound school buses which depart from Paterson in the morning.

10 In my 2021 submission, I noted road safety concerns in Bolwarra Heights, including where vehicles exit the BP service station and the merging traffic from Paterson Road, which includes trucks servicing the Brandy Hill quarry.

15 In Bolwarra Heights on the main road, there is a reasonably new pedestrian island close to a sheltered bus stop at Canna Street. On Friday, 28 October, while driving my daughter to school, I was behind a school bus, which indicated to stop at this Canna Street bus stop. I very quickly realised the bus was unable to pull off the road completely, and I slowed down substantially to negotiate between the end of the bus and the pedestrian island. I don't drive a big car, so I imagine something like another
20 school bus or quarry truck would nearly have to stop completely to avoid a collision with either the stopped bus or the pedestrian island.

Bolwarra Heights is within Maitland City Council LGA and the only particular reference I can see in the assessment relating to road safety in that LGA is item 91 on
25 page 23, which provides for road pavement contributions by Daracon.

I also note from the meeting transcript between the commissioners and representatives of Maitland City Council, the mayor states the level of complaint they receive about trucks from the quarry is significant and the level of concern
30 about this proposal is probably one of the most prominent issues in their community today.

The mayor goes on to refer to population growth in Maitland alone over the past
35 years of 17 per cent, bringing with it raised impacts, particularly around traffic.

But the very interesting point the mayor makes, and I will now quote directly from the transcript:

40 *With the pressure that we are being applied, being applied to us by the State government for that growth and to make our land available for residential expansions, the impacts are already significant.*

End of quote. You can very easily see examples of such housing development if you travel pretty much in any direction from Maitland, whether that be west toward
45 Lochinvar, south to Kurri Kurri, or east along Raymond Terrace Road or the New England Highway.

Moving on. One of the contentious issues raised by our community in Paterson over many years has been the volume of trucks travelling to and from the quarry when the understanding of the community was that a substantial portion of extracted material was supposed to be transported by rail.

5

In the proposed project, the applicant has sought a maximum of 500,000 tons per annum transported via road with the balance of 600,000 tonnes per annum transported by rail, as noted at item 68 on page 18 of the assessment.

10 On page 29 of the assessment, items 99 to 102 discuss feasibility of maximising use of rail network, with item 103 noting the department accepts Daracon's position that it is not feasible to rely solely on the network.

15 Item 104 discusses 600,000 tonnes per annum being transported via rail subject to market demands and network availability. That item also notes approval being sought for 24/7 train loading and extension of the existing rail siding by 360 metres to enable loading of longer trains.

20 In item 105, the department acknowledges the constraints associated with the use of rail transport by the project and recognises the efforts made by Daracon to maximise use of rail transport wherever feasible.

25 Within the executive summary of the assessment report, reference is made to the timing of the rail siding extension being that it be commissioned within two years of an approved development consent, rather than four years as was previously proposed.

30 This two-year timing is also referred to on page 39 in item 135, but that item also notes a contingency on the timing due to several factors outside Daracon's control, which may extend the time frame.

35 In the transcript of the meeting held between the commissioners and the applicant on 19 October, the applicant mentions the rail spur extension requires extraction of 800,000 tons, noting that the limiting actual production from the quarry will delay the ability to extract the resource which in turn may delay the rail spur, further saying the planned four-year time frame will be difficult to achieve.

40 When asked by Commissioner Sykes what the expected time frame would be if not the four-year time frame, the reply given by Daracon, probably one to two years after that.

So if I'm reading all of that correctly, the department's development consent condition that the rail spur be built within two years could actually push out to six years, according to the applicant.

So whilst ever that rail spur is not in place due to the factors noted above, there are limits on the loading of trains and therefore extraction moved by rail will be substantially less than 600,000 tons per annum.

- 5 In the meantime, if the new access road is completed within its two-year time frame, and all the other various road upgrades have been completed, then those of us on the haulage route will be seeing 500,000 tons per annum moved via road.

10 Once we start having 500,000 tons per annum moved by road, my concern is if the rail spur has still not been commissioned, will there be the potential for the applicant to seek a variation or amendment to the development consent to increase the tonnage transported by road based on concerns around the feasibility of 600,000 tons per annum being moved by rail?

15 And finally, in yesterday's sessions, I heard questions asked by the commissioners around timing of tourism visitors. With all due respect, it seems partly academic whether tourists predominantly visit on the weekends because while many of the events our community offers, such as the annual Paterson fireworks, the Vacy village
20 carnival, the Gresford Billy Cart Derby, these occur on weekends. These events takes months of organisation by volunteer residents who live in the community seven days a week, year in, year out, and they get sponsorship from businesses, mostly run by the same type of residents, ie, local people. These same people who, year on year, keep on giving are the same people who have been impacted by past operations of the quarry and will continue to be impacted if the project is approved.

25 As mentioned earlier, I shall lodge a fuller written submission, but that concludes the comments I wanted to make today, and I thank the commissioners for the opportunity.

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

MR MOWBRAY: Good morning, commissioners. Thank you for this opportunity, and thank you ladies and gentlemen.

35 Our family moved to 200 Gresford Road, Paterson in 1974, so we have almost 50 years of lived experience on that site. We raise beef cattle and we care for the land. We hope to be able to leave this land as a legacy to our children and grandchildren. Next slide, please.

40 I've raised five points there that I want to speak to, and I apologise if some of these points have already been covered, indeed, by other speakers. However, I'll take the liberty of digressing to address a few other salient points. Next slide, thank you.

45 The current traffic studies, as we heard earlier, were conducted in 2016 are out of date. They underestimate the traffic flows and there are no estimates or projections or future development or future traffic flows in the proposal.

The road through Paterson is a gateway to the Paterson Valley, to Dungog, and to further afield. There are new subdivisions being opened up all the time. A new four block subdivision is currently advertised on Martins Creek Road, and the Boulton Drive subdivision, which adjoins this property, has been extended in the last month
5 with at least another 20 building blocks available.

Over the years, my wife and I have observed the increased traffic, increased traffic from locals, from trades, from people building up in Hunter, as I refer, up the valley, and for tradespeople who prefer to live up the valley.
10

There's also a significant number of caravans and camper vans that travel to camp sites at Gresford, Lostock, and other areas. Of a weekend, you would be amazed to see how many of these go through Paterson Village now. Traffic volumes will continue to grow.
15

If approved, the proposal will bring with it increased risk of accidents. Over the past few years, two cars have misjudged the corner of King and Duke, and collided with a former CBC building. It's only a matter of time.

20 Daracon's traffic studies indicated that the speed limit was being adhered to by – or the average speed limit was being adhered to. That means that about 50 per cent of the traffic is travelling above the speed limit. If the average truck traffic speed is the speed limit, then there must be a lot of it above the speed limit.

25 We've noticed – we witnessed an accident where a truck went through a property between us and Bonfield, went through the front fence. Amazingly, that fence was repaired within several days so that the evidence was no longer there.

30 From a personal position, our driveway is on a blind corner, and it was always our fear that we would be rear ended into oncoming traffic as we waited for traffic coming in the other direction. We put our blinker on some two to 300 metres before the turn and we slowed progressively as we got there to warn vehicles that we were going to turn, and we may stop. It was dangerous. Next slide, please.

35 I think the points in this slide already have been well made by many others, but I say facetiously, I look forward to saving the cost of the organs at my funeral at St Paul's church. The rumble of 40 truck movements during the service will be music enough. It's commonplace and right that funerals of local residents can be held at St Paul's parish church. Many of these are funerals that attract large numbers of people
40 wishing to pay their respects. The overflow from the church is accommodated in the church grounds facing Duke Street. They would be faced with 40 trucks moving through while that service is in progress.

45 Pointedly, the intangible impacts raised by Ms Evans yesterday become very tangible when people try to sell their homes or their business. For this community it means the end of commercial development within the Paterson Village, and I just want to make a couple more points.

One, this proposal represents a transfer of public infrastructure to private use. It represents a transfer of wealth from this community to others.

5 I am surprised that there has been no one looking at the carbon footprint of the trucking movements. I see nowhere where there's been any attempt to calculate that footprint. I've tried to. The figure I've presented may or may not be correct, if you look at the next slide, thank you.

10 It's particularly galling that as a landowner who raises cattle, that we're being asked to look at reducing our carbon footprint from our herds when this proposal will put significant amounts of carbon into the atmosphere from the diesel truck movements.

15 The last thing I want to say is that – next slide, please, igneous rock deposits of the type that are mined here that comprise the Paterson and Narong volcanics are widespread throughout the Lower Hunter. The alternative deposits are close to the Pacific Highway, and distant from developed land.

20 Daracon doesn't want to make the necessary investments to open these up. Access to cheap and a ready supply of gravel from Buttai, Martins Creek and Ardglen, not Gunnedah, as was referred to by the applicant yesterday, are the jewels in Daracon's Crown. Access to a ready supply of at cost gravel allows them to undercut other companies in the tendering for major, major civil engineering works and that's why – their business model.

25 As at last point I make is while the truck has been sitting here, there's been a mysterious reduction in the number of trucks. Thank you.

MR WILSON: I'd like to call Peter Rees, please.

30 MR REES: Good morning, commissioners, and thank you for the opportunity to speak here this morning, and ladies and gentlemen. I'll give you my background. I retired a number of years ago as an accredited specialist in local government law and planning, and I had advised local government and others for about 35 years in most respects. I have also served on several joint regional planning panels, and a CCC.

35 I'm not here to give legal advice, indeed I cannot, and I would not, but rather to inform you, the commissioners, how I arrived at the conclusions that SSD6612 should not receive consent.

40 My interest in this matter arises from, firstly, being resident on a Brandy Hill quarry truck route for about 20 years, and where in the front yard you cannot converse while the quarry truck passes, by reason of its noise.

45 And secondly, from learning of the fears, concerns and perceptions of people about their future health, loss of amenity and character of their neighbourhood should this SSD to expand the quarry, excavate and transport quarry materials through townships be approved, and as well try to help them prevent their suffering.

Because of time constraints, I can deal only with the significant issue of social impact of quarry traffic, which on its own I would hope to persuade the commissioners would be sufficient to grant a refusal.

- 5 This issue has many facets, and I will deal with them as best I can, and in so doing, hopefully assist the Commission with the framework in which to determine the SSD on this issue.

10 My reasons. Firstly, mitigation. In the department's merit review of the social impact assessment is the following, 1.3, a summary of impacts and recommended consent conditions.

The SIA has identified the following impacts to be the most significant when mitigated.

- 15 When mitigated. First bullet point:

Loss of social amenity associate directly with traffic, trucks and movements, and flow on increases in noise, changes to air quality, impacts on local road infrastructure and potential for interactions, that is community safety.

20

Bullet point:

Loss of social amenity associated directly with on-site quarry operations such as air quality, noise, blasting and vibration.

25

Bullet point:

Loss of sense of community including rural amenity, character of the locality and how people go about their lives.

30

Bullet point:

Loss of trust in people's decision-making process.

- 35 Bullet point:

Concerns around property damage and property prices.

Bullet point:

40

Health, well-being, and associated mental health impacts.

And it concludes:

- 45 *Should the project be recommended for approval, ensuring mitigation measures are implemented via consent conditions will be critical.
Development of a social management plan, SINT, with collaboration of*

identified stakeholders, and representative community members should form the basis of the consent Commission.

5 The mitigation and enhancement strategies propose to address significant social impacts are set out in Umwelt para 6, 13, 6, of the ADA, and comprised also in a recommended condition of consent including a SINT that is sought such strategies. They are aspirational and seek to assuage concerns, for example, by monitoring and community engagement, sponsorship, and making monetary contributions to the council and community.

10 I submit, respectfully, that mitigation strategies will do little to remove the social impacts and I rhetorically ask how can consent conditions imposing these strategies, when implemented, deprive an applicant of a lawfully granted right to operate under a consent or even require modification of the consent to satisfy any outcome of a strategy induced community engagement? In other words, my view is the consent conditions will trump anything that emerges from any communities consultation process.

20 I now go on to two of the mitigation strategies in the recommended conditions. Firstly, conditions A10 and A19 include the frequency of quarry truck movements over 25 years and, relevantly, condition A13, are the frequency of truck movements. Total truck movements at the site, that is arrivals and dispatches, must not exceed, (a), 40 movements per hour between 7 and 3; (b) 30 movements per hour between 3 and 6 pm, and 280 movements per day up to 50 days per year, otherwise 200 movements per day. Note the truck movements to and from the site are also controlled by the operating now specified in condition 016.

30 So emphasis is truck movements at the site. At the site there can be 40 movements every 90 seconds in any hour between 7 and 3, and the remaining 3 pm, 6 pm, 30 such movements every two minutes in any hour. But this is at the site the condition's set, it's not on the roads where time intervals will not be the same.

35 And of course there's 20 unladen trucks to the quarry 6 pm till 7 pm, and the quantity of 280 for 50 days and 200 for the remaining days overshadows them all.

40 So applying a smidgen of common sense to all those specifications, and not ticking guideline compliance boxes, the frequency of those trucks and movements, at whatever intervals, dictates that those people whose home or business address is on or who use the narrow quarry truck route in various ways, particularly in the towns, to shop, drop off, pick up kids, will significantly and be substantially impacted by the repetitive noise, vibration and exhaust generated by the frequent passing truck movements.

45 Secondly, another proposed mitigation of impact of quarry traffic movements through the town is recommended condition B40. That requires, in essence, the heritage town of Paterson to be changed to accommodate the proposal. Amongst other things, by the modification of the Duke and King Streets intersection that will

involve the loss of car parking spaces outside the post office with the eventual installation of a camera monitoring station and radar fizzle signs, and so on, in and about the township, and no wonder the residents fear a loss of sense of place.

5 This loss of place was a matter that was substantially dealt with in the leading case of Gloucester Resources Limited against the Minister [2019] NSWLEC 7 on the 8th of February 2019. I did send a message to the ministry site asking or telling me that I would be relying on this case. I don't know whether you received it. Well, you have those decisions in front of you, but it is - - -

10 MR WILSON: We understand the decision.

MR REES: Yes. It is an important decision by Chief Judge Preston, who has served on many courts, particularly the Court of Appeal.

15 Anyway, I will rely quite extensively on this because it deals with the facts which have come before you and puts them in a legal text.

At 371 to 2, the Chief Judge says:

20 *I have explored and have found substantiated the residents' concerns about the project's impacts on the people's way of life, community culture, and health and well-being. The project will substantially affect the surroundings and people's sense of place. These social impacts can also be seen to be impacts on the amenity of the place. The concept of the amenity of the place or locality is wide and flexible. Some aspects of amenity are practical and tangible. Examples include the traffic, noise, nuisance, appearance, and way of life in the locality. Other aspects of amenity are intangible and subjective. They include the standard or a class of a locality and the reasonable expectations of residents in the locality.*

And he quotes a Queensland decision. I turn, now, to the legislation that I considered brings on board this social impact. The first leg is the Act, the EPA Act, and I'll jump into section 1.3B:

35 *B. Facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.*

40 Section 1.4 of the Act defines ecologically sustainable development as having the same meaning as section 6 sub 2 of Protection of the Environment Administration Act, which in turn says:

45 *ESD requires the effective integration of social, economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following*

principle of programs, (a) the precautionary principle – namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation and in the application of that precautionary principle, public and private decisions should be guided by, firstly, careful evaluation to avoid, where practicable, serious or irreversible damage to the environment, secondly, an assessment of a risk weighted consequences of various options and inter-generational equity – namely that the present generation should ensure that the health, diversity and productivity of environment are maintained or enhanced for the benefit of future generations.

And finally, (c):

Conservation of biological diversity and ecological integrity – namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.

And moving on, another social impact is the distributive inequity that would result if the proposal is approved. Go back to Preston in Gloucester. At 398 he says:

A further social impact revealed in the other types of social impact discussed earlier is the distributive injustice or inequity that would result from the approval of the Rocky Hill coal project. Distributive justice concerns the just distribution of environmental benefits and environmental burdens of economic activity. Distributive justice is promoted by giving substantive rights to members of the community of justice to share in environmental benefits such as clean air, water, and land, a quiet, acoustic environment, scenic landscapes, and a healthy ecology, and to prevent, mitigate, remediate or be compensated for environmental burdens such as air, water, land, and noise pollution, and loss of amenity, scenic landscapes, biological diversity or ecological integrity. Issues of distributive justice not only apply within generations, that is intra-generational equity, but also extend across generations, that is inter-generational equity.

As to which principle – his Honour went on at 399 to say:

Intra-generational equity provides that people within the present generation have equal rights to benefit from the exploitation of natural resources as well as from the enjoyment of a clean and healthy environment.

And he references Telstra:

The principle of inter-generational equity provides that the present generation should ensure that the health, diversity, and productivity of the environment are maintained or enhanced for future generations.

Then he quotes 6(2)(b) of the POE Act.

