

Submission opposing the expansion of Martins Creek Quarry – Margaret Ritchie.

I strongly object to the Martins Creek quarry expansion.

I apologise for the length of this submission, however, there are quite a few statements made by the DPE and answers given to your questions that I believe must be disputed and brought to your attention. I am sure that you have already noted some of these, but I need to point them out to be sure that you understand my concerns and those of this community.

I thank you for giving this submission your attention.

I draw on the lived experience of living near a quarry (Hanson quarry at Brandy Hill) and on the haulage route that both Hanson and Daracon used extensively and in particular when they were both servicing large infrastructure projects at the Williamstown airport in 2014.

In this submission I would like to summarise the changes to the character and ambience that we had in our lives and to our locality on what we would never have expected would become a major haulage route.

- A common statement we hear from supporters of the quarries is that ...you knew there was a quarry when you bought, so put up with it. And this would be the same scenario for residents of Martins Creek.
- When we built our house there were 27 quarry trucks/day and the life of the quarry was 30 years, having been given conditions of consent to operate in 1983.
- Without any public consultation or knowledge, the annual tonnage was increased twice to 700,000 tonnes and then sold to Hanson, a very big international company in the quarrying and cement business. Just as we expected the quarry to close the process of further expansion began and they now have consent to mine 1.5 million tonnes/annum and it all needs to be taken out by road.
- Residents of Brandy Hill Drive and those on the side streets had to share the roads with 600 trucks from Hanson and 600 trucks from Martins Creek daily.
- There was a similar scenario as there is now from Daracon. Conditions of consent were badly written and Hanson lawyers made it quite clear to residents who had no support from Port Stephens Council which feared litigation, that we would lose any court case, should we choose that path. Residents were not able to pursue this any further without Council support as Martins Creek residents were afforded by Dungog Council.
- IPC allowed the expansion of Hanson with some stringent conditions on hours of operation, truck numbers, pathway etc.

We have had the lived experience of all roads being used in all directions by quarries and the dangers are truly frightening. The intimidation by truck drivers who are on a job with time restrictions is appalling. When I say 'time limits' I mean the faster you can offload at the destination and then get to the quarry for the next load means that you get paid more/day. This is the case for subcontractors. Hanson or Daracon owned fleet drivers have no such restrictions and therefore show more courteous driving behaviours. However, the majority of product is serviced by subcontractors, some of which are absolute 'cowboys' on

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the roads with little concern for safety or wellbeing or the earth-shattering noise they make when using engine braking on our quiet country roads. Some subcontractor trucks are poorly maintained.

These are some of the impositions we have had to endure and still do. They are the conditions that residents of Paterson and those on haulage routes will experience in the future, should this expansion of Martins Creek quarry be approved.

- We can no longer walk on the verges of the roads for daily exercise.
- Children are now being driven to school bus stops along Brandy Hill Drive and Seaham Road. They used to be able to walk. Some parents find that even standing on the side of the road waiting for the bus is too dangerous and so drive the children to school instead. This adds to more traffic at peak hours.
- I could no longer host garden club meetings in my extensive garden as the noise of the trucks drowned out any presentations given, and even general conversation became difficult.
- Wildlife crossing from the bushland on one side of Brandy Hill Drive to our place which includes 2 acres of bushland refuge was regularly killed by road strikes in the early evening and morning periods.
- My son's cycling club based in Newcastle and others from the Maitland area no longer used the loop through Maitland, Paterson, Woodville, Brandy Hill and Raymond Terrace for their road races. It became too dangerous with the increase in quarry trucks which used to operate all day Saturday.
- Local social cycling groups stopped using these roads and that included my husband and me.
- I found gardening in my front yard became unpleasant as the trucks rumbled past, sometimes 2/minute. Incessant!
- Windscreens were regularly broken by rocks and gravel being dislodged from trucks.
- Any visitors staying over night were woken early, before dawn, with the rumble of empty trucks going to the quarries.
- With 2 quarries using Brandy Hill Drive and Seaham Road it made it impossible to identify which quarry the offending trucks were coming from. When I say offending, I mean the drivers who insisted on using engine/compression braking despite the 6 large signs installed at Hanson's expense, asking truck drivers to show courtesy to residents by limiting their engine braking.
- When making complaints to either quarry managers, the answer was always that they had a code of conduct that all drivers must adhere to and that they had no control over the behaviour of subcontractors once they left the quarry. But the issue was that there was no one to check on compliance!
- Daracon refused to take complaints from residents to the quarry manager and directed us to their head office with little result in curbing driver behaviour with respect to speed, courtesy for other road users.
- No check on compliance by Port Stephens Council.

