

Notice of Objection to the Consent Authority

Dear Professor O’Kane AC, Chair of the Office of the Independent Planning Commission

I am writing to strongly object to the proposed expansion of the Martins Creek Quarry Project (‘the Project’) by the Applicant, Buttai Gravel Pty Ltd (part of the Daracon Group).

I am a local resident of the area impacted by the Martins Creek Quarry and own and operate a Registered Angus breeding stud in that area.

I feel it necessary to write to you following the recent decision of the NSW Department of Planning (Department of Planning) recommending that the Project be approved, notwithstanding the real concerns of the local community and obvious potential impact/s to protected species, the Ramsar Wetlands and native vegetation.

I trust that this letter will assist the Commission in understanding at least some of the concerns of our local community and be given due consideration in the Commission’s final decision on the Project.

I object to this application for the following reasons:

Inconsistency with the Dungog LEP

1. First, the Project does not meet any of the aims of the *Dungog Local Environmental Plan 2014* (Dungog LEP). The aims of the Dungog LEP are set out below:
 - (a) To protect rural lands, natural resources, and items and areas of heritage significance;
 - (b) To manage development to benefit the community;
 - (c) To promote the principles of ecologically sustainable development and sustainable water management, and to recognise the cumulative impacts of climate change;
 - (d) to protect, enhance and provide for biological diversity, including native threatened species, populations and ecological communities, by long term management and by identifying and protecting habitat corridors and links throughout Dungog;
 - (e) to encourage a mix of housing to meet the needs of the community;
 - (f) to protect agricultural lands by preventing adverse impacts from non-agricultural land uses;
 - (g) to strengthen retail, agricultural and tourism opportunities.

This is explained in much greater detail below.

2. The Project will result in the destruction of rural lands, natural resources and areas of heritage significance. This is not ecologically sustainable development, nor does it protect, enhance or

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provide for biological diversity as required by the LEP.

Vegetation Clearance Poses Significant Risks

3. The Project proposes to clear huge expanses of land (36.8 hectares), including remnant intact native vegetation.
4. A search of the Sharing and Enabling Environmental Data (SEED) shows that there have been numerous species sightings including critically endangered, endangered vulnerable species within the area mapped as 'Martins Creek Quarry'. See below, together with a link to the resource here: <https://geo.seed.nsw.gov.au>



5. This area is home to one of the largest remaining intact native vegetation communities in the municipality and should be considered of ecological significance.
6. The Biodiversity Assessment Report (BAR) identified that the Project would remove 2287 Slaty Red Gum individuals over a total area of 13.43 ha, recognised by the Commonwealth as a threatened flora species.

Breach of Australia's Commitment to Protect Ramsar Wetlands & Threatened EPBC Species

7. The Commonwealth also identified that there may be some risk of significant impact to a wetland of international importance (Hunter Estuary Wetlands).
8. A key question to be asked is, how can the applicant offset the clearing of such volumes of intact remnant native vegetation? No biodiversity offset plan will be commensurate with the loss of intact native vegetation which provides known habitat to multiple threatened species including a critically endangered species. Managing and improving other existing vegetation is not an appropriate offset, nor is planting trees that take up to 100 + years for a tree to develop tree hollows (for species protection).
9. The Project will also result in the devastation of EPBC protected species (and other species). In its referral decision, the Commonwealth determined that the Project would be 'a controlled action' which is likely to have a significant impact on at least four EPBC Act listed threatened fauna species:

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- (a) Koala
 - (b) Regent Honeyeater
 - (c) Swift Parrot
 - (d) Spotted-Tailed Quoll; and
 - (e) at least one listed threatened flora species, the Slaty Red Gum.
10. The Biodiversity Assessment Report (BAR) report submitted with the application to the NSW Government identified that should the Project be approved; the Applicant will destroy 21.13 ha of Koala habitat. This can only devastate this population, and other populations that rely on the same habitat (including the other EPBC Act listed species).
11. I note that there have been concerns raised by other interested parties in this matter, in relation to the validity of the flora and fauna surveys conducted by the Applicant. In particular, that much longer-term surveys are required to detect threatened species in such a fragmented landscape. I defer to the expertise of those parties and simply ask that the Commission look into this further.
12. As the Hunter Region is home to over 197 threatened species, I would be very surprised if more longer-term surveys did not pick up additional threatened species to be impacted by the Project.
13. In any case, it is clear that protected life will be lost as a result of the Project should it be allowed to proceed.