And to explain all that, one of the planners in that case, Dr Lawrence, his Honour said, considered the project would cause distributive inequity. Now, this is important:

5 *Majority of the economic benefits of the project will primarily go to the people
who do not live in the Gloucester township: they will go to the mining
company and their shareholders by way of global flows of capital to the
suppliers of the mine, presumably based in urban centres such as Newcastle, to
10 *DIDO workers living outside Gloucester, and to the New South Wales
government and the broader population of New South Wales by way of
revenue. The local economic benefits of the project will be limited to those
local business and local people who may benefit from local contracts and local
employment, which I note above will be limited. In other words, the economic
15 *good from the project will primarily be distributed to people outside
Gloucester.***

Substitute here outside Paterson, outside Martins Creek:

20 *Any local benefits will be short-term, spanning the 19 years life of the mine.*

Another planner concurred with Dr Lawrence, Dr Askland. The planner said:

25 *The distributional inequity of the project cannot be mitigated by the
recommended mitigation measures and the local community will carry a
disproportionate cost.*

Ultimately, his Honour found, at 406, that the project:

30 *... will raise issues of distributive equity, both intra-generational and
inter-generational ...*

As those planners had explained:

35 *The burdens of the project, the various negative environmental, social impacts
and economic impacts will be distributed to people in geographical proximity
to the project. The physical impacts of the project such as high visual impact
and the particulate, noise, light pollution, will be experienced by people in
geographical proximity. There is a distinct inequity embedded in the
40 *development that exposes a particular part of the local population, those within
the estates and close proximity to the mine site, to distinct impact which is not
accounted for. These physical impacts, in turn, trigger social impacts on these
people.**

45 He concludes, sorry, I feel - - -

MR WILSON: It's okay.

MR REES: - - - this is very important because it translates in legal language, I suppose, what these people have been saying. How do you fit the law into what these facts have come before you. He says:

5 *I find that the project will have a significant negative social impacts on people's way of life, community, access to and use of infrastructure, services, facilities, culture, health, well-being, surroundings, and fears and aspirations. Will cause distributive inequity.*

10 He summarised:

Positive social benefits will be small. The significant net negative social impacts are a justification for refusing consent to this project.

15 I've got about five minutes to go, if you wish.

MR WILSON: Can you try and sum up?

MR REES: Is that okay?

20

MR BARLOW: Mr Rees, just to pursue your inter-generational equity - - -

MR REES: Yes.

25 MR BARLOW: - - - a little more, not in great detail, but are you, you know, intimating or projecting that if the town of Paterson is stunted by truck movement so that the next 25 years, the life of the quarry, that its chance to grow as a destination may well be limited, and therefore limiting the opportunities of the next generation, is that what you're suggesting?

30

MR REES: I'm saying, and in a few moments, but the town will be disintegrating. You can't have these trucks going by every 90 seconds, assuming they go evenly spaced and they go doong, doong, doong, as often happens where I am. The town will just disappear. It will become a quarry town.

35

MR BARLOW: Yes.

MR REES: Weekends, perhaps. I don't know. Look, I've lived around here for years and years and years. Up to the Barrington Tops and all that, it's beautiful country, and this is a stopping point at Paterson. Does that answer your question?

40

MR BARLOW: Thank you. Thank you.

MR REES: I hope so. I'm just saying the same circumstances apply here, that social environmental harms will be experienced by peoples at Martins Creek, the residential and commercial areas of Paterson, Boorowa, and Maitland. I couldn't find in the department's material anything of substance that shows how the impacts

45

and benefits of the proposal are likely to be distributed across time, geographically, and amongst different groups of people in these localities.

5 What happened to distributive equity? Well, the department says, at page 4 of the
SIA merit review, I say that the department has seemingly deferred that matter to the
applicant who says – who, it says, must prepare a SINT and provide evidence that the
local community and stakeholders are mutually satisfied with the mitigation
measures and monitoring plan is detailed in the SINT and align with the following
principles as defined in the DPIE’s I8 guideline 202(1). Where does it engage with
10 it?

Yet that’s the merit review, but when we go to condition B5, there’s nothing at all about distributive equity. Nothing at all.

15 In Umwelt’s para 5, response to interest groups submissions, the economic impact assessment indicates that the revised project is estimated to provide a net benefit to New South Wales including the local community. I don’t know what the net benefit – I haven’t seen anything. It will go outside the vicinity.

20 The second leg of the legislation is the planning policy resource of energy 202(1). This is an enabling clause for the commissioners. 2.17, the compatibility of the extractive industry and other land uses. You’ve got to consider existing and approved uses of land in the vicinity and whether or not the development is likely to have a significant impact on the uses in the opinion, having regard to land uses are
25 likely to be preferred uses of land in the vicinity, and so on and so on. You can no doubt look at that yourselves. I respectfully ask you to do so.

One of those subclauses in 217 is to evaluate and compare the respective public benefits of the development and the land uses, and evaluate certain measures. Within
30 the Gloucester decision, I don’t know about the vicinity of the was agreed by the planners to be answered as what land is potentially open to experiencing some impact from the particular development. That’s at 60:

35 *If land in the vicinity is so described, then again within the ambit of the set, the Commissioner’s consideration of particularly social impacts of the proposal go well beyond the joined property or land proximate to the site.*

MR WILSON: How much more, Mr Rees? Just interested in timing.

40 MR REES: I have about three pages. I’ll be brief.

MR WILSON: Okay. Thank you.

45 MR REES: If that pleases you Mr Chair. So we’ve got the sets, 2.2 is to transport and I draw your attention to a clause in that set which says:

Require that some of the transported materials in connection with the development is not to be by public road and you can limit or preclude truck movements in connection with the development that occur on roads in residential areas on roads or near a school.

5

And I respectfully submit that when those legislative provisions and judicial decision are applied to the social impacts that you have read and listened to, the result is that it is in the public interest to prevent the disintegration of communities and their amenity by a proposed quarry traffic, and the SSID warrants refusal of consent.

10

And finally I must deal with the recommended conditions of the I say are unsound. For example, the definition of EIS includes – I'll get it out. I have quite a few. EIS, the amended development application title, la, la, la, blah, blah, so on and so on, "... and any additional information provided by the applicant".

15

Why I draw your attention to this is because the terms of consent, say A2, may only be carried out, amongst other things, generally in accordance with EIS and development layout. Now, in the definition, you don't put the words and any additional information. Anyway, that's that bit.

20

And when did parts of an amended to DA become an EIS? When you go to appendix 1, the schedule of land a search for lot 8 in deposit plan 1273949 on the New South Wales government 6 maps, SIS, shows no results. So there is a possibility that lot 8 doesn't exist. But that's proposed to recommended conditions of consent:

25

The terms of consent give powers to the planning secretary and there is at least a possibility that he or she may vary a condition of consent that should have properly been the subject to an application to amend.

30

Eg, A30 and A31. And then if we go to 31:

Staging and providing an up-date in strategies, plans or programs. If the planning secretary agrees, the strategy plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted.

35

Then the relevant condition of consent, and most importantly, in these recommended conditions, there is a failure to specify a transport route at all. One should not have to scramble through a truck load, pardon the pun, of documents to see whether products can be transported. The route should be specified with precision and also it be the case that loads on roads that go elsewhere, locally, then perhaps a radius centred on the quarry should be specified, for example, 20 kilometres, at the moment all roads lead to and away from the quarry.

45

And finally it's to conditions, the condition of consent are substantially founded on a plethora of preparation of management plans to the satisfaction of the planning secretary who may wave some of the stipulated requirements unnecessary on the quarry.

50

We've got a noise management plan, an air quality management plan, a water management plan, a traffic management plan, an Aboriginal culture biodiversity, social impact management. It's disappointing that the department did not ask for such plans at the outset to enable your scrutiny. Even if it has been departmental
5 policy in the past, why is the submission of such plans vital to public scrutiny, and your own, postponed?

So, my conclusion is that those conditions are unsatisfactory, and overall on 5 October, the department advised your Chair, Professor O'Kane, that:

10 *On balance, the department considers the benefits of the project outweighs residual cost and that the project is in the public interest and is acceptable subject to the recommended conditions of consent.*

15 Well, social impacts, perhaps, are a residual cost and the project is really in the public interest. I beg to differ. And I respectfully submit that given the quantity and quality of submissions from the affected residents, business proprietors, and others objecting to the SSD, together with the legislation and judicial guidance from the Gloucester decision, it is well open for you, the commissioners, to find, firstly, the
20 perceptions and fears of the objectors are others are reasonable. Secondly, that the SSD application, if approved, is likely to affect local residents and business proprietors' health, way of life, communities and well-being.

The SSD application for approval is likely to have a major impact on the amenity of
25 both the locality and the vicinity of the inquiry and on balance and in the public interest, the SSD application not receive consent. They are my submissions, thank you very much.

MR WILSON: Thank you. We have a copy of that, yes?

30 MR REES: Yes. Can I say - - -

MR WILSON: Did you email it to – thank you very much.

35 MR REES: One other thing, there is a proposed Stone Range Quarry. I don't know whether that's been mentioned, on the way. That's a hard rock quarry and

MR WILSON: Okay. Thank you.

40 MR REES: I'm sorry. Thank you.

MR WILSON: I'd now like to call James Moore.

MR MOORE: My wife tells me that I don't talk loud enough. Is that loud enough?

45 MR WILSON: That's fine. Thank you very much.

MR MOORE: Thank you. Thank you for the opportunity to speak this morning and I'd just like to take a moment to acknowledge the original people that originally inhabited this land.

5 This first slide is not – that's five, number 7, can we, number 1. Next one, please.
That's it. Good. This is very similar to what was presented yesterday, and it shows
that when you bring that tonnage which has been approved for Brandy Hill, once all
the prerequisites compared for that, and then combine it, and that Brandy Hill – that
10 is 375,000 tons, that's 25 per cent of production, and then you bring the additional
500,000 tons of product from the Martin Hill Quarry, it puts an absolutely
unacceptable burden on the infrastructure of this area, the infrastructure of Maitland.

I've assumed a truck load of 32 tons, there, and that is split between 12 tons on the –
sorry. Twelve tons on the prime mover and 20 tons on the trailer.

15 The matter on that is that there are also single trucks that will go through with
nowhere near the tonnage, so that means, ultimately, there'll be more trucks passing
even though these don't have dogs. But working on the basis of the 32 tons as a pay
load, there is in the order of 54,700, in round figures, quarry truck movements per
20 year will be imposed upon the residents of this transport route, and this does not
account for supply material to the quarries or a single
12 ton truck.

Supply materials to the quarry can become a significant factor because you're doing
25 the fuel, you're doing the consumables, you're dealing with maintenance activities,
spare parts, it can become quite large.

The – and then I want to say there that the positive impact of removal of all the
quarry – Daracon trucks out of there gives the reduction of 57 per cent in truck
30 movements through that – those residential areas, and even through these areas out
here.

Can I just have the next slide, please? Yeah. Righto. So these following maps of
35 the known routes, both approved and proposed, are presented in the following and
there's a series I want to go through. The intent is to share the lived experience in
the northern eastern area, the Maitland LGA, is a consequence of heavy vehicle
movements from a multitude of activities, including forage of quarry product from
the approved Brandy Hill quarry, supply chains to the approved Brandy Hill quarry,
supply chains to rural townships north of Maitland, and potentially as far north as the
40 Oxley Highway because this road is a supply-line right the way up through this
valley and up towards the base of the mountains up there.

For those that live here and those that travel from or through the following areas
Bolwarra Heights, Largs, Boorowa, Melbourne Street, and up and down the New
45 England Highway, the everyday hazards and delays present real risks. I travel that
road frequently, transporting my grandchildren around, and I understand the
commissioners that witnessed the event over there near the BP, I've had a truck

sitting right here, alongside me, when he came – exceeding the speed limit. I was merging. He was there. I had to continue down that narrow strip of the verge of the road.

5 So if we go to the next slide, please. That can't be right.

MR WILSON: No, no. It's just - - -

10 MR MOORE: Anyhow, so this is showing me coming from Clarence Town Road, which is the Brandy Hill coming, and it comes in where the first circle is. That is the point where the BP service station is. That is a real bottleneck and that's also because of the way that road merges, and Margaret mentioned yesterday, you can't turn your neck far enough to see what's coming. You've got to rely on your rear vision mirror and pray to God nothing goes wrong.

15 And then we come down to, this one's been mentioned before, that intersection of Pitnacree Road, Melbourne Street, down to where that road joins the New England Highway. It is chaotic. It is the biggest waste of time if you're wanting to go somewhere, stuck in traffic. Traffic that doesn't move. And even though it's all controlled with lights, the traffic seldom moves at school times, people going to work
20 in the morning, people coming home from work, schoolchildren get out. If you go through there at midnight, it's not too bad.

To the next one, please. This is the one from Tocal Road that comes down that is
25 proposed by this quarry, and it joins that. The joining – if you're just getting on to the New England Highway there, it doesn't mean to say that you're out of residential areas because the New England Highway goes through residential areas, but to the north and to the south. And it's not until they get down to a place called Beresfield that you get some lead off for those who are looking for the M2. That goes through a
30 fairly hefty industrial area there and in that industrial area, the congestion, at times, is go nowhere, and the intersection of – set of lights to get on to the M2 is the biggest bottleneck you'll find anywhere around here.

35 Can I have the next one, please? Those two areas that are circled there and are one is the Bolwarra public school and the other one is Tillys.

Now, I heard a mention here – or nothing about an incident there only three days ago – sorry, two days ago, yesterday morning, the bus going into the public school had his blinker on to turn right. I was behind him. That was fine. The vehicle behind
40 me, and it wasn't a truck, I'll give him that, was jamming me into the back of that truck, and I had to take, into the bus rather, and I had to take action to move to the inside lane and almost mount the footpath.

The other thing about that road there, and this is even with Hanson's trucks, there is
45 no – there is no crossing that is safe for children or pedestrians to cross that road. I'll repeat that. There is no crossing. There is one sheltered point, which was mentioned earlier, but there is nothing that stops the trucks, nothing that stops the cars, nothing. So that puts the next generations and the older generations at risk, and to me that's
50 totally unacceptable.

I'm going to jump forward a bit, now. The approved route for access to major arterial roads have been shown. But this one – if we can go now to what you – to the one that's got the printing on it. Yep. So I ask myself, and what is the impact of the further 54,000 quarry trucks going to bring to, to those who are residents and
5 business operators in the suburbs. I'm saying moving out this local area and looking at the downstream things. I have previously advocated that should the quarry be deemed absolutely necessary, then why can't all production be on rail with a distribution centre at Hexham, and there you have got free access almost on to the New England Highway where you can go, which will take you up to the M2, which
10 will take you down towards the Pacific Highway. It used to be a coal plant there, so we know that the ground is firm and consolidated and with a little bit of cleverness, it can be another distribution centre.

The proposal – the quarry already has a rail loading capability, and it states and if a
15 state significant project, then with due diligence – with diligence and your planning, the rail pass will be available. If you want to click your fingers and you want a train, no, it doesn't happen, and I say that because for many years in the Upper Hunter, part of my job was coal processing and logistics and making sure infrastructure was right and then I know what can be done and to say that you can't get rail past if you're
20 trying to deal with immediate issues that aren't necessarily planned, yes, I can accept that happens sometimes.

And the last one – not the last comment, but that comment there that the proposal of
25 500,000 tons of product on the roads through this residential area of Maitliand LGA is unconscionable when a valid alternative is available. I've just got one more bit here. No, I'll leave it at that other than to say that it is bluntly apparent to me that the caring persons within the broader community all see and understand the danger to the community at large.

30 Now it's interesting sitting here for the last day and a half that people, and I haven't collaborated with any of them, but it's interesting that we are all saying the same thing, raising the same issue. What does that say to you? It says to me that the community at large will be placed in danger and, as such, as proposed, it is a totally unacceptable project. There's a method to get material out and the value of going by
35 rail is you take those trucks out of the equation, there's still distribution from Hexham, but you – just mentioned earlier, you will have a positive impact on the environment through reduced omissions, through reducing fuel consumption. Yes, trains still take some fuel, but not as bad – not as much fuel as all these trucks running round. So there is a positive impact on the environment.

40 MR WILSON: Thank you very much.

MR MOORE: Thank you.

45 MR WILSON: I'd now like to call Amanda Albury.

MS ALBURY: Can you hear me?

MR WILSON: Certainly can.

50

MS ALBURY: Okay. My name is Amanda. I live in Limeburners Creek, Bucketts Way for almost 20 years on our bushland, 25 acre property, which is a wildlife reserve. We are impacted by operating quarries, and we also have many proposed quarries coming around us in a north, south, east, and the quarries west are Brandy Hill and Martins Creek, et cetera.

Slide 1, please. So we would – back to slide 1, please, thank you. So we were driving from Vacy to Martins Creek and as we’re driving along, enjoying the country views and roads and bushland mountains, this is what we saw. This was our introduction to this area, this valley area, and this is the start of the Daracon quarry.

Next slide, please. This is just giving you an aerial view of Martins Creek Quarry, and it may not be the most updated Google map photograph that I could find, but this is the Martins Creek area and township.

Now, although I come from Limeburners Creek, we are all on one land mass, and so what happens in one town and village area impacts us all in other areas where we live.

So I object to Daracon being given any further approval. In fact quarries around our property, I am speaking to truck drivers and quarry employees and I know that these people are watching what happens to Daracon, and I have said if they – they have said if Daracon is approved to operate, when they have operated outside of their approval area and also mined more rock than they should have, why do we go through the planning department for approval when we can do whatever we want?

I believe this sets a dangerous precedent. If Daracon is approved to expand, and if approved to continue to operate, this would show Daracon and every other mining company there are no consequences for illegal actions.

I would like to acknowledge the community groups reporting and Dungog council taking Daracon to the London environment court. I am also aware that quarries around me ask struck drivers to go around the weighbridges.

As these quarries are self-regulating, self-monitoring and self-reporting, and Daracon, like other quarries, clearly this is not working and allows them to be deceitful.

Next slide, please. So when we were here on the weekend just gone, we were taking our drive from Vacy to Martins Creek, and that was our destination point to get some photographs for today. This is the railway line that actually comes out on the other side of their gate. Their gate is on the left-hand side.

Next slide, please. So what I’m talking to you people today is mainly the – sorry – the environmental, social, and individual and cumulative companies in parks. I’m sorry. I’ll leave that there. So this is actually – sorry. Deadman’s Creek. Yes. This is Hanson’s quarry at Clarence Town Road, Brandy Hill.