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I have only mentioned haulage route problems because that is how my family has been personally affected. And **the relevance to all those residents and businesses along the haulage routes for Daracon must not be underestimated or devalued.** Other residents closer to the Hanson quarry experience problems with dust, contamination of tank water, their only source of drinking water, blasting causing houses to shake, the noise of the primary and secondary crushers.

These are all conditions being experienced by Martins Creek residents and we have empathy for that village.

The DPE seems overly concerned about the profitability of Daracon as a company. Daracon states that it has 850 employees. It is my understanding that 22 of these are at the quarry. Daracon is a large construction company and that won't change, with or without the quarry. They will source their product from other quarries to fulfil their contracts as they already do. It was never a quarrying company, and the purchase of this quarry was just to value add to their operations. That may be all well and good, but at what cost to the local Martins Creek/Paterson communities and those further along the line?

Residents who form "action groups" such as MCQAG or BHSAG work tirelessly over many years to get a true understanding of the issues and to get the best possible outcomes for their localities. They have the 'lived experience' to draw on but it is so often ignored. It is unpaid and undervalued by Councils and DPE. Dungog council eventually supported the residents of Martins Creek and Paterson and throughout the entire legal process Daracon still believes it has more rights than the residents.

Daracon has a choice to make. They can take their product by rail and possibly keep the quarry operating. That is obviously a decision for the IPC. But ultimately quarry rock of similar quality can be sourced from other quarries in the area of which there are numerous. There are several more almost ready to be assessed. Most of these will have little impact on residents as they have direct access to the highway system. I refer you to the map that James Ashton showed in his presentation on behalf of MCQAG. Another important issue is the availability of subcontractors. According to a private conversation I had with the manager at the Brandy Hill quarry there is a shortage of trucks being able to haul the product which makes the use of rail by Daracon even more compelling.

Community Engagement.

I have spoken to many in the community about the community engagement undertaken by Umwelt. Umwelt has circulated numerous information sheets but were the implications explained to those on the haulage routes? My sister lives in Bolwarra and has never seen any of these surveys/questionnaires/information sheets.

How can they have "listened to locals" when the submissions were so vehemently opposed to the quarry? By their own admission, feedback they did receive involved great concern about noise, dust, village life, road safety issues etc., and then they write a report to say, notwithstanding these issues it is ok to proceed with the expansion. And the mitigation is

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money handed to Dungog and Maitland councils into a community fund! To what end for the residents along the haulage routes or through Paterson itself?

No one has mentioned the experiences or danger of driving on these haulage routes from a truck drivers' perspective.

I was offered the experience of being a passenger on a Hanson truck for a day. On our journey from the quarry to the destination the driver and I spoke about aspects from our own points of view. Here are some sobering comments.

- Car drivers don't understand how long it takes for a fully laden truck and dog to cross an intersection from a fully stopped position at a stop sign. Near misses are common and truck drivers must take the risks.
- How hard it is for a truck driver to see vehicles exiting driveways on country roads with large trees obscuring vision.
- Bad behaviour of some truck drivers that we encountered.
- Danger of car drivers pulling in in front of a fully laden truck when changing lanes.
- Drivers changing their minds at the last minute and turning into a side street with little warning with an indicator.

And I could go on. At the end of the day, I had a greater understanding and more respect for those drivers who do the right thing. However, he mentioned that some sub-contractors have little regard for safety when they want to cram as many loads per day to earn more. I am not by any means suggesting that all subcontractors have poor regard for the community. Far from it. But it only takes one to digress from the road rules and it could have bad consequences.

Codes of conduct mean little to some drivers unless they are caught in breach of these codes.

Development Consent.

There are several sections of this document that I would like to challenge or comment upon. I raise these issues, however minor, as they can have an impact on residents.

1. At the outset there is a statement regarding conditions of consent: ***Under the SEPP you are required to set conditions that prevent, minimise or offset environmental impact***

Are you confident that this can be achieved with respect to the social impacts on the community of Paterson and those further along the haulage routes?

2. **A13 – 280 movements per day on up to 50 days per year...**

Do commissioners realise the imposition to residents should the applicant run the 50 days at 280 trucks/day as a block?

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3. **A16** – Road Transportation. *No road haulage of quarry product ...or between 24 December and 1 January inclusive.*

While this seems a condition of consent and seemingly a concession to the community it is a time that most business and construction companies have annual leave, and it is therefore a hollow concession.