Unsustainable Water Management Practices

14. The Project does not promote the principles of sustainable water management.
- The Commonwealth has already identified that there may be some risk of significant impact to the Hunter Estuary Wetlands. I have not seen any real discussion from the Applicant in relation to this, so I ask how will the potential risk to the wetland be mitigated?
 - I also have grave concerns for the water quality of the Paterson River (River) as a result of the proposed alteration of the entrance from Grace Avenue to Station Street, which will pump water into the Martin’s Creek and into the River. The River provides quality habitat to both aquatic species and terrestrial species, and an extremely important water source to landholders.
 - I have a water licence that I pay for each year to provide a water allocation. I then irrigate from the River via my allocated water licence to feed my stock. I am concerned that this water will become contaminated if the Project proceeds.
 - I understand the Applicant holds an Environmental Protection Licence, which already allows it to discharge pollution to land/water. The Applicant’s Water Quality Impact Assessment states that “the streams that will be affected by the proposed quarry extension are very minor headwater

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drainage lines that are ephemeral in nature and only flow for short periods after heavy rainfall'. However, the report further goes on to say 'There was no volumetric flow data for these streams and little baseline water quality information to help quantify the potential impacts'.

- Given there is little baseline water quality data, clearly the potential impact/s to water is unknown. This is a serious concern, to both the environment and water users. Long-term studies would be required before the potential impacts can be ascertained.

Lack of Heritage Protection

15. The Project does not promote heritage protection.

- The Gostwyck Bridge (Bridge) was opened in 1878, it is of Heritage Significance and a local historic attraction for tourists.
- I have real concerns that the Project will result in the deterioration of the Bridge and its historic and scenic value.
- The Bridge is old, timber and single lane. How will the high level of truck movements over the Bridge be sustainable in the long term? Surely, the heritage listed Bridge was not built to handle the volume and weight of trucks proposed.
- Further, traffic will bank up the roadways causing traffic management issues. To my knowledge, these impacts have not been assessed and or addressed.

Impacts on Agricultural Production, Tourism & Wellbeing of Community

16. The Project does not:

- (a) encourage a mix of housing to meet the needs of the community;
- (b) protect agricultural lands and or agricultural and tourism opportunities;
- (c) strengthen retail, agricultural or tourism opportunities.

If anything, the Project is likely to adversely affect all 3 Dungog LEP priorities. As someone in the agricultural business, I am of the very strong opinion that agriculture in the area will suffer should this Project proceed.

Community Impacts - Traffic

17. The Project will not benefit the community. In fact it is likely to negatively impact on the health and safety of community members due to traffic impacts.

- The local roads will not sustain the number of heavy vehicle movements proposed (up to 40 trucks per hour!).

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- The intersection of Duke Street and Gresford Road is not safe for the turning of large heavy trucks. There is a bus stop near this intersection where children get on/off buses.
- There are local shops on the truck route where people frequently park their vehicles and go into the local retail outlets. The risk of a person being hit and severely injured or killed is high.
- Surrounding residents have a lot of aging family members who are already experiencing road tailing from the large B double trucks sitting on their tails pushing them along. The speed in which these heavy loaded trucks drive at is a safety risk. They are big heavy trucks travelling at speed obviously trying to meet deadlines oblivious to their surroundings. The roads are currently full of potholes and not being maintained, it's only a matter of time before there is a casualty.
- The existing road network is in poor condition. The proposed movement of trucks will significantly increase the risk of damage to local road users, for example rocks into windscreens from moving trucks, and blown tyres from the potholes.
- The proposed volume of 40 trucks per hour is simply not safe nor sustainable on what are residential streets. The proposal is for 280 trucks per day on 50 days of the year and then 200 per day thereafter.
- With the build-up of traffic this will create further danger for myself and my family to turn into my property. I have further concerns when I need to move stock on and off my property and accessing my cattle yards from Dungog Road. The trucks come flying over the blind hill and won't be able to brake in time.
- The surrounding road network to the Quarry is a bus route for school children. I have grave concerns from a safety point of view for the young children that will be waiting beside what will become a heavy haulage highway.

Community Impacts - Noise

18. The Project will also negatively impact on the health and safety of its members due to noise. It is likely that the proposed development will greatly increase local noise pollution and detract from the 'village' like ambience of the Paterson township.
19. Both the noise pollution from braking trucks and exhaust fumes will detract from the quality of the township of Paterson.