- Next slide, please. This is a map, and I'm sorry you can't see it very clearly, but you can see Martins Creek in sort of the middle, and you can see from Google Earth, you can see the quarry imprint there. But round that area there are so many towns and villages and localities that are impacted by both the Martins Creek, Brandy Hill, and
- 5 also the quarries then in Atelier Road, the proposed one in Wallaroo National Park that you can see. That's the Pacific Highway going up on the right-hand side and going across that way. And our valley, the Bucketts Way, you can see the Karuah National Park and One connected land mass, the impacts impact us all.
- 10 Next slide, please. So this is the Boorowa quarry, aerial photograph. Something the other quarries all have in contact is they destroy natural bushland, slaughter wildlife in numbers undocumented, and they produce the most hideous, dirty water holding dams, and you can see those water areas there, and they turn the most dreadful colours, from orange, orange red, to a dusky pink colour, to green, to blue.
- 15 The next slide, please. So this is looking at the Pacific Highway going up and Italia Road, the corner. So you've got Boral sitting on the left-hand side. You've got the proposed quarry that will – is looking at wanting to go next to them, Eagleton Ridge, and then you've got – across the other side of the road basically they've got a
- 20 footprint from the Pacific Highway and then heading – what would that be – west in the Wallaroo State Forest. Next slide, please. So this is just a direct sort of snippet of part of their documentation for ARDG and their proposed quarry sitting in the Wallaroo State Forest.
- 25 Next slide, please. So this one was referenced yesterday many times. This is actually Hunter Quarries. It's in the Karuah Shire, however, the road that goes that way is the branch lane, and it's actually running north and west and east. So this quarry's moving north, south-east, and it also wants to come south into that bushland you can see at the front. This quarry is just over 10 kilometres away from our
- 30 property, and we're smashed by it by the dust. Next slide, please. This is a proposed quarry on the other side of our street in Limeburners Creek.
- Next slide, please. So over my 20 years of living in this valley I've met many adults and children over this time, both in my own capacity as my individual self and the
- 35 secretary of various community conservation groups, and they have the most shocking health issues caused by the mining and quarry companies. Dust, blasting, crushing dust, noise on the full spectrum of noise, including noise and dust from the crushers that sound like a fighter jet hovering over a person's home, shaking their house from the ground up. With their TV up at a hundred, you can't hear the TV.
- 40 The blasting comes across these people's properties, including ours, from the ground up. Toxic orange plumes that kill everything in people's dams have also happened in our valley.
- 45 The health impacts of the dust from coal mines and quarries causes people to have asthma, respiratory issues. The stress causes people I know to have heart attacks and strokes, cancers, and we drink contaminated tank water. People's animals are also impacted. We are the victims. We are cut adrift. We are left to suffer these health

issues and mental health issues, and I can guarantee that no one would want to be in the shoes of people impacted by these companies or suffer nosebleeds or drink contaminated water. We are all left to suffer the approvals that people in government departments give people who own and operate these companies. I and others I know
5 are these people who represent other people I do not know, yet they suffer with the same health impacts.

I had another nosebleed on the October long weekend gardening. Who would think. We have suffered from nosebleeds. The quarry is over 10 kilometres from us, and
10 our noses have been bleeding over the last eight years. With only two outward visible nosebleeds, the rest we were waking up in the morning tasting blood in our mouths, and it wasn't until I had my first nosebleed in September 2019 that we realised the blood in our mouths when we woke up each morning our noses had been bleeding internally. I'm meeting children that have just moved into the Limeburners
15 Creek area and children's noses bleed in the Karuah area from Hunter quarries. This particular little girl has moved into our area of Limeburners Creek. She's been there for less than two months, and she's already woken up with her nose bleeding.

We are left with the impacts that these companies have on us. The government
20 department has zip, zero, no way, nothing. We are left by ourselves to cope the best that we can. That is not right. In 2022, if you keep authorising companies to keep operating, you need to actually acknowledge the impacts that these companies are having on people and the real time health issues, not based on desktop analysis or data entry or we think or probabilities of. These are real time health impacts that
25 people are having around the coal affected impact areas and quarry impacted areas. The government needs to actually be helping those people and making those companies – enforcing those companies to reduce these noise packs in a real time, not cut us adrift, which is what has happened to us still.

30 So I'm sickened at people operating as mining companies and developments being approved to destroy remnant bushland forests and natural water sources where our wildlife die in numbers undocumented, and our lichen died on our verandah posts eight years ago – just dropped off. So we can't go grow lichen, and it shows very clearly once again real time we have air pollution in an area surrounded by bushland.
35 We are over 10 kilometres away from this quarry that impacts us.

These companies, firstly, is to make the owner operator rich at the expense of everyone and everything else that is their victim. The resource that they dig out, in my opinion, must be regulated, yet currently is not, where all mining ventures are
40 government controlled regardless of what it is.

So in conclusion – next slide, please. This is acid rain drops on our concrete path. This path was down around four months. We had a storm come. It was building, and I don't like storms coming north of us in our valley, because they sit over
45 Stratford Coal, Duralie Coal and AGL Gas, and they all have dirty water holding dams. Even though AGL Gas has gone out of our valley, their – one of their dirty water holding dams, plastic lined, still exists. This cloud built up.

Now, evaporation – we know enough evaporation gets taken out and it drops down somewhere else. 45 minutes is basically Stratford to us. 20 minutes is Stroud. The coal mine is just above Stroud. These water droplets you could actually hear, but I didn't realise at first what I was hearing. It was fizzing. You could hear this fizz
5 noise – fizz. I put my hand outside. I was putting my tools away in the garden shed, and I could feel like peroxide being poured in a sore. I thought, "Gee, whizzy, what's going on?" and that's when I looked down, and I could see all these black dots on the concrete. Everywhere the rain dots landed these black dots landed. This has been here for years and years now, coming up to three years, these dots. Next
10 slide, please.

MR WILSON: Are you nearly finished, Ms Albury?

MS ALBURY: Yes.
15

MR WILSON: We're well and truly over time. Thank you.

MS ALBURY: This is just a closeup of the dots. With all the rain we've had it does not wash off. In my conclusion I ask that the IPC panel rejects Daracon's expansion approval entirely and stops all trucks in and out, their trucks or anyone else's. If IPC
20 does approve Daracon then they must use their railway as their only option. This should also include that the conditions are not able to be modified, watered down or removed by any government department or court process. All remaining bushland areas on site must remain and be put into offset in perpetuity. If Daracon does not
25 want to comply then another company could be found to operate by rail only or close down the quarry entirely and stop any other company, as well as Daracon – sorry – and any other company, and then Daracon can start the process of repairing the landscape in some capacity. Thank you very much.

MR WILSON: Thank you very much. So that brings the end to the morning
30 session. We'll now take a 10 minute break. We're a bit behind time, so if anyone's prejudiced by the fact that we're behind schedule, can they speak to the secretary. Maybe we could – if you've got somewhere to be, then we can try and accommodate you a bit earlier if we can. Thank you.
35

ADJOURNED [11.42 am]

40 **RESUMED** [12.04 pm]

MR WILSON: Welcome back everybody. I would like to now call Elena Williams.

45 MS E. WILLIAMS: Good morning all, and thank you for allowing this opportunity for the community to voice their concerns in relation to Daracon's amended development application. My name is Elena Williams, and I am about to commence

my third year of a Bachelor of Law, Bachelor of Science degree at the University of Newcastle. I was born in Paterson and moved to Horns Crossing Road in Vacy with my family in 2009, and I have grown to love the unique small town charm of these areas. We were in close proximity to the Martins Creek Quarry. Can see it from one
5 of the paddocks at our property. I distinctly remember when we first moved in the quarry wasn't even visible. Now it sits sprawled out, a huge eye sore carved into the landscape, visible even from a ground level.

10 The proposed extension to Martins Creek Quarry is not the first time, nor will it be the last, that the Federal and New South Wales Governments have favoured greed and the promise of economic growth over local environmental impacts and the safety and wellbeing of current and future Australian residents.

15 This is particularly evident in the 2021 case of Sharma v The Minister for the Environment when then minister Sussan Ley appealed to the Federal Court and won that she did not owe Australian children a duty of care to avoid causing personal injury or death caused by climate change events when granting approvals of fossil fuel projects. Following this she went onto approve extensions for three coal mines in the space of a month despite Australia's commitment to reach net zero emissions
20 by 2050. I will, therefore, not use my time to discuss the catastrophic effects of increased mining activity on the environment which should be one of the primary concerns, because the successive New South Wales and Federal Governments have shown time and time again they simply do not care enough to act on this alone.

25 The fact is the roads in and around Paterson along the haul route are simply not built to withstand the barrage of trucks that Daracon is proposing. I cannot fathom how the department has declared that Duke Street will remain safe as it is in usage under Daracon's amended application. With the proposed truck movements people will not
30 be able to safely across the narrow street and enter the cars, especially with the added complication of carrying groceries and small children. If you sat for even 10 minutes and watched the bustle of activity that occurs in the mornings and afternoons around the bus stop, at the café, after school activities at the School of Arts, and people coming and going from the IGA and butcher, you would see how it is positively absurd to suggest that the 280 trucks per day will not affect the safety and wellbeing
35 of individuals or the livelihood of businesses.

The proposed changes to the roads at paragraph 88 of the department's report, particularly the upgrades to Gostwyck Bridge and the King Street and Duke Street intersection, will irreversibly degrade the historic charm of the town which has over
40 four heritage buildings and sites on Duke Street alone. Paragraph 76 of the department's report identifies that the peak road haulages will occur around morning and afternoon periods which is without doubt the worse possible times of day for traffic.

45 I have personal experience with the frustration of being stuck behind the line of Daracon trucks making a journey into East Maitland that would already take 35 minutes easily stretched into 45. Also I have had my windscreen chipped twice from

rocks flying from the top of Daracon trucks with improperly secured coverings and have witnessed truck drivers taking corners at speeds unsafe for the conditions of the road and size of the vehicle. In particular they often cross to the wrong side of the road around blind corners and have, on more than one occasion, forced me to move
5 onto the edge, which is often ridden with potholes and in close proximity to trees and steep banks.

These experiences happened in 2019 when the quarry had begun scaling back operations, so they pale in comparison with the current propositions, and I can only
10 imagine how much more common incidents like this will be. Furthermore at paragraph 94 of the report the department identified that they are:

...satisfied that the project would pose an acceptable level of risk to road users.

15 In response to this I would love to know what the department deems an acceptable level and would contend that any level of unnecessary risk is inherently unacceptable. The interests of the residents of the affected suburbs and road users of the haul route have not been adequately considered. This amended application falls
20 embarrassingly short of community standards of safety, enjoyment and living expectations. I know that the interests of the small individual over a large corporation are hardly ever prioritised by our government, however, I implore you to repudiate this trend and for once consider the long term environmental, economic and safety implications and the destruction of historic charm of these beautiful rural towns that we are lucky enough to call home. Thank you.

25 MR WILSON: Thank you very much. I would now like to call Alison Cook.

MS COOK: My name is Alison Cook. I live in Bolwarra Heights, and I object to the proposed expansion of Martins Creek Quarry. I have many objections, including
30 the noise and air pollution from blasting, the destruction of land and the effect on flora and fauna, however, today I want to talk about traffic. The Department of Planning and Environment suggests that moving 500,000 tons of rock each year by road is acceptable. It is not. The department suggests that 40 truck movements per hour is acceptable. It is not. 40 empty trucks will be rattling past my house before
35 6.45 am each weekday and, making the assumption that Daracon comply with the conditions, 40 laden trucks will be rumbling past the following hour. In Daracon's response to submissions it says:

40 *The revised project is not expected to have any adverse impacts on the safety of the road network or other road users.*

I disagree. An extra 40 trucks an hour travelling along narrow and twisting roads in Bolwarra Heights will inevitably make the roads more dangerous for pedestrians and cyclists. 40 extra trucks an hour trying to negotiate the intersection of Pitnacree
45 Road and Melbourne Street will result in traffic – queues of traffic. This will be compounded by holdups at the intersection of Melbourne Street and the New England Highway. Daracon attempted to address this problem in the response to

submissions documents but merely said that there will be an acceptable impact upon the road network. I disagree. It is not acceptable. 40 extra trucks will have a detrimental effect on air quality. They will generate dust and produce diesel emissions.

5

40 extra trucks per hour will be bad enough, but who is independently going to monitor Daracon to ensure they comply to the conditions? Supposing a truck from another company arrives at the quarry wanting a load of gravel, will Daracon turn a customer away because they've come to the end of the day's truck quota? No, of course not. They'll load the truck, take the money and send it on its way. If I suspect that there are more truck movements than there should be, am I expected to count them? Am I supposed to take photos and provide evidence of illegal truck movements? In the past Daracon has shown scant regard for its quarry conditions, so why would it be any different in the future. If the public do make complaints, and Daracon really investigate them thoroughly – will Daracon really investigate them thoroughly and honestly?

The proposed expansion and consequent increase in truck movements will have a detrimental effect on my life in Bolwarra Heights. The noise which I lived through when Daracon was quarrying outside their consent will have a major impact on my life. It will disturb the peace and tranquillity of the area. I will be woken up by Daracon trucks rather than when I choose. Walking along Tocal Road will be more dangerous and more unpleasant. The air which I breathe will be more polluted. Sitting outside on our patio enjoying our garden will be less peaceful. The proposed expansion will have massive negative effects on the entire area.

Apparently the department considers that the benefits of the project outweigh its residual costs and that the project is in the public interest. No, it is not in the interest of the public who live around here, the public who will be immediately impacted. This is evident by the huge number of submissions that have been made against the development and the number of people who have made the effort to present to you. I urge this panel to refuse the proposed development of Martins Creek Quarry. Thank you.

35 MR WILSON: Thank you very much. Can I now call on Steve Bauer, please.

MR S. BAUER: Thank you. Just like to introduce myself. My name's Steve Bauer. I live at [REDACTED], Martins Creek, directly opposite the new proposed quarry entrance. Just a short profile. My wife and I purchased the property 19 years ago solely because we fell in love with the Paterson Valley. Peaceful, serene and lay back lifestyle were all factors in deciding to pack up and relocate in the ensuing years. In the ensuing years it became quite evident we had made the right decision, and then fate intervened, and I lost my wife with brain cancer. It became blatantly obvious as I couldn't work full time, look after the horses, animals and property by myself, so I put a plan together which would allow my daughter and son-in-law to sell their property at Bolwarra and move into the renovated farm with

me. Since then we have welcomed two grandchildren into our life and as grandparents they are the apple of my eye.

5 So you can understand my concerns when I saw not only their health deteriorate but my daughter's health as well when Daracon were in full illegal production mode. My grandchildren were introduced to asthma puffers, and my daughter was being treated for breathing difficulties, all of which no longer are required since Daracon were instructed to scale back their operations. So my grandchildren are not on puffers now, and my daughter is not being treated for breathing difficulties. This was backed up by the fact that if you hung your clothes out on the wrong day they will be dirtier when you brought them in, and if you cleaned your furniture in the morning, you would need to clean it again in the afternoon. I believe I'm not speaking for myself here but for all the parents and grandparents in the local vicinity, and I'm not naïve enough to believe that this pool of silica laden dust just happened to affect my place.

20 The proposal to build a new entrance to the quarry is fine as it takes all these diesel spewing carcinogenic trucks out of a residential built-up street. How they ever got away with this for these amount of years has got me absolutely stunned – a built-up residential street full of children and families. But then creates a major problem for me and my neighbour. Given its position we will be isolated from leaving our driveways and turning right due to the fact that we would have to negotiate one traffic lane, one right turn lane heading north; one traffic lane, one merging lane heading south. Our line of sight has been decreased to about 20 metres from my driveway and 40 metres from my neighbour's driveway since they raised the height of Dungog Road approximately two years ago. These are just the start of the traffic problems.

30 It's been well versed on the problems of our one lane bridge at Dunmore, and if you've travelled down that ascent to the Dunmore Bridge, and you're doing more than five kilometres than what you should be, you're braking very hard in a car to pull up in time to not enter the bridge. So you imagine what a fully laden truck and trailer would have to be doing to have time to pull up on that bridge.

35 The absurd notion that all these trucks can pass through Paterson without destroying the village atmosphere and the livelihoods of those currently enjoying a resurgent of tourists and locals since the last trucking assault, and I'll add COVID to that. Also the ridiculous suggestion that the trucks are going to stick to a designated haul route. As soon as roadworks begin on the haul route they will find another avenue escape, be it through Lorn, already traffic gridlocked, or up through Butterwick, Hinton and Morpeth. This has been demonstrated time and time again previously.

45 Daracon have admitted themselves that they have no control over the subcontractors once they leave the quarry. This was clearly displayed by the convoy of trucks that would block – physically block Dungog Road at 7 am every weekday morning waiting to turn right into Grace Avenue.

Suggestions such as suppression blasting is a no brainer to me. Suppression blasting allows the blast that goes on to be brought down to nearly a nil effect in that area, not – and forget about where I live across the road. Noise walls and truck marshalling yards have all fallen on deaf ears. And what of remediation? Nothing has been
5 proposed on how to plan to leave the site once they are finished with it.

In summing this up I think it all comes down to intelligence versus commonsense. Adam Kelly and Daracon are obviously intelligent people and shrewd operators. They would like to extract as much material as possible without harming the bottom
10 line, also enhancing their reputation as ruthless, high achieving business managers. Commonsense would tell you that in our environment such as this you should work with the community and be proactive in your efforts to minimise impacts such as physical, mental, social, community, infrastructure, professional and environmental.

15 Still hear the words of my late mother-in-law, “Material things can be replaced, but once you erode the foundations of physical and mental health you’re on a slippery slide to a disaster,” and I think that – that sums up where most of the people in this vicinity of Martins Creek Quarry are at at the moment. Thank you very much.