4. **A19(a)** - *delivery or dispatch of materials as requested by police or other public authorities.*

Does this include TfNSW and road construction? This could have a significant impact as Daracon is often the builder of such infrastructure. This could then lead to working longer hours or on weekends.

5. **A36 – Compliance.**

With reference to conditions of consent for truck drivers, both Daracon and Hanson managers have stated that once a subcontractor leaves the site, they have no control over driving behaviour or roads followed. It is up to the public to alert them to a problem truck driver. Not always easy to do when there are competing companies using the same roads.

6. **B38 – Monitoring of Product Transport.** *The applicant must keep accurate records....and publish a summary of these records on its website every 6 months.*

This reporting needs to be done more regularly to get a proper understanding as to what is happening on the roads and to ensure the company is honest. There is a large degree of trust and self-regulation. What are the penalties to the company should it breach the hourly truck numbers or indeed the daily totals. Or the 280 trucks on 50 days/year? To a company with such vast interests in building infrastructure a minor penalty for the infringement is nothing compared to the profits gained in the meantime.

7. **B65 – Social Impact Management Plan**

Recognising the impacts is one step but finding and implementing a suitable mitigation strategy is difficult with respect to haulage routes. Safety, loss of character, ambience would be impossible to mitigate.

IPC Meeting with the DPE - 20 October, 2022. (from transcript)

I have read the transcript of the meeting between commissioners and representatives of the DPE. Could I please draw your attention to some of the answers given to questions asked by commissioners. I found some of the replies concerning or inappropriate for a government department.

1. **P4** - *And secondly, the project would use 28 kilometres of local roads, between Martins Creek and East Maitland, and particularly through the village of Paterson for*

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*road haulage, and the residents and other road users along the route would not only be subject to traffic and amenity impacts from this project, but several other social impacts which are perhaps **somewhat less tangible**. With that in mind, the department considers that the key assessment issues for the project relate to traffic and transport, noise, air quality, and social impacts*

There are 2 issues here. Firstly, the Department has correctly assessed the issues that are key to this project being given approval – noise, air quality and social impacts. It is all well and good to make such a definitive statement, but they have not made the next step in positively mitigating these problems in the conditions of consent or indeed in their presentation to the IPC at the public meeting. The ‘somewhat less tangible’ issues are in fact quite easily recognised and need to be given proper weighting when making this determination. Those issues involve the sense of loss of the community you are living in, i.e.: solastalgia, the loss of character in your area and the changes to the ambience. The mental and physical health issues that have been totally ignored in the term ‘less tangible’.

2. **P5** - *I would also like to touch on the status of the hard-rock quarry product market more broadly and expected future growth in this area.*

I find it quite concerning that the DPE has been briefed for at least 12 months by several of the large quarry operators as well as the peak industry body ‘Cement, concrete and aggregates Australia’ about the need for hard rock quarries in NSW. Perhaps I am just naïve, but I believe this is **outright lobbying!** This has implications for residents on the east coast of our region who are already being impacted by quarrying on a major scale, more quarries being proposed with the resultant devastation to the environment, loss of habitat for native species and total lack of concern for the residents who will be impacted. Just like Martins Creek and Paterson. **Most importantly, it brings the independence of the DPE into dispute with a preconceived outcome for this proposal.** In the justification for Martins Creek quarry the Department leads us to believe that this quarry is vitally important to every aspect of construction.... ***So, you can see from what I’ve just said that this quarry has quite varying uses and varying resources that can be applied to a number of different construction areas.***

Commissioners need to view this statement with respect to the large number of quarries in the Hunter area that produce the same quality and variety of products to the market. There is a bigger picture here. We cannot support mega quarries and the increasing population growth and the need for wildlife corridors all in the same area. Martins creek has the same high-grade rock as all the other quarries. However, the importance of Martins Creek quarry to the wider market is well and truly overstated. The justification for this quarry sounds as if it has come from the mouths of the lobbyists, where every conceivable infrastructure, from roads to schools to hospitals to rail has been mentioned. While all these projects are possibly in the pipeline perhaps years down the track, I believe the Department staff should not be influenced by the quarry lobby groups. There will be an extra 5 million tonnes entering the market from new quarries and expansions in the next few years. The truth is that Daracon has a rail siding which could be used efficiently if they chose to do that. They can still operate the quarry and I will be blunt, if they continue to insist on road haulage the

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inevitable will happen. Residents will suffer and villages like Paterson will die. I do not believe the Department has been ...” *careful and balanced*” as they suggested.

3. P.8 -

On this page we seem to have justification for the illegal operations of the quarry by Daracon because it was also worked illegally by the NSW Government through RailCorp. In other words, two wrongs make a right.