Community Impacts – Air Emissions (Dust & Silicosis Risk)

20. The Project will not benefit the community, in fact it is likely to negatively impact on the health and safety of its members due to emissions.
 - A report prepared by VGT for the Applicant, the 'Martins Creek Andesite Quarry Geology and Blast Vibration Assessment August 2014' states that the geology of the material to be extracted includes Red Sandstone and andesite. The report also states that the Quarry faces and floor is dominated by andesite rock.

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- Andesite rock is a grey to black volcanic rock with between about 52 and 63 weight percent silica (SiO₂). Sandstone can contain at least 90% free silica.
- The extraction and crushing of this material will greatly increase the risk of airborne dust contaminants including respirable and inhalable silica, which is known to cause silicosis (an irreversible lung disease).
- Interestingly, the Air Quality Impact Assessment prepared by James McMahon Environments, dated 5 September 2016 (not current) does NOT mention the word silica or quartz in his report.
- The Applicant has omitted to address this issue. This not only questions their knowledge as a Quarry Operator but also the knowledge of the consultants who have been tasked with preparing these reports. The risk of silicosis is a big concern to both quarry workers and the local Residents of both Martin's Creek and Paterson and there is no mention of it in the application documents.
- The movement of trucks (even those covered) will result in the production of respirable dust fragments into the local area. Respirable dust is that small it is not able to be seen by the naked human eye.
- We hold significant concerns that the Applicant has failed to consider and address:
 - (a) The risk of silicosis to workers and to the local residents of both Martin's Creek and Paterson?
 - (b) Air quality measures to monitor the air for fine particulate matter silica content within the communities of Paterson and Maitland?

Community Impacts – Socio-economic Impacts

21. The Project is also likely to have negative socio-economic impacts.

- As a Property Valuer, I believe the expansion of the quarry will negatively impact the land prices in the area.
- This will drive residents away from the area, which is contrary to the Dungog LEP.
- Approving this Project will stop the interaction of persons in the township as it will not be pleasant or safe to go to town for a coffee or a meal due to the truck and parking challenges with a constant stream of trucks going through town. It will detract from tourists visiting the area and impact on the local economy.

Fit & Proper Person Test – Is the Applicant Suitable?

22. Last but not least, I (and most of the community I have spoken to) have concerns about the past conduct of the Applicant and whether they are a 'fit and proper person' to hold statutory licences and approvals for the Project. Can they be trusted?

23. To name just a few instances:

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- The Applicant has been found guilty by the EPA of breaching its operating conditions. Please see <https://www.epa.nsw.gov.au/news/media-releases/2015/epamedia15040701>).
- The Applicant has mined outside of their limitations for extended time periods. I believe this was noted in the documentation submitted by other objectors to the Project.
- After losing in the Land and Environment Court on the very matter of expansion (Dungog Shire Council won the case with costs awarded), the Applicant has now applied to the State for assistance. This application is simply a work around and is therefore contrary to public policy.

Conclusion – The Project should NOT Proceed

24. Notwithstanding the concerns outlined above, and the 600+ objections to the Project, the Department of Planning has recommended that the Commission approve the Project.
25. This is outrageous.
26. It is clear that the impacts of the Project are significant and far outweigh the benefits. For this reason, the Project should be rejected. The impact of the Project on endangered species (loss of life and habitat) should alone be enough to result in the refusal of the Project.
27. If this Project is approved, it will be to the detriment to Martins Creek and the broader Dungog and Maitland government areas.
28. Should the Commission in any way support this Project, at the very least:
 - (a) All material should be hauled out on the existing rail network. Other Quarry's in the State are already doing this to mitigate their impact/s – for example Hanson and Boral in the Southern Highlands. However, this will only go some way to mitigate some of the concerns outlined above.
 - (b) Safe turn in and slow down lanes should be installed on the existing property within this vicinity at the project applicant's expense. Soft risk mitigation measures such as a driver protocol will not mitigate a risk when the Quarry freely stated during the IPC Quarry visit, they will sell their product to anyone who wants it. This risk should be engineered out. The risk is not perceived it is very real and has been previously experienced.
 - (c) The Applicant should support the Upper Hunter and Hunter Regional Air Quality Networks and install additional real-time air quality monitoring equipment to ensure their increases either by road or rail of silica-based product do not adversely impact community health.