20 MR WILSON: Thank you, Mr Bauer. So I’d like to call Tracey Showman, please.

MS T. SHOWMAN: Thank you - - -

MR WILSON: Take your time.
25

MS SHOWMAN: - - - Commissioners for having me and spending your time. I especially want to thank Stu and the girls. I have had so much support from them. I – I work in a horticultural industry. I am not tech savvy. You might see that with a few of my pictures.
30

MR WILSON: Makes two of us.

MS SHOWMAN: So I apologise for that. The reason I’m emotional, because I – the – the truck haulage is a massive impact to me. I live at [REDACTED] at
35 Paterson on the number 1 haul route and – and what now appears to be the only haul route should this application be approved. I don’t – I can see up there – I’ve handed you some printed copies of where I’ve lived – where I live and hopefully that gives you a bit of an aspect of how close I am to the road. Unfortunately my house was built a long time before cars were even invented.
40

Today my address to you is personal. I do pay my respects to everyone who lives in the surrounding areas and other members that are affected with their own issues. I’ve lived in Paterson for a long time. We – my daughter, who’s now 24, was born in King Street in Paterson, and we’ve resided at this address since 2009. I also work on
45 a property on the other side of Paterson, so Paterson is my life. I commute through the village clearly daily to get to and from work.

And I want to add a positive note that during that time of residence at this address we've lived happily within the community and also at times lived in harmony with the operations from Martins Creek Quarry. However, when the Daracon Group commenced at the quarry there was a noticeable increase in truck movements. It did
5 rise to a level that caused quite a bit of distress for myself and my family. Basically to explain to the people, my children's bedrooms are 12 metres from the white line at the end of the road – the edge of the road. In my opinion and my words only I compared my life to a state of living hell. I clearly have suffered, and it's hard for anyone to understand unless you live it and experience it. And my children learnt to
10 live – drive on these country roads and negotiate the road conditions. With these truck movements it's grave concern.

I think what you're looking at is a picture from my bedroom window where I see the road. Next slide, please. This is my kitchen window where I see the road. Next
15 slide, please. This is a friend visiting with park, you can see, quite close to the road. Next slide, please. This is the corner on the north end of my home which we – my family all work towards the southern end, so we have to negotiate this corner every morning, which is clearly blind. I cannot maintain that council strip. It's too dangerous. So it's quite a feat to try and get out of there every single morning
20 without having the excessive trucks at this stage.

So one thing I wanted to bring to your attention is the road is actually a 80 kilometre zone and, in fact, increases to a hundred kilometres further – closer to the Dungog Road turnoff where these trucks will travel laden and unladen, and unfortunately not
25 all road users do adhere to the speed limit, and I witness this, because I travel that road. I would like to ask you to consider making this company use the facility of the railway, which clearly everyone seems to. I – I feel our future sits – lies with you today. And just something that crossed my mind is the fact that in 25 years I'm going to be 79. That is a scary retirement – scary thought about retirement.
30

I could give you examples of near misses and near hits, and I'm sure you've heard plenty. One I would like – maybe two – to share with you – and I'm mindful of your time – is I once had a police officer stop out the front of my home, and I rushed out to see. He had a truck and dog pulled over, and I asked him how fast the truck was
35 going, just assuming that it was speeding, and – and – and it wasn't. He said, "No. He was fine. He was doing the speed limit, but he was on his mobile phone."

I had a guy doing some rural fencing at my house the other day. I was attempting to leave for work. I had three attempts to get out. I got home that afternoon, and his
40 words were to me, "Oh, my God. I don't know how you live here. If that was my wife," he said, "I – I wouldn't let her live here." His anxiety was through the roof.

One concerning thing was I witnessed an ambulance trying to get through town one day with lights and siren on. He was stuck behind a truck and dog, and there was no
45 opportunity to get – for this ambulance to get past until the truck and dog reached the museum, and he pulled over quite unsafely there, and that frightened me for whoever was waiting on that ambulance on the other end.

There's the obvious, we all worry about our property value decline, our declining mental health. I don't know whether you've heard that Dungog Shire ratepayers actually pay a special variable rate peg at the moment to cover our roads, to cover our bridges. My rates alone have increased over \$200 a year. No. I think it might
5 even be more. Sorry. I wished I had of had that prepared for you, but I can if you need that.

Now, this is certainly not a personal attack at any cost, but the Daracon Group prided themselves yesterday about having a dedicated community liaison representative,
10 being Louise, who I did meet last Friday. Thanks, Louise. Now, I did ask Louise why she hadn't been to my home before. Clearly I live on the number 1 haul route. Clearly I've written submissions prior to this one. I would have thought I would have been a priority to be contacted as you heard my neighbour as well.

Now, Louise's – Louise's response was that all – not all community members want to be communicated – contacted, and I – I think that's fair. That's fair. A lot of them do. However, I believe anyone who lives on the number 1 haul route to a gravel quarry – quarry that potentially wants to move up to 280 trucks past your front door, should have been addressed in person. Louise then explained to me that
15 Daracon communicate via letterbox drops. So after hearing that I took it on board to contact three of my immediate neighbours, me being at 159. I contacted 150, 166, 179. None of them had met Louise – never.

Sometimes pride keeps you from asking for help. The fact that the world knows that your home's worth nothing keeps us silent. I was hoping I'd be braver today. And yesterday triggered – watching James Ashton's video of the trucks, they would have been at my place long before they got to where they were when you saw them. And to finalise I just – I understand the quarry needs to operate, and I accept that there could be room for an expansion but just not to this enormity. And I just want to
25 thank you again for your time.

MR WILSON: Thank you for your submission.

MS SHOWMAN: Thank you.
35

MR WILSON: Margaret Plain. Vicki.

MS V. EDGE: It's Vicki Edge. Hello.

40 MR WILSON: Sorry.

MS EDGE: Sorry. Yes. I did – had an arrangement with - - -

45 MR WILSON: Yes. Sorry.

MS EDGE: That's okay. Thank you.

MR WILSON: Vicki Edge.

MS EDGE: Okay. Good day. Welcome Commission members to our community. My name is Vicki Edge, and I am a member of this community. I live to the east of
5 Tocal College on Eelah Road. It is one of many roads that accesses onto the proposed Tocal Road haul route. I object to the change of purpose and quarry extension proposal for Martin Creek Quarry. Our community has coexisted with the Martins Creek Railway Ballast Quarry for many decades, however, the past unlawful
10 extraction practices by State Rail and Daracon Group resulted in high volumes of truck traffic that created devastating social and economic impact to the community which is – which this new proposal seeks to return to.

Let me be clear, I am not against quarries or trucking. I'm in no – I am in objection that our community village and rural roads are not designed to safely accommodate
15 heavy truck haulage at the rate proposed. My lived experience was during the early phase of unlawful quarry operation entailing extremely large volume of heavy truck traffic through Paterson Village and along Tocal Road. At that time my family did not frequent the Paterson Village and opted to go into East Maitland, which is nearly triple the distance, to avoid a dirty, noisy, congested, unsafe thoroughfare that was
20 Paterson Village.

My family moved away from the district for work reasons. We returned back to our rural property approximately three years ago. We returned to find that heavy truck haulage volumes had returned to the 1991 consent conditions which in turn returned
25 the Paterson Village to a pleasant country village with true rural amenity. Since then we frequent Paterson Village, and it is the hub of our existence, as it provides many of our needs in a pleasant local environment. You park in the street and enter the businesses freely and easily. The road outside the grocery and butcher has limited width for exiting and entering the parked cars safely with heavy trucks passing by
30 frequently. This will lead to a decline in the use of these businesses should the proposal be approved. There will be an economic impact to the businesses as free and easy parking and access will be negatively affected as it was before. This will disintegrate the village and negatively affect intergeneration with limited growth of the village.

35 School bus pick up and drop off has me entering the village twice daily on school days. The pickup and drop off areas are not dedicated bus stops nor is the facility for the bus to stop completely off the roadway due to the road and shoulder width. After school in the village, it is a particularly busy time during the week as there are after
40 school activities in the hall and parents are parking and shopping as they wait for many school buses, not only from Daracon, but Maitland and grammar school. There are many school students around. They are excited and many of them need to cross the road for their final destinations. There are no assisted road crossings.

45 Adding heavy class trucks to this vibrant rural setting presents unacceptable safety risks. Paterson is a typical rural village that is not designed to cater for heavy trucking, wide vehicle and pedestrian interactions, pedestrians, that are of all ages

and abilities. Rural buses make frequent stops at undesignated bus stop locations. Trucks attempting to overtake these buses are a danger to all. The Eelah Road community consists of more than 10 residences that enter and exit Tocal Road in a 100 kilometre per hour speed zone which is at the bottom of the hill in both
5 directions. This is an uncontrolled intersection at high speed.

Entering and exiting onto Tocal Road, under the proposal of an additional 40 trucks per hour, will escalate unsafe traffic interaction. Like others in this rural setting, I am sometimes hauling a horse float which requires slow speed for the cornering.
10 This will be particularly precarious with the heavy truck volumes proposed. Daracon's first proposal in 2016 had a high number of trucks which they have reduced in this amended proposal however this is vastly higher than the only wilful consent from the 1991 stipulations for the quarry operation. The '91 consent is the true and lawful baseline. This amended submission seeks to manipulate the baseline
15 to be the 2016 proposal and previously lived experience of unlawful practices.

This was revolted against then and continues to be protested with 600 or so written objections. They are simply trying to get approval to operate at the unacceptable levels they were unlawfully operating under. The social impact risk assessment
20 indicates high and extreme risk calculations but only attempts to address these with the lowest form of administration mitigation like the truck driver code of conduct. The inference being that the high and extreme social impacts are not of concern to those managing the process. There is much talk of social and mental wellbeing a priority however this action is clearly contrary.

25 Key is the fact that Daracon claims all haulage and road mitigations will not make their business feasible with competition priorities in the area yet a fundamental argument they had for State significant development was that there was a great need for their special unique product, product which, it turns out, is not so special as the
30 other six local quarries are supplying it as, they stated, they are in competition with them. A truly unique and required product, by definition, has no competition. It has been raised that just because there is a resource it does not mean it must be exploited.

35 With the extraction of similar resources by six other quarries in the nearby area, quarries that do not socially and economically impact such a large and strong rural community, there is no need to expand this particular resource. There appears to be the highest mitigation option available to the Commission for all issues and hazards raised and that is to remove the hazard of heavy truck haulage altogether by not approving Daracon's proposed purpose change and extension of Martins Creek
40 Quarry and not exploit the communities of Martins Creek, Paterson, Tocal, Mindaribba, Bolwarra Heights, Bolwarra and East Maitland for the benefit of Daracon Group and State government coffers. To summarise, we are happy to exist with the quarry with the 1991 conditions and levels of operations. Thank you.

45 MR WILSON: Thank you very much. Now I call on Margaret Plain.

MS PLAIN: I will just shrink a bit. This is Kenny, everyone, Kenny the koala. He's just going to sit next to me but not in front because otherwise the Commissioners won't actually see my face because I'm not that much taller than Kenny, to be frank. Before I start I would like to acknowledge the land on which we
5 meet, the Wonnarua Nation and the Gringai Clan, particularly paying my respect to elders past and elders who may be joining us today. I would like to thank the Commissioners for being with us and their huge amount of patience.

I would also like to welcome and thank all members of this community, a community
10 of State significance. Let me introduce myself. My name is Margie Plane and I am the great, great, great granddaughter of John Kidd, the convict. He stole a horse and was sent out here to this very place of Tocal in 1827. I know, right, a horse thief deported out to a horse stud, go figure. Let me tell you something, them roads back then weren't built for trucking and, to be frank, these roads now are not built for
15 trucking either. If you want to visit John Kidd, he's in the cemetery at St Paul's Paterson which is on the main drag. You can go and visit him only if you can find a park.

My husband Brett and I live in the Paterson Valley estate which means, as the crow
20 flies, the quarry is about 3.4 ks south-east of our place. There are just so many things to talk about concerning this proposed quarry expansion but I am limiting myself to three points. Everyone is probably going, thank you. Geology and vibrations from blasting, protection of flora and fauna within the quarry site and the rehabilitation of the site now and into the future. Next fun fact. Our property overlooks a bit of a
25 mountain and we were sitting on the veranda having a drink, as you do, and I passed the question to Brett, "I wonder what that mountain is made of, what kind of rock that mountain is made of". And, being an amateur geologist, I rang the then owners of the quarry with the hope that they would know, with some confidence, the geology of the area.

30 After a little hold on the line, I was politely told "sandy loam" to which I replied, "Don't you think it would have washed away by now if it was sandy loam". I then asked them what was actually being mined in the quarry and again, after a little wait, I was informed that alsynite was being mined in the quarry. Now, if you're not
35 aware, alsynite is a form of roofing material. This conversation was about 16 years ago or so. My faith in the geological knowledge of some of the quarry proprietors over the years has sometimes been questionable. The quarry of course mines andesite, blue metal, which is a volcanic igneous rock which is used for road, bridge, rail and housing infrastructure. We are told that the high quality of the andesite in
40 the Martins Creek Quarry renders it a quarry of State significance.

My first concern lies with the rock stratigraphy or rock layers and how these rocks
45 may translate significant vibrations to our homes after blasting. Think of it as like flicking a ruler on the edge of a desk. Flick one end and the vibrations travel the length of the ruler. Folk who live in the Martins Creek community or in the Paterson Valley estate or somewhere geographically close to the quarry often report not only hearing a blast but feeling quite sizeable vibrations. These vibrations usually last a

couple of seconds. Small cracks in walls, window, pavers, tiles have appeared over time and have been reported and discussed at several public meetings involving quarry representatives.

5 Our concern is the long-term impact of these vibration events. If the resultant vibrations are impacting our homes, the question lies as to their impact on the surrounding rock structures and the potential fault lines that may be involved. If the quarry if to continue operations then a detailed geological study must be completed of the wider community surrounding the quarry. This survey must also provide
10 information concerning any fault lines or potential impact to hydrology which is the water flow above and below the ground. This information may prove imperative in the construction of houses, sheds and dams. Continued regular and independent seismic monitoring would also be recommended.

15 My second concern lies with the protection of the flora and fauna in and around the quarry site. Yesterday, Jessie Evans from the Department of Planning and Environment alluded to the fact that there were several species found in and around the quarry that may be classified as endangered or threatened. In jest, at a public meeting many moons ago, I suggested the community should be on the hunt for a
20 super rare species of animal such as the blue-arsed wombat. Sadly no wombats fitting that description have been found, as of yet. Listening to Carmel Northwood, from the Koala Coalition Eco Network, yesterday though highlighted that we do have an animal of State significance. Here he is.

25 It was announced in February of this year that the koala would be listed as an endangered species for the first time in eastern Australia. It is estimated that fewer than 100,000 koala are left in the wild, potentially as low as 43,000. We heard from Carmel how koala habitats continue to be under threat. Stress levels in koala
30 populations, as a result of blasting, land clearing, extreme weather events may impact their health and breeding cycles. Koalas have been seen within the quarry site plus in the broader community including my place, three and a-half k away from the quarry.

The suggestion of a fence to keep them in or out of the quarry site is questionable.
35 Perhaps chatting with Kenny the caramello koala about fence climbing would be more successful. Seriously. If we have koalas present in our community then I feel it is our obligation and privilege to protect, monitor and care for that population. Independent environmental surveys of all species must be a priority. The presence of a variety of threatened species of flora and fauna within quarry boundaries may be
40 considered a significant marker in the decision process as to quarry expansion.

UNIDENTIFIED FEMALE: Protection and preservation of our native animals is important, I'm sorry.

45 MS PLAIN: Here's a question. What will the koala population be in 25 years' time. My third area of concern lies with the rehabilitation of the Martins Creek Quarry site. Rehabilitation cannot and should not be considered an afterthought.

Upon speaking with friends and relatives who work on mine sites, a sod of soil cannot be turned without an action plan being put into practice. Where are you going to put that dirt. What are you going to fill it in with. What are you going to plant on top. This might sound funny but it's reality. For an operation of this significance
5 and size the very same questions must be asked. "That's a big hole. How are you going to fill it. That's a lot of water in that hole. Where is it going to go. That's a big pile of dusty rubble over there. What's it going to be, a garden.

Driving past the quarry and observing the site does not necessarily fill one with a
10 sense of joy. Maybe I was looking in the wrong spot. Letting lantana grow wild over piles of scree and rubble dust does not warm one's heart. Allowing water levels to rise in said blast holes encourages uncontrolled runoff into the neighbouring community. This is especially evident during rain events. Planning for the
15 rehabilitation of the site must begin ASAP. Waiting 25 years and passing over the responsibility to the new owners is not an option. Guidance, consultation and collaboration with other quarry sites must be a priority with or without approval. Rehabilitation must consider all environmental aspects on site. A quick trip to Bunnings isn't going to fix it necessarily.

20 Current plans of rehabilitation need to be considered and assessed in light of the community consultation process and independent reviews. And before I finish I would like to end with a quote from Mohith Agadi:

25 *Environment is no one's property to destroy. It's everyone's responsibility to protect.*

Thank you for your time.

30 MR WILSON: Thank you very much. Trevor Ryan.

MR RYAN: Firstly, I just want to thank the Commission for the opportunity to
speak here this afternoon. My name is Trevor Ryan. I'm the director of planning
and environment at Dungog Shire Council. Firstly, I just want to acknowledge the
35 traditional owners and to which we pay our respects on the land and pay our respects to elders past, present and future.