4. *I think it's fair to say that the project has been long-running and has passed through various assessment officers and managers at the department; however, I just wanted to point out that James and Clay have been involved on this project for at least the past 18 months, and I have been involved for just over 12 months now.*

There seems to have been quite a turnover of staff at the Department. However, most of the residents of this area have been living with this project hanging over their heads since 2016 and many have researched every aspect of the proposal to obtain the best possible outcome for their communities. While they were willing to share their findings, it was ignored even though that input may have been of great value.

5. The high number of original submissions by the public seems to have surprised the Department....” *these numbers are high for a quarry proposal*”.

This should have had some bearing on the final recommendations, but this wasn't the case. Mention is made of the consultation with 3 local councils but apart from Dungog Council, no other council truly grasped the gravity of the situation with respect to road haulage. In fact, Maitland Council was not even aware that the minor haulage route for Hanson (up to 375 truck movements/day) intersected with Daracon haulage route 1 at Bolwarra at the most dangerous intersection in the area.

6. **P9** - *The key changes included reducing the life of the project from 30 years to 25 years.*

This statement is misleading. Just as the residents of Brandy Hill have experienced, the proponent may choose to lodge a new DA to have an extension of time for another 30 years, if there is still rock left to quarry, towards the end of the period of consent. So, the reduction to 25 years is not really any concession at all.

7. **P 10** - *In terms of the assessed impacts, the traffic volumes generated by the project would not result in a change to the existing level of service of each of the roads along the primary haul route. While some deterioration in the performance of intersections was predicted, this would result mostly from the broader regional traffic growth and would be expected to occur both with or without the project. Likewise, while road network performance along the primary haulage routes is expected to deteriorate during the life of the project, the contribution from the project would be negligible in comparison to the impacts from broader regional traffic growth.*

The traffic volumes along the main haulage route are already at an unacceptable rate, at peak hour in particular. The intersection of Melbourne Street and Pitnacree Road, East

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Maitland has a queue of traffic up to a kilometre in the direction of Morpeth and back along Flat Road coming from Bolwarra. The mix with 280 truck and dogs would be an unacceptable burden on the commuters who need to use this already choked road. Again, no mention has been made or consideration given to the quarry trucks from other quarries, such as Hanson and Boral, that also use this route. **Cumulative impact must be taken into consideration.** The pollution from these trucks has also not been taken into consideration.

Research on the topic of impact of trucks on road maintenance has raised some sobering thoughts. In an article, **Trucks are destroying our roads and not picking up the repair cost** (<https://theconversation.com/trucks-are-destroying-our-roads-and-not-picking-up-the-repair-cost-79670>) published June 23, 2017, the author states that:

It's high time Australia changed its current road user charges for trucks. The shortfall between the charges for heavy vehicles and the money spent on things like road system maintenance, construction costs, road crashes involving heavy trucks, emissions, pollution and urban road congestion amounts to a taxpayer subsidy for the industry of at least A\$3 billion per annum.

However, a B-Double can cause, per kilometre travelled, 20,000 times the road wear and tear that a family car does.

The ongoing hidden subsidy for heavy long-distance trucks is one reason why there has been a steady drift from rail to road for interstate freight.

With Australia's population growing, road outlays now costing more than A\$24 billion per year. Road congestion is due to cost over A\$20 billion a year by 2020. This means real progress on road pricing reform for heavy trucks is now long overdue.

8. In other articles on this topic, equivalent fully laden truck and dog movements v. car movements can vary but the general consensus is 1 truck and dog movement = 10,000 car movements. Therefore, the statement made by the DPE that, *the contribution from the project would be negligible in comparison to the impacts from broader regional traffic growth, is blatantly wrong.*

I stated in my spoken submission that the haulage levy should reflect a true value for the damage done to our roads by these heavy vehicles, remembering that we do not have the road standards necessary on our rural roads.

9. **P 12** - *Daracon commissioned a rail logistics options study to evaluate the viability of this option. The study found that while there is sufficient network capacity to support the increased use of rail transportation, this capacity is **generally** not available during the daytime period. Similarly, rail distribution into the Sydney market would only be feasible with the ability to load trains on a 24/7 basis. Furthermore, the use of rail transport within the Hunter region is limited by a lack of suitable rail unloading facilities at product destinations, a large 10 number of product destinations and types, short haulage distances, and the **competing quarries using roads as a more commercially viable option**. We accept that relying solely on rail transport to deliver quarry products is not a feasible option for the project.*

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An Australian Rail Corporation spokesperson said the rail network had: ***“available capacity for passengers, intermodal freight and bulk grain and coal for the present and into the future”***. (Newcastle Herald 10/11/22). In addition to this, capacity will increase once the inland rail corridor opens.