From a planning and environmental perspective, I guess the matters I present today
on behalf of council and the community really form an addendum to the stakeholder
40 meeting that council had with the Independent Planning Commission on 28 October last. In addition to that, council will aim to provide some addendum documents in addition to that presentation and will be furnished to the panel prior to the 15th of November. I will however, for the purpose of the community, reiterate some of those planning and environment concerns in the brief time I have here before you.

45 Council's position does not oppose or – sorry, council opposes haulage by road and has retained this position since the application was lodged back in May 2021. Council does not support a determination that permits road haulage by up to 140

truck movements per day, 20 truck movements per hour without the necessary road infrastructure in place prior to the commencement of any quarry activities. Further, council does not support a determination that permits road haulage by up to 250 truck movements per day, 50 days per annum or otherwise 200 truck movements per
5 day or up to 30 truck movements per hour for this consent. Council has provided a number of submissions through to the Department of Planning and those include – and particularly to just keep it on point, key considerations around biodiversity, noise, social and economic impacts.

10 In particular, key planning considerations are around the proximity of rural residential and local residential amenity to the proposed active pit. A that transverses a 50 kilometre per hour residential local road, utilisation of a single lane timber bridge as per the primary haul route identified, a that transverses the residential area of Martins Creek and through an active local village of Paterson
15 which is a heritage conservation area. Also previous commentary was availability of rail sliding and council would request that the Commission consider the assessment and technical reports provided around the rail transport as opposed to road.

Furthermore, should the SSD application before you be approved, council has raised
20 and opposes the conditions that relate to contributions in particular in, which my colleague, Steve Hitchens, will provide a little bit more detail on, and community benefits. Furthermore, in regards rural infrastructure, for example, for a mum and dad to develop a dwelling in the Shire or anywhere they would be required to construct a driveway, as an example, prior to them receiving an occupation
25 certificate for the dwelling. In the circumstance, it would be council's view that any road by haulage that the necessary road infrastructure would be operated prior to the commencement of quarry activities on site.

Furthermore, council did engage Judith Stubbs & Associates peer review of both the
30 social impact assessment and economic impact assessment as part of the environmental impact statement that was put forward by the applicant. Significant flaws in both documents were identified particularly around the methodology and threshold criteria used. These were reports that were prepared in September 2021. Furthermore, council engaged the Acoustic Group to provide an independent
35 assessment of the noise and that report outlined inaccurate and misleading information particularly around the noise policy for industry and the type of industry development applied as part of that methodology and criteria. As mentioned, council will provide, as an addendum prior to the 15th of November, a copy of those reports that were provided to the Department of Planning as part of its initial submission in
40 2021.

In conclusion, council seeks the Commission to review council's position and submission to the Department of Planning and, as part of the addendum to council's presentation, review the suggested wording of conditions that should the
45 Commission approve the development, review law suggested wording of conditions particularly around road infrastructure upgrades, as I mentioned, and the contributions rate. Thank you for your time.

MR WILSON: Sorry, Trevor. Just – one of our speakers this morning mentioned a variable rate rise to cover road impacts or road upgrades or conditions of the Shire’s roads. Can you give us a bit of information on that?

5 MR RYAN: Yes, certainly. I may actually hand you over to my colleague if - - -

MR WILSON: Okay. Thank you.

10 MR RYAN: Maybe the best place to answer those questions particularly in regards to the infrastructure.

MR WILSON: Okay. Thanks, Trevor.

15 MR WILSON: So, Steve Hitchens.

MR HITCHENS: Good afternoon, Commissioners, residents and other interested parties present here today and I thank you for your time this afternoon. My name is Steve Hitchens and I’m the executive manager of infrastructure and assets at Dungog Shire Council. The main areas of concern to me with regard to this proposed
20 development is the road haulage impacts, increases that council does not support and this support is based on the road safety works required, the road maintenance and future road rehabilitation requirements.

25 So road safety. With respect to road safety, it is noted that the applicant has had traffic impact assessments undertaken as part of their application process. Among the matters highlighted within these documents the following safety issues have been identified: lack of space between the intersection of Station Street and the railway crossing in Grace Avenue and the road alignment issues there, one-way bridge operation at Gostwyck Bridge on Dungog Road, lack of sheltered right turn lane on
30 Gresford Road for drivers turning right into Dungog Road and the tight road alignment at the 90 degree bend at Gresford Road and Duke Street in Paterson.

Further, it is noted that within this document, within the recommended draft conditions of consent, that the applicant is required to, at B39:

35 *The applicant must, as soon as is reasonably and feasible, and no later than two years following the date of commencement of the development, construct a new quarry access road off Dungog Road, as described in the EIS, unless otherwise agreed to by the planning secretary.*

40 At B40:

45 *The applicant must, as soon as is reasonable and feasible, and no later than 18 months following the date of commencement of the development, upgrade the approach to Gostwyck Bridge, upgrade the Dungog and Gresford Road intersection, upgrade the King and Duke Street intersection as described in the EIS.*

Council's concern in regard to this is two-fold. The timing of the works. It is noted that an output has been allowed – at clause A12 – of up to 250,000 tons per annum road haulage or up to 140 heavy vehicle movements per day prior to these safety works being undertaken. This approximate 67 per cent increase over the current arrangements for the quarry. Council's concern is that any increase will create extra movements at these intersections and increase the likelihood of safety issue or accident occurring. It is further noted that for any other development, especially where a road safety issue is identified, a developer is required to undertake the necessary works under the conditions of consent prior to enacting the development. Council's position is therefore that all necessary safety works, as identified in B39 and B40, need to be undertaken prior to any increase in road transport being allowed.

Second point is council to undertake works if default occurs. Draft clauses B41 and B42 provide the applicant the opportunity to delay the works identified in the conditions of consent for up to 18 months and then make payment to council for any outstanding works. Council opposes this condition based on the following. (1) this could give the applicant the opportunity to continue operating at the new 67 per cent increase, 250,000 tons per annum road haulage, beyond the 18 month period while these works are undertaken. The applicant is a road builder and has the means and the necessary resources to undertake the works themselves and this would place an unreasonable onus on council which council's forecast operational plan and delivery program, especially capital roadwork crews, are at full capacity with our own programs for the next four years with no room to undertake external private works. So I reiterate the council's position remains that all identified existing road upgrades, clause B40, and new quarry access road, clause B39, must be completed in full prior to any increase in road haulage above the current arrangements.

This brings me to the road haulage contributions. Council's current contributions plan for road haulage generated by extractive industries went through a vigorous and open process in 2017, including public exhibition prior to adoption by council in July of that year. The calculations were made based on the fatigue created by heavy vehicle transport to the road network and the identified reconstruction costs for pavements which are primarily based upon heavy vehicle movements. With respect to this proposal, council's figures indicate that, based on the 500,000 tons by road submission, the heavy vehicle component directly attributable to the quarry would be 62 per cent of all heavy vehicle movements on Dungog Road, 35 per cent on Gresford Road and 38 per cent on Tocal Road.

Given the above figures, it remains council's position that the generator of these heavy vehicle movements needs to contribute to the necessary road maintenance and rehabilitation works for the life of the development. As such, council supports clause A23 which states:

The applicant must make annual financial contributions to council and Maitland City Council towards the maintenance of local roads used for road haulage of quarry products. The contributions must be determined either in accordance with the relevant council local infrastructure contribution plan,

including any update of a revised version of these plans for local roads within the relevant local government area.

5 However, subclauses (b) and (c) provide a mechanism for review of these contributions to be undertaken. Council does not support this position, noting that
10 Dungog Shire Council's contribution rates are consistent with neighbouring councils with respect to the cents per tonne for kilometre rates and recent planning decisions on the neighbouring quarry at Brandy Hill have utilised the relevant council identified rates without amendment.

10 So, in summary, council does not support any increase in transport by road. If increases are to be allowed, all identified condition safety and upgrade works, including the new access haul road, must be completed prior to any increases occurring. Council does not support any reduction or review of the road haulage
15 contributions for road rehabilitation that are identified in council's adopted contributions plan for heavy haulage generated by extractive industries and I note that council has provided these comments proposing amendments to the draft conditions previously as part of the review process. Thank you, Commissioners.

20 MR WILSON: Steve, can you just wait a minute please.

MR HITCHENS: Yes.

25 MR WILSON: I raised a question with Trevor, are you able to enlighten us about that?

30 MR HITCHENS: I can give you a brief on that and the mayor would probably be able to later but the special rate variation that council put through was for a number of things. It was generally around our timber bridge replacement program.

MR WILSON: Okay.

35 MR HITCHENS: We had at the start about 23 timber bridges that needed to be replaced. It is also to do our backlog of works which is a lot of our local roads are in very poor condition and this was to catch up on those backlog of works and also to increase council's overall capacity to provide services to the community.

40 MR WILSON: Okay. Just another question. Just beyond the identified upgrade works, as has been identified in the EIS and department's assessment report and so forth, the community has raised a lot of issues about safety, you know, bus pull-overs, buses being able to pull over, children crossing and so forth. Part of the – a safety audit was done. Is that correct? I haven't read it yet but - - -

45 MR HITCHENS: A safety audit was undertaken by the applicant, yes.

MR WILSON: That's right. And you've reviewed that safety audit?

MR HITCHENS: Yes, I have.

MR WILSON: And what is council's view on these matters that have been raised by the community?

5

MR HITCHENS: Yes. Apart from the issues identified there, certainly the bus stop issues that are in Duke Street are of concern to council. Also our narrow pavement width. We have a lot of cyclists in the area and motorcyclists utilise this area so, whilst we're widening out the roads below the quarry to nine metres wide, there is still a number of roads in there that aren't of that of that width, so there is certainly road narrow width concerns. And as previous speakers have said, the parking in Paterson, the narrower street there is only 12 metres wide between the gutters so you've basically got a two and a-half metre parking to have a car park and get your door open.

10

15

There was also other matters identified by the applicant with regards to pedestrian crossings in and around that area. It is unlikely, council doesn't have the authority to approve those. They go through Transport for New South Wales but it unlikely they would actually have the warrants with the combination of pedestrian traffic and vehicular traffic to actually get those pedestrian crossings in place. So there are sight line issues and those things as well associated with those crossings.

20

MR WILSON: Okay. Thank you very much.

25 MR HITCHENS: Thank you.

MR WILSON: Anne Callaghan.

30

MS CALLAGHAN: Thank you for the opportunity to speak today. My comments today are wholly personal, embarrassingly personal. My name is Anne Callaghan and I and my husband Stephen are the current owners of the 117 year old house, the Rectory, on the corner of Duke and Prince Streets, Paterson. It is a blind, narrow intersection where there are frequent near misses with people crossing the road, coming from the Paterson Tavern to go to Tucker Park and vehicles turning right out of Prince Street illegally. The last incident, a 10 year old girl nearly struck by a car which fortunately could pull up quickly. There is no pedestrian crossing in Paterson. I see it all from my desk as I work from home.

35

We moved to Paterson five years ago, aware of the quarry nearby and new the conditions of the DA approval but failed to ask the locals what Daracon was actually doing. It seems they were operating way outside of their 1991 consent at that time. As you are aware, Paterson is an historic village on the tourist route to Barrington Tops where the locals know each other and stop on the footpath to chat. It is a very busy area before and after school with parents dropping off and picking up children from the bus stop and taking to dance classes in the School of Arts hall, popping into the shops, whatever is on that day.

45

On any day of the week you may see cycling clubs resting a while, drinking coffee on the footpath outside the café. Visitors take the historical walk around town to learn about Australia's early history. You will see Church groups running working bees in the Church hall and every Thursday special needs groups enjoying Tucker
5 Park and the town's facilities. Residents in the village can walk around the town and get everything done. No need to get in a car and go to town. But it wasn't always like this. Back in 2017, every morning we would hear the far off rattle of the trucks. We would lie in bed listening, tensing as the sound got closer and the trucks headed directly to our front door, my husband cursing with his first words of the day.
10 Arguments about living here would start before we had even risen.

Trucks came through constantly, often three or four tailgating through Paterson. There was no stopping and chatting on the street, no one could hear you and the dust and fumes made it objectionable. I would stand in my kitchen with the sun blocked
15 out by the constant trucks passing my window four metres away with the old house shaking. In 2019 Dungog Shire Council too Daracon to court to make them stop their illegal operations which they did, unpenalized. The trucks finally came at the approved pace and peace became the norm. A reasonable amount of traffic, a reasonable amount of truck movements. Steve and I could relax.

20 It has been suggested to Paterson residents that we should just move but it isn't that simple for us. Who would buy in Paterson knowing that the trucks are coming at this rate. Our property will halve in value if this DA goes ahead, our legacy to our children will halve. We moved here to retire in the closeknit community never
25 imagining that the narrow streets of Paterson, lined with historic buildings, would become a major haulage route for a private company. But whether property prices drop or not, we would need a mortgage to buy another property elsewhere. We are 60 now and without Steve having regular employment, no bank would give us a loan but moving would be our only option. My husband Steve said, and I quote:

30 *I don't want to turn into an angry, bitter old man. I don't want to be that person but I will if those trucks come through.*

35 So in anticipation of having to move, Steve had to find full-time employment. However nothing was available locally so about a year ago Steve went to work 2000 kilometres away in North Queensland. We see each other for a week or a long weekend about every three months. We celebrated our 40th wedding anniversary this year apart. And actually we have had a DA approved ourselves for on our property. So far the cost to us is about \$10,000 and we are yet to even start the build.
40 Of course we had to comply with council's request for the streetscape and the building to be in keeping with the historic nature of the village. Will 40 trucks an hour be in keeping with the historic nature of the village. Needless to say we will not be investing in any improvements just yet. Yet another building construction that will not go ahead in Paterson.

45 I mostly work from home. I am the general manager of an earthmoving and tipper truck association. I understand that construction must happen and that we need

quarries. I get it. It pays my wage. I canvassed a few of the members and asked them what their thoughts were on this DA application. They all queried not so much the amount of material being handled but the haulage route. In their experience, quarries must not negatively impact local residents and they know what other
5 quarries have had to do to get permission to trade. They couldn't understand why they would have trucks with dog-trailers driving through a small village with narrow roads. In their words, "It's hard work looking out for kids and pedestrians. There's plenty of work in other places".

10 I had to stop all correspondence from Daracon coming into our house. It was not worth the anxiety, the sick in the stomach nausea that comes with it. If this DA goes ahead, we will lose our home, our financial stability and our mental wellbeing. Please don't let this DA go ahead. Thank you.

15 MR WILSON: Christine Pike.

MS PIKE: Thank you. Good afternoon and thank you very much, Commissioners, for listening. I am strongly opposed to the changes for Martins Creek Quarry. This proposal changes it from a ballast quarry to a mega quarry and tertiary processing
20 business. These changes will cause harm to the community and the residences. Daracon and Umwelt have not addressed our concerns. Instead they have carefully painted and created a positive outcome that do not reflect my lived experiences. My residence in Paterson Valley estate is only 1 k from the border of the proposed quarry boundary. That does not include any buffer zones.

25 The estate was created in 1980 when the quarry was solely a ballast quarry with 300,000 tonne output. It lived in harmony. It was small, you couldn't see it, there was no scarring. The new proposals will adversely affect the health and wellbeing of residents and myself. My objections are based on lived experiences when Daracon
30 operated illegally in these key areas but this just gives you an idea, if it expands, what will continue. Dust. I should rename this the air we breathe. The dust that was visibly evident in my home and the invisible dust that relates to health issues. I will do more with my written submission on these items as well.

35 The location of the dust monitor in View Street is such that it minimises the results I believe. Health complaints include increased eye infections, asthma and rhinitis. The dust modelling is based on traditional weather data and, as we know, the weather is anything but predictable and we do have climate change. The monitoring stations are basic and poorly placed. Vibration. Unlike people in town that get truck
40 vibration, we get blasting vibration. My lived experience is that I feel the vibrations in my body whether I'm inside the house or outside. I can hear the rattling of the windows and my household items, you can see they move and sometimes you will hear clinking. And it's not unusual for the local animals to react to these vibrations. You get dogs barking and horses that get skittish.

45 As far as noise goes, I can't leave my windows open when the quarry is crushing. It's an incredible noise, blasting and loading. I do live in a two-storey house, I might

add, too and it's worse upstairs. The noise and associated dust are prominent. If early morning, late afternoon and any night time activity increases the intrusiveness will happen. Poor sleep and quality of life are the outcomes. These are lived experiences and not predictions on my part. Roadwork network. The narrow and
5 poorly constructed roads carry school buses, cyclists, pedestrians and local traffic and the occasional horse rider on the side. These heavy vehicle truck and dog combinations are totally unsuitable for our local network.

10 Daracon has shown they will use local roads wherever possible. I have photographic evidence of their trucks using Horns Crossing Road in convoy formation. This road has a single low-level bridge and, like other roads, it has concealed driveways, unmarked school bus stopping points, often narrow and sections with little or no markings. Daracon did not inform residents as it feels it does not have to cooperate or liaise with the community. Much of the haul route has been poorly assessed for
15 such large volumes of heavy vehicles.

Financial. This proposal will be a disastrous impact on the local business and their income. Further, many of us have retired to this picturesque valley which we love and will now see our property values plummet. Retirees like myself will be severely
20 disadvantaged and unable to buy elsewhere as discussed prior. Lifestyle and amenity. The whole experience of travelling on the road network to the village or further beyond will become a total nightmare. There will be no escaping these large truck and dogs. From the exit, entrance to the quarry, through our small heritage village these never ending trucks will make life both dangerous and miserable
25 especially for the young and old. Our families, children, grandchildren and the community that we love and care for will be destroyed. We know from the past that Daracon will act with disregard for the citizens of this community. Please, please reject this proposal and I thank you for your time. Thank
30 you.

MR WILSON: Rosalie ~~McCormick~~[McCormack](#).

MS McCORMACK: Good afternoon. Thank you for the opportunity to speak to you about this. It will be a very short presentation. I came to live in the Vacy area,
35 moving into Horns Crossing Road in 2005 and at the time was told – I was aware of the quarry when I purchased the property and soon afterwards was informed that the quarry was closing because there was no further use for it. Of course, from what you've heard before, it turned into anything other than that, so it became a thing of – like, almost like nightmare conditions. I am concerned about the comment that
40 Daracon will be working in the west pit which is closest to where my property was.

I will be honest and say that I made the decision to get out and sold last year and moved because I couldn't envisage 25 years of living with what had happened and I am wanting to use this opportunity today just to have people to hear what those
45 experiences were. I know they are in my past but they did have quite an impact on my lifestyle. So anybody who lives in that area, I still have friends who live in the Paterson Valley estate and there are other people along Horns Crossing Road that I

know have been impacted. The house I was in is the closest one to the quarry in that area, on the corner of Horns Crossing Road and Dungog Road and because it's slightly higher than the quarry, I believe, the noise – it would be nothing on a regular basis to be woken at 20 past six in the morning by the sound of vehicles moving in the quarry, you could hear reversing sirens all the time, there would be heavy – by
5 about 7 o'clock there would be the sound of tumbling rocks, heavy equipment moving around, grinding away.

You could hear mills – or whatever, what seemed to be, like, crushing activities
10 going on. You could watch television and you could hear the quarry above the television. Nowhere could you go in the house without there being the sounds of the operation of the quarry. I used to sit out the back. I had a lovely area out the back of my place. The noise would come around the corners and be even in the back yard. I've lost – two windscreens were smashed, fog light cover smashed, would ring the
15 EPA when a blasting had occurred and was very unimpressed with the outcome of those calls. It felt like you ring the EPA but nothing came. You would get given a code and, like, basically we can't do anything about it.

The obvious changes to the area. When you were in my back yard and looked across
20 you could see where the whole hill was disappearing and the ugly sight of the quarry wall was where once trees and normal – what I call normal landscape was there. I want to talk about the fact that when they used the train, I believe that that actually closes off Martins Creek Road for the period of time that that is needed for them to load. I don't know how long that is but I have had the experience of turning right on
25 Paterson Road to use Martins Creek Road to go home and you drive about seven or so ks and find that there is a train across the road and so you have to turn around and go back.

Yes. There's no way of knowing whether that has happening when you make that
30 decision to drive that way. There are different types of trucks that are used. There are some trucks that aren't truck and dogs. There are big trucks that occasionally I've seen going through Paterson, that seem to be side-opening trucks, very long and look a different style. I have had visitors in the home who have jumped up when a blast has occurred and thought we were having an earthquake and thought they had
35 to get out of the house. And I also have experienced an earthquake, a 2.3 scale earthquake happened and centred at Duns Creek on 21.12.2020 and was woken up at 5.40 or 5.30 in the morning thinking that there had been a blast at the quarry because that is what it felt like.

40 People would be alarmed at the idea of an earthquake happening but when you live with the blasting happening on a regular basis, it's like, well, shrug your shoulders, you need to just manage and continue with that. Okay. So my proposal I put is I would like to see the quarry closed. I feel like people are trying to be tolerant. People who live in different areas have different experiences of the quarry to what
45 someone who lives right there beside it. There are smaller numbers of us living very close to the quarry and I know that the presentation that Daracon have given is that they're moving it away from the Martins Creek township, and I am sure that that

must be pleasing for them, but somebody who lives very close to the operation, where there is no buffer, will be impacted greatly and I – yes, my recommendation is to just close it. The community needs to have a rest from this. It can be used at some other later date. Thank you very much.

5

MR WILSON: Thank you. That concludes our second session. We will return in 30 minutes.

10 **ADJOURNED**

[1.26 pm]

RESUMED

[2.02 pm]

15

MR WILSON: Welcome back everybody. I would like to now call Melissa Hoban, please.

20

MS M. HOBAN: Good afternoon. My name is Melissa Hoban. I just want to say thank you for giving me the opportunity to speak today. I am very nervous, and I have never done this before, so please bear with me.

25

I'm a resident of Paterson and a member of the Martins Creek Quarry Action Group. I've lived on the outskirts of Paterson for the past six years. I object to the expansion of the Martins Creek Quarry for many reasons, but today I would just like to focus on three main areas of concern: road safety; effects on local business, community and amenity; and environmental concerns.

30

The first concern is road safety. And I'm sure you've already heard Paterson is a busy, vibrant, historic rural village. It's not just a village that's open for business on the weekends. I spend time in Paterson most days of the week, from picking up mail, purchasing something from the local IGA, or catching up with friends for a coffee.

35

My biggest concern in this village is the intersection of Duke and King Street. Being a historic village, the roads are not designed to handle big numbers of large haulage trucks. I often pick up my youngest son at the Paterson bus stop at Duke Street. It concerns me greatly that our local schoolchildren will have to navigate this already busy street with the added possibility of 280 trucks per day just to get to and from school.

40

It's not only the kids in Paterson accessing the buses that concerns me; it's the kids waiting on the sides of rural roads, usually in long grass, in 80 or 100 kilometre an hour speed zone, waiting to jump on or off the local school bus. That really worries me, especially the kids on the proposed haul route. I really feel this issue hasn't been adequately addressed, and I believe this is completely unacceptable.

45

My second area of concern are the long-term effects on our local businesses, community and residents. Paterson is the main shopping precinct for the surrounding villages, and I'm sorry, but I'm going to name these villages – I'm going to waste my time doing this – just to give you an idea of the services that these businesses provide to the locals and our tourists alike.

We have a local ladies' hairdresser; a petrol station; a cafe; a mechanical services; Paterson takeaway and newsagent; Paterson Chemist; Paterson Medical Centre; Paterson Lodge, which is a luxury B & B, function centre and cafe; Paterson Court House Hotel; the tavern; Paterson men's barber; a local medical herbalist; Paterson Post Office; a country clothing store; a dance studio; local IGA; a butcher's; stockers that sell rural machinery and farm supplies; numerous B & Bs; a local boxing gym; a sporting complex, providing netball, cricket, soccer and football fields; a local golf course. We also have a local primary school and preschool, two museums, Paterson RFS, and beautiful Tucker Park.

There are other businesses and services which I have forgotten to mention. The list goes on and on. I guess what I'm trying to highlight is that this little village is thriving, and this will only increase, unless the village is exposed to large volumes of heavy haulage trucks due to the quarry expansion.

The Hunter Regional Plan for 2036 sets out a vision for the Hunter. One of the aims is to foster the development of thriving communities. Surely, in 2022, we're clever enough to ensure the Hunter gets the construction material it requires without disadvantaging small players. I am sure there's a way for all of us to succeed.

What makes our community successful is that it's small. But that doesn't make it less valuable. Allowing this development to go ahead without adequately mitigating the risks to our communities will affect how we live our lives on a daily basis, where we spend our time, and where we spend our money. I feel the long-term effects of this development will weigh heavily on this community – economically, as people will feel less at ease going into a place where they will have to negotiate numerous large trucks; I believe it'll also weigh heavily emotionally, as the fabric of our way of life is altered dramatically. This will without a doubt have negative effects on the mental health of our locals, young, old and in between.

It's the loss of amenity all residents and visitors will struggle to comprehend. State significant projects should aim to minimise impacts on amenity. How on Earth can adding 280 truck movements a day to a small rural village with narrow streets designed in a different time handle this load? And no amount of community contribution or sponsorship will mitigate these losses.

My other concern is the environment. The Hunter Regional Plan for 2036 sets out a vision for the Hunter, and one of these aims is to provide biodiverse, rich environments. This project contains matters of national environmental significant species, including koala and eastern quoll – if you can just give me another minute – which are historically known to be in the Martins Creek area.

There have been two sightings of koalas on the site project. I personally have been made aware of at least 12 separate sightings of koalas on the properties bounding the quarry in the last 12 months, and, yes, we have photos. The koala is listed as endangered in New South Wales, and it is clear that the way we save these species is to preserve their habitat. It's just that simple. There's also been two sightings of the eastern spotted quoll on properties that bound the quarry. No photos yet, unfortunately.

Surely this is reason enough to look more closely at this sight. So the Martins Creek Quarry is considered geologically rich, but it's also rich in biodiversity, and the natural environment is an important part of our future. I do hope you will consider my comments on the Martins Creek Quarry expansion and look closely at the situation, and hopefully bring some sense to this all. After all, we're all part of the Hunter. Thank you.

MR WILSON: Thank you very much. Can I now please call Janet Piper.

MS J. PIPER: Hi. My name is Janet Piper. I'm speaking in place of Robert Booth. Thank you, Commissioners, for attending in person today to listen to our concerns and objections regarding the expansion of the quarry.

Myself and family are totally opposed to the proposed expansion of the quarry. We moved from East Maitland to Paterson 28 years ago to bring up our young family, then, in the quiet, peaceful, rural village of Paterson. My home is at the very end of Mowbray Lane South. It's one and a half kilometres from the corner of Dungog Road and Gresford Road, a quiet location beside the Paterson River, where you can hear the wind in the trees, and the birds abound.

We have enjoyed the great local community that exists here and have been very active with it. Our kids attended the local preschool, primary school, Dungog High. My daughter and son-in-law now have built their own home and are bringing up their own children with the same great lifestyle and community.

In our time living here, we have experienced the quarry changing hands from State Rail to Daracon, and lived with the nightmare that then began. The volume of trucks just exploded. Our country roads just fell apart. The noisy trucks bounce and thunder over the potholes and damage road pavement, and no sooner would council make repairs – it just falls apart again. What a waste of our ratepayers' money, and Daracon just profits at our expense.

I've had numerous cracked windscreens from rocks flying from quarry trucks. I've followed the trucks from the corner of Dungog Road and Gresford Road into Paterson regularly, and I watch the truck and dogs in front of me swerving into the middle of the road – the dogs just move like this all over the road – and to avoid the damage on the roads, only to then move back when there's oncoming traffic coming the other way.

My main concerns for the expansions are the quarry is proposed to be operating from 7 am to 6 pm Monday to Friday, 8 am to 1 pm Saturday, so Sunday would be our only day of the week when there would be no quarry operation noise. The train-loading operation is 24/7, so that means there would be noise every day of the week, including nights. There would be 280 truck movements per day. On average, that equates to one truck every one and a half minutes. This is just crazy.

With the location of the quarry and the shape of the Paterson Valley, it just acts like an amphitheatre. Noise echoes in the valley – not just the quarry operation, but also the movement of the large truck engines breaking and accelerating for corners and through the Gostwyck Bridge.

Current issues that impact me: noise and vibrations at home from the quarry's operation. I live 4.8 kilometres by road from the quarry, but two kilometres in a direct line from the quarry. Since moving there, the noise level from the quarry operations has increased dramatically since Daracon took over the quarry in 2013. Prior to Daracon, the noise from the quarry could rarely be heard; since 2013, the noise of the quarry operations has increased to the point where it can be a constant background noise all day. There are sudden loud booming noises, and strong vibrations that shake the whole house. It can be felt whether you're in the yard or the paddock.

It is obvious from my experience that Daracon are operating the quarry quite differently to how it was operated by State Rail, whether it be the location now of the quarry operations, the explosive methods now being used, or the quarry equipment being bigger or louder. A mega-quarry will only be far worse. Yes, the quarry has been there for 100 years, but it wasn't operating like it is now, and with the number of people that now live in this area.

Since 2013, the number of truck movements has increased dramatically, highlighting the impacts the quarry is having on the local community and the Paterson village. The village where I shop is where I get most of my needs, including the post office for my mail collection, IGA, butcher, chemist, service station, Country Cafe, Stockers & Partridge for farm items, Court House bottle shop, Paterson Tavern. Should these businesses be impacted to the point of closure, then it means travelling half a kilometre into Maitland or Dungog, instead of my five-minute trip.

Noise, high volume of loud trucks is deafening in the village. It's impossible to talk to people on the footpath, and sometimes even in the shops. You have to stop your conversation and wait for them to go past. Sitting outside the Country Cafe to eat and chat is just horrendous. Outside the village, you have the constant quarry trucks, particularly when they are slowing down and speeding up at corners at Gostwyck Bridge. Trucks often come in convoys of four or five, which then amplifies the noise even more, and the trucks can be heard at times from kilometres away.

Road safety. It's very dangerous for pedestrians, those shopping in the village, using the business amenities, taking the dog for a walk. Just getting out of your car to go

into the shops is very dangerous. If you've got young children, it's just a horrendous risk. The quarry trucks passing through the village – there's no way they could stop in an emergency, if needed. I've had near misses with quarry trucks failing to slow down enough to take the corner at Paterson Post Office. They regularly drive around
5 on the wrong side of the road to take the corner, and I've been run off the road a few times. When my children were young, I was quite concerned getting out of my car to go into the local IGA shops.

Also, there's the school buses. There's at least four different school bus pick-up and
10 drop-off locations in the main road through Paterson. These are very busy traffic spot areas, with parents dropping off and picking up their children in cars. Also, the corner of Gresford Road and Dungog Road is also a school bus pick-up area for parents coming and going with cars. This is the main haulage route for the quarry trucks. It's crazy. The dust and rocks – rocks fly out and smash your windscreens.
15 Damage from the roads wrecks your tyres and wheels, increasing costs to Dungog Council.

In terms of destroying the village and environment, 28 years ago, Paterson was quite a fairly quiet village, but it has been booming since particularly COVID times.
20 We've now got many more new subdivisions in place. We've also had a lot more businesses open. Just since I've moved here, we now have as new businesses a chemist, the doctor's, the CBC Lodge for meals and accommodation, bottle shop, barber, herbalist, hairdresser, country clothing shop and a flower shop. And existing parking is actually quite difficult, so the expansion of the quarry would just make it
25 impossible and crazy. Tocal also, since I've moved here, hosts weddings Thursdays, Fridays, Saturdays, Sundays and on most weekends. Tucker Park is also a very popular location for wedding ceremonies and a popular picnic area for locals and tourists.

I've also noticed, because I live on the Paterson River, that during heavy rain events, water coming from the creek into the Paterson River is white in colour. Now, normally water run-off into the river should be a brownish colour. Well, it turns out this creek, if you follow it upstream, begins in the vicinity of the Martins Creek Quarry. I have no idea what the white water is, but I am suspicious.
35

I have read many of the submissions supporting the expansion of the quarry. Many of the submissions are from Daracon employees that do not live in our local area, but rather in surrounding areas such as Newcastle, Port Stephens, Singleton. It is also quite obvious from the similarity of their wording and their main points in their
40 submissions that they have been provided with a list of reasons to support the expansion. Job security. There is no shortage of work for truck drivers, but Martins Creek Quarry is special. As we heard yesterday, Martins Creek Quarry is not the only quarry in the Hunter Region with suitable hard rock and these alternate quarries are much closer located to existing major road networks, not 27 kilometres
45 from the New England Highway.

It just does not make any logical sense to approve the expansion. If it is not viable for Daracon to operate at the approved 300,000 tonnes per annum level, then they should not have bought the quarry. To say the impacts of the quarry expansion can be managed and mitigated is not good enough. If the expansion is approved, it will definitely destroy the Paterson village and our community. Thank you.

MR WILSON: Thank you very much. I would like to call Michael Stevens.

MR M. STEVENS: Good afternoon, Commissioners. Good afternoon everybody. I would like to thank you first for the opportunity of being here, and make the statement upfront that any material that I refer to in here will be found in my written submission. Otherwise it'll just be too lengthy.

MR WILSON: Thank you.

MR STEVENS: Next, please. I'm not here as an expert. I don't live on the haul route or next to the quarry, but very close. I do know a number of people that do, and I travel the haul route quite often. The views expressed are mine and in good faith, and I'm going to focus on the assessment itself, on SSD-6612, and particularly truck movements. I'll do my best to avoid duplication of any detail as I go through this presentation. Next, please.

I have four areas of concern: insufficient focus on people, and I'm talking about in the assessment here; insufficient focus on the uniqueness of the haulage route; economic benefits of the quarry need to be better specified and quantified; and, lastly, that costs need to be better specified and quantified. By "uniqueness", I mean here in comparison to other quarries in New South Wales. Next, please.

People, insufficient focus. After the Land and Environment Court decision, minimal haulage has been by truck. The proposed 500,00 TPA (tonnes per annum) will be a huge increase. Now, the assessment says that about 500 K was common in the past, but we have to acknowledge significant feedback has been given continually over many, many years, and we heard yesterday that there are somewhat over 600 submissions. So one goes with the other.

The lived experiences of the people have not been meaningfully factored into the assessment, in my view. I can't find any particular section that refers to it. And at this point I would like to say that, in reading the assessment, I have become extremely disappointed in the department's generalised statements and non-specific and quantitative analysis, but I'll go into that a little later on.

Now, all of these need to be accounted for prior to approval, not after, and in the conditions document that I've also read, it's quite obvious that these are very general conditions. Some of them you could drive a fleet of Daracon trucks through. And who is going to protect us to enforce these conditions anyway? Next, please.

I'd like to make the point here that noise is just more than noise one-off, a truck or a convoy of trucks going past. It is the constant nature of that noise, and it is also the cumulative effect. People notice these things, the build-up in the person's psyche or whatever that amounts to this.

5

I would like to point you towards the World Health Organisation report of 2011. Again, the reference is in my written paper. It is concentrating on noise and the effect of people. The studies analysed environmental noise from various sources, and they looked at links to health conditions. This is a 160-page document which includes a complete methodology on how to assess noise in relation to people's health. There was overwhelming evidence in relation to traffic noise and health. There is a higher incidence in people that live on busy roads of headaches, anxiety, cardiovascular issues, and children may well suffer cognitive development.

10

15 And remember this is in Europe. They are well ahead of us in terms of these types of studies, but the number of something like about 30 reputable medical scientists on this particular issue over about eight years – their conclusion, apart from now, is that at least one million healthy years of life are lost each year in Europe alone due to noise pollution, and, lastly, that noise pollution is the fastest-growing type of pollution there is.

20

My point is that all this feedback that has been given by way of myriad numbers of submissions – it's all reflected in there. People's lived experiences are reflected in there, and it is doing them harm, if you heard quite a few people that have been talking from the heart and very emotive about these issues, and this is a reflection on what it's doing to them, and it's the tip of the iceberg. Next, please.

25

I'm going to go to the issue of trust here, because it's something that's extremely important, and the lack of meaningful action now following extensive community feedback would make this situation even worse. What has the Department of Planning done to make it better? I believe that we've lost trust in the Department of Planning because it has been so economically focused, efficiency focused, and there has hardly been any mention at all of the devastating effects upon people and their health.

30

35

And it's not just one person in a household; it affects everybody in the household. If that person suffers from anxiety, depression, or whatever it is, these are passed on. A 500 K regime may well trigger over-and-above responses, and this is because past bad responses don't get forgotten. They come back, and they are built upon, and it can make it even worse.

40

And while I'm at the 500 K, I'll just say how did we get to this figure? I have been through the documents, and the best I can make of it is that it's come from Daracon, of course, in their initial submission of 1.5 million tonnes per annum to be mined, which was later revised to 1.1 million tonnes, and the 500 regime has come from that.

45

I consider that the 500 K regime is invalid for these three reasons: that – and from a legal standpoint – I think it’s the fruit of a poisonous tree; I think that the roots in the 1.5 million tonnes per annum came from what I consider to be an arbitrary and
5 claim by Daracon, not based on any scientific evidence, but more based on the amount of material that was in the quarry, versus how many years it would take to get that out, come hell or high water; the other much more important reason to me, though, is the number is invalid because the social impacts are extremely high. We heard here yesterday a number of speakers talking about that these impacts are extremely high, and no attempt has been made whatsoever to quantity this in the
10 department’s documentation.

All this does – what we had here was a Land and Environment Court decision, which people, of course, were quite pleased about. That brought a sense of relief. Who can we trust? I don’t believe we can trust the Department of Planning, because they have
15 not dealt with the issue of the high impact of adverse effects on people, and I’ll be going into this a little bit later.

Daracon have shown nothing for us to deserve their trust. If they wanted to do something about a lot of these things, they would have done it a long, long time ago,
20 rather than at the 11th hour, and sent around a set of conditions which are – I think basically a lot of them are meaningless, a consultative committee, for example, appointing of a liaison officer. And what I find most disturbing is that the Planning Department wants to run another SIA six months after the approval. We’ve already had an SIA, and we have had people from the University of Newcastle saying there are problems with it. But, okay, the Planning Department goes to in-house experts,
25 and all is well. I don’t understand that at all. Next, please.

Demographics don’t seem to be accounted for in the shire. I’ve done some basic research from ABS data, and about 40 per cent of the population in Dungog Shire are
30 particularly younger people and what I’ll class as seniors. The assessment benefits – the assessment, rather, refers to benefits outweigh residual costs, I think, in the last or second-last paragraph. I don’t know what “residual costs” mean, but if it refers to the community, I think that says a lot about how the community has been treated. Maybe somebody would like to clarify that for me at some stage.

35 Again, on the assessment, the proposals deliver a balance of the impact on the community with the quarry viability. Well, there’s no detail at all of the impacts on the community in any detail, and, further, there’s no detail as to what constitutes a viable quarry operation. It refers to a balance, right, between a mix of road and
40 rail. It’s not about the balance; it’s about the amount, the pure amount that’s pulled out of the ground and run by road. Next, please.

The uniqueness of the haulage route. There’s no ready access to major highways like other quarries: Karuah, Allandale would be examples. Haulage routes pass through
45 villages, and you’ve heard about the number of retail outlets and schools, big preschool down at Bolwarra, Tocal, churches, farms. Therefore, there is no protection offered, such as barriers against noise, lanes for passing, special pavement

surfaces and perimeter fencing, that would be there to provide the community with protections, safety and security. It's a pretty basic need.

5 A well-renowned person in the field, Maslow, has five categories of needs in the psychological sense, and these start with physiological, food and water. The next one is safety. And then we go on to social, etcetera, etcetera, and it's not till the highest one, where we can improve ourselves as people. Now, if people are stuck in this rut, stuck in a trench of being frightened and not being safe and secure in their own environment, it is going to make things incredibly worse for the next generation as well, coming up and seeing these aspects. I think this needs to be addressed. 10 Safety and security is just a basic need. It's not a bells and whistles thing. Next slide, please.

15 Therefore, where do we get the extra protection from? It's not in the conditions, because they are not satisfactory. They are not quantifiable. No hard measures. Nowhere to go to get these resolved. The Land and Environment Court, as far as I know now, is finished. Where would you go? Who's the cop on the beat that's going to enforce this? I don't know. So we need the protection via minimal road haulage. We need to do risk analysis at 500 K or anywhere. It's just normal industry 20 practice. Where is the risk analysis? I can't find it anywhere.

Risk analysis involves the likelihood of occurrence on one axis and likely consequences on the other. For example, a nine-axle truck having a collision down the road at a certain time outside a preschool or whatever – what are the potential 25 consequences of that? Is it just going to be a one-off spill the load, or is it going to kill a lot of people? I don't know, because there's been no risk analysis done. Next slide, please.

30 Generalised approach taken describing potential markets and value from a departmental point of view. That's what it is. There are statements in there, like how wonderful it'll be that there will be markets for construction industry right across the board, and how the quarry is ideally placed here to service that market. Well, it's not ideally placed, because there's no major road to get to where it should be going. There's no evidence as to the benefit level whatsoever in the document 35 prepared by the Planning Department.

40 What happened when the road haulage decreased markedly following the Land and Environment Court decision? The sky never fell in. The strong demand for construction materials was met somewhere else. No apparent adverse effects. I didn't see anything about people being concerned about supply or the cost of supply. Next please.

45 Community costs, including health issues and quality of life, have not been quantified adequately. How has the department carefully weighed all the benefits against all the costs? Years ago, when I was a decision-maker, I wanted to see that. I wanted to see a cost-benefit analysis done. We've heard from Daracon yesterday there's some kind of cost-benefit analysis of 57 million a year net present value or

the like, but how do you factor in the cost of people? The department hasn't at least tried to do that, and it probably in the – well, not probably, but it may be in the commissioners' mind, well, how would you do that.

5 But intangible costs are certainly possible to be factored into a cost-benefit analysis by giving them the same sort of base or value type as benefits, and that might be, for example, on a scale of one to 100, or it might be high, medium, low, or whatever. But there's been no attempt to look at the overall benefits compared to the costs. I would like to know on a cost-benefit analysis, taking into account people, the best-
10 case, worst-case, most likely scenarios. Next, please.

My conclusion is that the 500 K TPA is a grossly excessive amount to be hauled by road. I did originally have an amount in there, but I thought I'm not qualified to give that amount. Going back to the mathematics of the original development consent, it
15 would be possible to do that. But the 500 K is grossly excessive, and you only have to go back to all the submissions that people have lodged to have a look at that, and have a closer look at what is the true cost to the community of this.

Only a minor proportion of this should be considered, pending an acceptable total
20 cost-benefit and risk analyses. And just because it's happened in the past does not justify a continuance for the future. All the numbers that we've talked about before, the 1 million tonnes and the 1.5 – they've all come from the past. The quarry used to be just for rail ballast. Now it wants to be turned into a general quarry – a whole different ball game.

25 The department, to me, assessment is long on detail, but short on the thing that breaks this project, and for me that is the effects on people along the haulage route. These communities do not deserve to be treated in this manner, because of all the hard yards put in over the years in trying to express what the problems are, and
30 seeing very little done about it. The IPC – I'm asking you to seriously consider these issues and to see that some kind of true balance is reached. Thank you for your time.

MR WILSON: Thank you, Mr Stevens. John Connors.

35 MR J. CONNORS: Commissioners, thank you. Thank you for another opportunity to address you with respect to this application. I speak to you as the mayor of Dungog Shire, but I also draw on my experience from my prior professional career, and in that, for over about 20 years, I was involved in almost every coal mine development in the Hunter Valley, either involved for the applicant miner, the local
40 council, or the affected landowners. Throughout that time, I appeared before the Commissions of Inquiry, which was the planning structure at that time.

In addition to that, I also have been involved in a number of quarry applications in the Hunter Valley, smaller quarries than this, quarries where the consent authority
45 was in fact the local council. I have appeared for applicants, and I have appeared for the consent authority, the council, and I have appeared when those matters have ended up in the Land and Environment Court. And it's with that experience that I

make the comments that I'm about to make about the assessment report and the recommended conditions with respect to this development.

5 I think it was telling that the department in its submission yesterday at the end or near the end focused on the need for the product, that the state needed the product, but it doesn't put that into any perspective. And, as was pointed out to you in your one-on-one with the council, the amount sought to be transported by road is 500,000 tonnes, and, as the department points out in its assessment, there is about 8 million tonnes of material available in the Hunter Valley. So that's six per cent.

10 But then it drops to three per cent, when you consider that it's 250,000 tonnes by road until the infrastructure improvements, which the assessment report deems necessary, are carried out. That's merely three per cent of the available product in the Hunter Valley. So it doesn't make sense that the driver is the state's need for product, when we're talking merely about three per cent of the Hunter Valley's production or six per cent of the Hunter Valley's production, and the Hunter Valley in that assessment excludes the quarry at the top of the Hunter Valley, which, I understand, is also operated by Daracon.

20 If the infrastructure improvements are necessary – and, of course, I say they are, and the assessment report obviously deems them necessary – but the assessment report says, “Well, you don't have to stay with the 150,000 tonnes per annum limit that exists at the moment. You can increase that to 250,000 tonnes per annum whilst you carry out the improvements, over either 18 months for some or two years for others,” well, that is somewhat illogical, I suggest. If they're needed, they're needed.

30 From the experience that I have referred to, I don't recall any coal mine or extractive industry being allowed to commence production until the road infrastructure in particular had been put in place. As was pointed out to you earlier in the day by council's director of planning, even a simple development such as a dwelling house has to put in the driveway before they can get an occupation certificate. A subdivision has to put in the infrastructure before the blocks of land can be sold, before the plan of subdivision is released.

35 Yet here the department's recommendation and its conditions – they're saying not only don't you have to put it in place before you commence, but you can increase your production by 100,000 tonnes per annum whilst you're putting it in place, but then, after two years, if you haven't put the major part in place, you can then call upon the council to do it, albeit that you pay them.

40 Now, the council is no position whatsoever at the moment to carry out work for others. It's busting to carry out the work that is funded at the moment. This financial year, it's got a capital works budget of about \$50 million. It would normally have a capital works budget of probably 8 or 10. Contractors are impossible to obtain. The prices have gone up most significantly because of the government largesse in making grant funds so readily available over the last four to five years.

That scenario of increasing the production before the necessary infrastructure is in place I find no justification for, and, whilst I'm getting old – but my memory is not that bad – I can't think of an instance in my experience where a developer of this type has been allowed to carry out the development, commence production, but not
5 do the infrastructure works. As I said, council has no capacity. If at the end of two years, the company says, "We'll pay you to do it," council can't do it. That might stretch it out to another three years or four years, in which time they're still producing.

10 Now, one would think that a proper condition of consent would be that you have to carry out these works before production, or because there's a production limit of 150,000 tonnes per annum at the moment, you've got to carry them out within a designated timeframe, and if you don't, production stops until you do. That would seem to be an appropriate balance, if there is a need to allow ongoing production.
15 But otherwise it can be seen as nothing more than being driven by the point that the department makes: there's a need for the product, a need for three per cent of the Hunter Valley production. That doesn't make sense, in my respectful submission.

Much has been focused on the number of trucks carting quarry product. There's
20 been no focus on the trucks carting materials and product into the quarry. I understand there'll be fly ash carted in to blend with the quarry product to make a satisfactory road base. There'll be fuel and, of course, there'll be equipment carted in and out. The focus has been on truck movements carting quarry product out and the fact that X number of empty trucks will be stored there overnight, etcetera. But
25 clearly there'll be trucks coming, bringing materials into the quarry, and whether they go out empty or full depends, I suppose, on the nature of the vehicles.

Reverting back to my comparison with the coal industry, it's in excess of 20 years now since the coal industry was forced to put all of its product on rail. I forget the
30 exact date, but I think it was the very early 1990s, when all product in the Hunter Valley had to go by rail. Prior to that time, you took your life in your own hands if you drove from Muswellbrook to Maitland or beyond. It was one constant stream of semitrailers and B-doubles taking coal to the port.

35 There was no alternate given to the coal companies. It had to go on rail. They had to put in rail signings, rail loops and, in some instances, internal haulage roads to get it to the nearest rail loading facility. If that was appropriate 20-odd years ago, surely it's appropriate today here, where we have, apart from, perhaps, the quarry at Ardglenn that's, I understand, operated by Daracon, the only quarry in this
40 neighbourhood that has a rail so what was good for the coal industry, I suspect, should also be good for this proposal.

The department in their submission highlighted what's in the conditions with respect to the road maintenance contribution. They said the company considered council's
45 road maintenance contribution too high, and, therefore, there had to be a condition that ameliorated it. Well, to put it quite mildly, I find that a preposterous suggestion. The section 7.11 contribution – might I continue just for a couple of minutes?

MR WILSON: Of course, of course. Yes.

MR CONNORS: Was determined in accordance with the legislation. It was determined, as I said, in accordance with the legislation, which provided, naturally,
5 that it had to go on exhibition, and submissions were called for. There was no submission from Daracon with respect to that plan when it went on exhibition.

It's a plan that was created and implemented properly. It's a plan that provides a rate that's not, as the company suggests and as the department appears to accept, out of
10 the ballpark. When one compares it with the rate imposed by Port Stephens Council under their plan with Brandy Hill – and it's in the Brandy Hill consent conditions – it's lower. So why the department thinks it's necessary to become the arbiter as to what is an appropriate rate, when council has set a rate in accordance with the legislative regime, I don't know.

15 Much was said also by the department in their presentation yesterday of the social impact assessment and how they had done their own, and they had formed the view that the applicant's assessment was fit and proper and well done. They make no mention of the social impact assessment prepared on behalf of council, which was
20 submitted to the department with council's original submission on the proposal. It's a submission that was done and dated September 2021 by Judith Stubbs & Associates, and I merely quote from the executive summary, which says at the beginning, two paragraphs down:

25 *The social impact assessment has the following flaws: the matrix used for the evaluation of potential social risks leads to illogical outcomes; in the application of the matrix to potential social impacts, the SIA has incorrectly assessed likelihood; the threshold criterion for acceptance of adverse social impacts without further mitigation is high risk of adverse of social impacts, and*
30 *this level is not appropriate.*

They're the three dot points made in the executive summary. But the department didn't even reference that, and merely relies on, "Our assessment is that the social impact assessment done by the applicant is fine." Well, again, I question that. We
35 also heard yesterday that the Martins Creek Quarry Action Group commissioned a social impact assessment. Again, it doesn't seem to have been given any consideration, be it good or be it bad. It's merely, as was emphasised by the department in their presentation yesterday, they determine that that company's assessment was good.

40 Finally, Commissioners – and I apologise for running over – reference has been made by the applicant to the economic benefit to the local community and the fact that there'd be a local purchasing policy. I think you've heard from others as to the unlikelihood of that, but certainly in prior discussions – I think they were at the time
45 of the past court proceedings – it would appear that the only local purchasing the company was doing at that time was the odd cup of coffee from the basic store. That's assuming they define "local" as being the Dungog Shire. If "local" includes

Maitland, Raymond Terrace and Lake Macquarie, well, I can't comment. But from what I consider local, there is no economic benefit. The employees at that time were all outside the area, and I'm sure nothing has changed.

5 Commissioners, there's probably an awful lot more I could say, but my time has well and truly run out. I just ask you to apply the legislation, the proper planning principles, and look at the facts as they're before you. But, in any event, I urge you not to allow any further transport by road. And thank you for your time.

10 MR WILSON: Thank you, Mr Connors. Sorry. Mr Connors, can I just ask you to clarify re the SIA council have prepared. I don't think we found it on the department's website. Can you provide a copy to the Commission, please?

15 MR CONNORS: Yes, certainly. I clarified with council officers – I think it was yesterday or this morning, and it was confirmed to me that it was most certainly lodged with the department.

MR WILSON: Okay.

20 MR CONNORS: But I'll certainly ensure that a further copy accompanies our additional material that will be in by the 15th.

MR WILSON: Please. We'd appreciate that, because - - -

25 MR CONNORS: I'd give you the one I have, except it's got marking. I've highlighted the relevant bit, and that's probably inappropriate to give it to you.

MR WILSON: Okay. Thank you very much.

30 MR CONNORS: But I'll make sure you get it.

MR WILSON: Yes. Thank you. We'd appreciate that. That's the end of our formal speakers. We now have a response from the Department of Planning. Just bear with us. We're just waiting for the department to join us via video. Is that
35 correct?

UNIDENTIFIED FEMALE:

40 UNIDENTIFIED FEMALE: They've missed the bus. They've missed the plane.

UNIDENTIFIED MALE: Get lost.

MR WILSON: It's all right.

45 MS SYKES: Here we go.

MR BARLOW: There's Clay.

MR WILSON: Mr Preshaw, is that – I can't hear you, Mr Preshaw.

MR C. PRESHAW: Yes, I'm here. I can hear you, Chair.

5 MR WILSON: Okay. Just hang on a tick, Mr Preshaw. Can we bring that down, his screen. That's okay. You can see him. That's all right. Good. That's it. Thank you. So I presume you've been listening, Mr Preshaw, the last two days, or your staff.

10 MR PRESHAW: Our staff has, yes. I've tuned in and out when I could.

MR WILSON: Okay. So a lot has been said. A lot of information has been provided. You did take some questions on notice, and I guess we're asking you do you have any other responses in relation to what's been said over the last two days.
15 We've got some initial questions that you may wish to answer today or you may wish to take on notice. They're just very preliminary. We've got a lot of work to do, obviously, and submissions don't close till the 15th, so we won't finish our assessment of all those submissions until that date. But do you have anything further in relation to those questions on notice from yesterday?

20

MR PRESHAW: Sure. We did get some advice about the sort of outstanding questions that you have. I'm happy to start. I might start with the social impacts, if that's okay. Okay. I'm not getting a response, but I'll

25 MR WILSON: Sorry. Yes. Go. Go, Mr Preshaw.

MR PRESHAW: - - - just some comments, I guess, around social impacts. So what I would like to say is that social impacts are absolutely an important issue for this project, and I think we have been very clear about that in our assessment report. I
30 think we've also spoken with you directly in our briefing to the Commission about it. But it's important, I think, that we don't treat social impacts as an entirely abstract concept. It's also important, I think, to say that it's by no means a new impact that on this project.

35 Now, I think while there has been the growth of the social impact assessment field, and it's sort of increased in status in the SSD process in recent years, particularly with the introduction of the SIA Guidelines in 2017 and then updated in 2021, it's fair to say the department has always carefully considered social impacts to the projects that have come before it, and, in fact, as you would know, the social impacts
40 is really enshrined in the legislative requirements of the EPA Act, and it's always been a departmental and a statutory role under section 4.15 or the old 79C of the Act, which requires us to undertake a triple bottom line assessment, the triple bottom line being the environmental, social, economic impacts of the development.

45 Now, in terms of the process of how we assess those impacts and the SIA Guidelines themselves, there are three or four important things that – important points, I guess, I'd like to note. Firstly, I think it's important to say from the outset that there's

nothing in the SIA Guidelines that said there's – a project must not have any social impacts. The reality is that really, at any level of planning, whether it's, you know, a local GA is requiring an extension, or whether it's a large-scale SSD project like this one, it almost always involves impacts on the surrounding land users, and, in
5 fact, it's clearly a core role of being a planner to consider the needs of various people surrounding the development.

And I guess I'd say all of this to make the point that large-scale state significant developments like Martins Creek are always tricky, because they are almost always –
10 they're going to have considerable environmental and social impacts, and they are almost always going to have substantial economic benefits, and that

MR WILSON: Can you just wait a minute, please, Mr Preshaw. Can you just stop for a minute. Please. We've given everyone a fair chance. Give the department a
15 fair chance, please.

UNIDENTIFIED FEMALE:

UNIDENTIFIED MALE: They've already had their chance.
20

MR WILSON: Okay, Mr Preshaw.

MR PRESRAW: on that generally – that general first point. I think the second thing I'd say is that the SIA Guidelines are not intended to set strict rules or
25 performance criteria about what's an acceptable social impact or what's not an acceptable social impact, and of course there are tools in the state guideline and in the supplement that help categorise issues in terms of likelihood, magnitude, mitigation measures, etcetera.

30 However, social impact, assessed by its very nature, relies very heavily on core technical data, and it's intended to capture, I guess, the full range of perceptions about impacts, many of which can be different and often at odds with each other. So, given the qualitative nature of these types of inputs, there is really no mathematical formula that spits out whether a project's impacts are acceptable or not. That really
35 becomes a question of fact and degree, given the particular circumstances of the project.

MR WILSON: Okay.

40 MR PRESRAW: So I guess that leads me to the third thing that I want to say, and that's that there are a range of pre-existing legislative policy settings which are related to social impacts that do set the technical performance criteria, and they do include rules about what's acceptable and what's not acceptable. And, importantly, the SIA Guidelines explicitly state that those policy settings on a range of technical
45 matters must be incorporated into the overall assessment of social impacts.

So in the case of Martins Creek, there are a range of technical issues which contribute to social impacts, and they must be considered, and they must apply the relevant legislative policy settings. So, for example, the project in this case has been assessed against various policies that govern noise, air quality, traffic, heritage
5 water, etcetera, and, without going back through to the detail, I think it's a fair summary to say that we have concluded that the project will comply and could be managed in accordance with all of those strict policy settings.

10 And I guess just to bring it sort of full circle, the final point I would make, again, is that – I know this is a long sort of response around social impacts – is that we absolutely acknowledge that there would be residual social impacts from the project, but we believe that they have been comprehensively and appropriately assessed in accordance with the SIA Guidelines, and our in-house experts have reviewed that, and we believe there are a range of measures that have either already been
15 implemented through project design changes or would otherwise be implemented post-determination to monitor, to manage and regulate those residual social impacts. But I really just wanted to make a general comment around social impacts

MR WILSON: Okay. Maybe it's relevant now that I ask a question, I guess.
20 You've advised the department that the economic benefits of the quarry outweigh the negative impacts of the proposal, so I'm going to ask a couple of questions in that respect, within that context. So that's what you're proposing. That's what you've recommended. And I guess what we've been hearing the last two days is contrary to that finding. I would guess that's a fair summation of what I've heard over the last
25 two days. So can you just answer a couple of questions. Can the demand for this quarry's products be met from other quarries in the region, noting that they have access to a state road?

MR PRESHAW: So, look, I might have to

30 MR WILSON: I'm happy for you to take them on notice, because – yes.

MR PRESHAW: - - - to Jessie or James, and we're going to take some of that on notice, but I'm happy to give you some general comments around that.

35 MR WILSON: Yes.

MR PRESHAW: I think it's important to say that we have to assess the project that's before us, and we have to assess what it could contribute in a strategic sense
40 and in an economic benefits sense. And so, look, I think, Jessie or James, you might have some more details around, you know, what the actual market demands are in the region and in New South Wales, and maybe some comments around the other projects that we have before us. So, look, I might just quickly defer to Jessie and James, and if there's things we need to take on notice we should do so.

45 MS EVANS: Thank you, Clay. I'm happy to speak to this one and invite some high-level comments. So I recognise that it is difficult to put an exact number on the

amount of hard rock material that's going to be required over the next five to 10 years, but what I can speak to is the that we're seeing at the department in both state significant development hard rock quarry applications and also local development applications.

5

Applicants that are coming to the department are wanting access to their resources as soon as possible to meet both tender requirements to be able to negotiate contracts, and they also want to meet both local and regional demand from the private construction industry, but also from New South Wales government agencies, such as Transport for New South Wales. So what we have been seeing both in strategic policy documents as well as in the space is that there is a push in setting to boost the economy post-COVID. We're also experiencing requests not only for applications for SSD and local developments, but just for quarry expansions and increased production rates as well, to assist with post-recovery.

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15

So we do recognise that there is a need for products from this quarry and from other quarries. It's not a situation of one or the other. We do recognise that there is a shortfall in hard rock material in the region, so that there is other quarries in the area that are able to provide significant volumes of high-strength aggregates, including the existing Martins Creek Quarry. But the chief factor for the numbers that we're seeing in applications coming to us being proposed in the Lower Hunter indicates that there is a need for this material, and possibly that it's not being met by the existing market.

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25

So some examples other than Martins Creek Quarry before us that we are having to come into the department in the next six to 12 months Eagleton Quarry, Stone Range Quarry, Deep Creek Quarry, Karuah South Quarry and Hillview Quarry. So we can't rely on these proposals, while they would be able to meet some of the shortfall in market demand. It's actually at this stage not possible nor is it appropriate to prejudge those projects before they progress through the development application process and are subject to their own assessment, like Martins Creek now is. It's also entirely possible that these other projects have quite similar impacts to surrounding communities or other issues that may impact their - - -

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MR WILSON: So just in terms of Paterson itself, we've heard, noting the community has identified social safety, potential business impacts, what factors led the department to believe that up to 40 truck movements per day was sustainable?

MR BARLOW: Per hour.

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MR WILSON: Per hour. Sorry.

MR PRESHAW: Sorry. You just cut out there for a minute. Did you say what led to the 40 per hour?

45

MR WILSON: So what factors led the department to conclude that 40 trucks per hour was sustainable?

MR PRESHAW: Look, again, I might have to refer the specifics of this to Jessie and to James - - -

UNIDENTIFIED MALE: Why is he on the call?

5

MR WILSON: - - - but I guess it's important again to refer back to the process of the project design changes that occur through the process. So, certainly, initially, in the initial application, the level of trucking that was proposed to occur was much higher than what is now proposed to occur, so project design amended through that sort of process. But, look, Jessie or James, do you want to give some more comments around the 40 truck movements per hour in specific?

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UNIDENTIFIED MALE: Well, then, go ahead.

15 UNIDENTIFIED MALE: Anyone will do.

MR WILSON: Happy to take that one on notice, I guess.

MS EVANS: Yes, happy to take that one

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MR WILSON: Okay. A lot has been said in relation to safety. We've heard a lot about safety over the last few days, and I guess how did the department determine that the impacts on road safety along the route, particularly around Paterson, Tocal and Bolwarra, were acceptable, particularly having regard to, you know, access to properties, pedestrians, bus safety, children crossing, and so forth, access to schools? Are you able to answer that?

25

MR PRESHAW: Yes. Look, again, I think I'll take the start of that and maybe it's worthwhile just to explain, you know, the process of our assessment. This may go to the previous question around specific trucking volumes per hour through the village of Paterson.

30

Now, as we mentioned earlier, you know, the role of the department in assessing the project is to assess the project that's put before us. Now, to some extent, we have an ability to encourage or influence the project design, to change, you know, operational factors through the assessment process, but ultimately what we have to do is assess the project that's before us and use the EIS documentation that's required by the to design the project, and it's now our job to, you know, entirely change things through the process.

40

So in terms of the safety aspect, and perhaps in relation to the previous question in terms of how we assess the particular volumes through Paterson or elsewhere, it really comes down to what's presented in the EIS documentation and the traffic assessment, and that, obviously, covers how Austroads guidelines are applied policy and whether it complies with those policies in particular, and we obviously seek advice from the relevant expert agency

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So, I mean, I think in general our role in assessing the specifics of the project – it has been really to look at what is proposed, and then to see whether the assessment is adequate, and to seek advice from agencies, and to see if the project complies with the relevant policy. In this case, you know, it would be Austroads guidelines, and it
5 would be policy, for example. I don't know, Jessie or James, if you wanted to provide further

UNIDENTIFIED MALE: So ultimately it's not your fault.

10 MR J. McDONOUGH:

MR WILSON: Okay. So, again, I'd like to reiterate the question I asked yesterday in relation to the mitigation of social impacts. They've been identified. They're real. I guess – and I asked the question: how are those mitigation strategies going to
15 target those who are directly affected? So you can take it on notice again. We'd prefer a considered response as opposed to one that's on the run, but if you can answer that now, that's fine.

MR PRESHAW: Sorry. I think I just missed a crucial word there. Was that how is
20 the mitigation measurements assessed by the department?

MR WILSON: There's a range of mitigation measures associated with the social impacts that have been identified in the SIA. I guess the question I'm asking is how
25 will they target those who are directly affected by the project, if – indeed, if it's possible.

MR PRESHAW: Right. Okay. Sure. Again, I may Jessie or James, if they want to the first thing I would say is that we assess the mitigation measures in
30 accordance with the relevant policy. So whether it's an air quality or noise or traffic issue, you know, the mitigation for those particular issues are largely governed by the policy that relates to that. So in relation to air quality or noise, there are particular things that are required by the relevant policies, and, where relevant, we've required that or would require it post-determination. Particularly with traffic, in terms of
35 upgrades, for example, we would just be applying the relevant upgrades that are required.

Now, I think what you're probably referring to is things that relate to mitigation measures over and above those particular strict policy requirements, so whether
40 that's, you know, the community contributions or in fact the contributions to council. So there is some guidance in the SIA Guidelines around types of mitigation measures that should be used, and I think the advice we've received on the SIA is that those mitigation measures that are within, you know, the relevant types of mitigation measures should be used for these types of impacts.

45 More specifically, I think, Chris, Chair, you were asking how do we know that those contributions to the community will land in the right place. And one of the things we've certainly done with the conditions is we've recommended that the funds are

distributed via the CCC, the Community Consultative Committee, to ensure that, you know, there is input from the community.

5 Now, the CCC will, obviously, work out this with the community, but it'll also include council. Some that we've done with those types of community contribution funds in other areas, for example, in coal mining, is that those funds are actually directed to council in the first instance, and then can be distributed in the right place to the community. But in this case, I think council was not keen to be in control of the funds, so that's why we've tweaked the conditions to ensure the funds
10 go via the CCC.

MR WILSON: Okay.

15 MR PRESHAW: I think that will help to ensure that the benefits of the funds are seen in the community in the places that matter, and that certainly there is engagement with the community to ensure that happens.

MR WILSON: Clay - - -

20 MR PRESHAW: I think that sort of answers the specific part of the question. Sorry, Chair. It's cutting in and out a bit, but I think you were asking another question.

25 MR WILSON: Well, it's a good segue to my next question, which is basically there's been a lot of comments over the last two days in relation to who's responsible for regulating – can you hear me, Clay?

MR PRESHAW: Yes, I can. So who's responsible for regulating

30 MR WILSON: Yes. So there's a lot of - - -

MR PRESHAW: - - - to the community?

35 MR WILSON: Yes. There's a lot of concern with the community about should this proceed, then who monitors and regulates those conditions, because the view from the community is seemingly that it's sort of left up to them to do. So you might want to talk to that.

40 MR PRESHAW: Yes. Well, look, I think I'd better direct this one to Jessie, because I believe she had a similar question about this, and there's certainly a lot we could say about how we monitor and ensure compliance across the board at the state level. So, Jessie, I might hand it over back to you, if that's okay.

45 MS EVANS: Yes. Thank you. I guess, first and foremost, the difference between the current existing quarry and what would happen should any approval be given for the proposed project is that it would be a state approval, so the Department of Planning would be responsible for its regulation and ensuring compliance. There

would also be – the existing EPL would be varied to reflect the new project, so the EPA would be involved, and there would be some other state-level approvals to do with water and road safety there as well.

5 But I agree with you, Chair. We have heard the same concerns as you over the last two days, and we can see that the community does hold a lack of trust in Daracon in being able to comply with their conditions of approval.

UNIDENTIFIED MALE: Not just Daracon.

10

MS EVANS: So, from the department's perspective, it is important to note that we regulate, probably, in a way, twofold. We have a post-approvals team. Most management plans under the proposed conditions would need to be prepared to the satisfaction of the secretary of the department. So what this means in practice is that the assessment team and the post-approval team would work together and occasionally bring a compliance team into that as well, and we would review each

15 before it were able to be implemented by Daracon. So this would provide a check and balance to ensure commitments made by Daracon or requirements imposed under the consent are captured in the management plan.

20

Should there be any doubt or questions as to relevant conditions, requirements or commitments made in any consent given or any management plan being prepared, whether or not, the department has got a strong, dedicated compliance team. This team has ramped up in terms of both resources and activity in the past five to 10

25 years. So the department's compliance team works closely with communities and local councils across New South Wales, as well as state and Federal Government agencies, to ensure that state significant projects such as this one meet their conditions of approval.

30

So conditions of consent more broadly often require the need to regularly monitor, audit and report on compliance, and conditions also include the need to commission independent experts to audit compliance, assess and recommend improvements to environmental performance. The proposed conditions we've put forth for this project are no exception to that. So the department's compliance team also looks to

35 educate stakeholders on compliance they do investigate potential breaches, and they carry out necessary enforcements. Enforcements can range from a variety of outcomes. They can be they can be issuing penalty notices, or they can be criminal prosecutions. So there would be a dedicated team to ensure compliance if any approval was to be given, and there's also contact points that could be made at

40 any time.

MR WILSON: Okay. Thank you. Do you have any questions?

MR BARLOW: No.

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MR BARLOW: Do you have any questions?

MS SYKES: No.

MR WILSON: Okay. Mr Preshaw, as I said, we'll be working on further questions after we've reviewed all the documentation, today's and yesterday's transcripts, and
5 the submissions we receive on the 15th. So thank you very much.

MR PRESHAW: Thank you, Chair.

MR WILSON: Okay. That's it. That wraps up – sorry. I'm losing respective....
10 Thank you. That brings us to the end of this public meeting for the Martins Creek Quarry Project. Thank you to everyone who has participated in this important process. Commissioners Professor Snow Barlow, Clare Sykes and I have appreciated your input.

15 Just a reminder that it's not too late to have your say in this application. Simply click onto the Have Your Say portal on our website, or send us a submission via email or post. The deadline for written comments, as I've said a number of times, is the 15th of November 2022. In the interests of openness and transparency, we'll be making a full transcript of this public meeting available on our website in the next few days.
20 At the time of determination, the Commission will publish its statement of reasons for decision, which will outline how the panel took the community's views into consideration as part of its decision-making process.

25 Finally, a quick thank you to my fellow commissioners, Professor Snow Barlow and Clare Sykes. I would also like to thank the officers of the IPC and technical support staff for making today's and yesterday's meeting possible. And thank you for watching. From all of us at the Commission, enjoy the rest of your day. Good afternoon. Can I just say thank you to all of you, and thank you to the applicants for sitting through two days, and I thank all of you for your very thoughtful submissions.
30 Thank you.

ADJOURNED

[3.23 pm]