The word generally in the Department’s assessment needs to be clarified. Either it is available, or it isn’t. Daracon has stated, and the Department report has agreed that competing quarries use the roads as they are commercially more viable. However, it has not been taken into consideration that these quarries are close to the Pacific Highway and do not need to use rural roads! And Daracon has the option of using rail. From the article quoted above, every extra truck movement on our road system cost the taxpayer money. So, in effect we are paying for Daracon’s haulage

Most other quarries do not travel through villages like Paterson.

Importantly, even if the quarry was to completely cease operations, the noise amenity of Paterson would not significantly improve.

It is unbelievable that a staff member of the DPE could make such a statement. The reality is that the 280 or 200 trucks/day rattle and bang when empty, make noise when they brake and change gears. Take that away from the streets of Paterson and the amenity changes perceptibly. From lived experience, when Daracon stopped using Brandy Hill Drive and Seaham Road as a haulage route the change to the noise levels for us was dramatic. Quality of life improved, my stress levels were reduced as was the anxiety.

I have said it before, noise cannot be “mitigated”.

Neither Daracon nor the DPE has adequately addressed the issue of impact on the road network that will be used to transport their product.

10. P 17. – Yet again DPE are making justification for Daracon operations

The department recognises that the proposed quarry extension would contribute a broad range of affordable, high-quality construction materials to the local and regional markets. There’s a strategic need for hard-work quarry materials in the Lower Hunter region, and we consider the site to be well suited to meet this need. We also recognise the proximity between the project’s hard-rock resource and the existing operations, and the synergies this presents for using existing infrastructure and reducing capital costs.

This constant reminder from DPE staff of the profitability of the company at the expense of the community is rather distressing. **No such consideration has been given for the businesses in Paterson** which will be affected as their customers are impacted by the loss of parking, the danger for their customers crossing the road or the unpleasantness of sitting on a café terrace with noise hindering conversation; ultimately the possibility of having to close.

Company profitability is mentioned again on p.21 in answer to the question put by Mr Wilson regarding Dungog council requesting that road upgrades should be done upfront. Mr

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Preshaw's response: *it is important from the quarry's point of view and from an economic point of view to allow the quarry to operate at some level, even without road upgrades.*

And again on p.22 when Mr McDonough answered: *Daracon has expressed a need to maintain continuity of operations whilst the upgrades are being constructed - you know, there's obviously also this urgent need for construction material in the region*

This answer did not refer to the extra inconvenience to other road users or on businesses during this disruptive time.

As an example, **Hanson's conditions of consent** included the construction of a pathway along 4kms of Brandy Hill Drive, the construction of 6 school bus stops along that road and Seaham Road and the planting of 72 hectares of trees which are compatible to the vegetation it will be removing from the 58-hectare expansion site to mitigate the loss of native animal habitat and to provide a koala corridor. Noise must be mitigated on site by enclosing all fixed processing equipment and partial enclosure of mobile crushers to ensure best practice management. This must be done BEFORE they can begin to expand their extraction. The haulage levy will be 8.4 cents/tonne/kilometre travelled on Port Stephens roads. This will be increased annually in accordance with CPI.

Daracon is a large business and therefore knows that even though there may be costs involved in using rail for transportation and that might be more expensive, they are aware that the profits over 25 years are huge. The former manager of the Hanson quarry at Brandy Hill told my husband and I that quarrying rock is like mining for gold.

11. **P 18 – 19.** I'm sure that Professor Barlow was disappointed that he did not receive an honest answer to his question: *Can we revisit for a moment the difficulty and controversy of trying to understand the impacts of the levels of traffic through Paterson in, if you like, the high production years. What were the issues there? It would seem to me to be a good way to understand what the impacts of what is proposed in this project.*

Mr Preshaw's answer was evasive with his reason being that: *the history of this site is complicated, and it has made the assessment rather difficult.* That, in my opinion, does not make the question less significant. **He did not answer the question.** There was nothing difficult about it. There was no real evaluation of the impact on people of Paterson and their businesses because DPE staff still believe that this is a cross that Paterson and beyond must bear for the sake of Daracon and the infrastructure needs of NSW for which their 1.1 million tonnes is crucial. In reality, it is just a drop in the bucket for the infrastructure mentioned at length earlier on, but a profit for Daracon.

I would like to thank Commissioners for taking the time to read through this submission. The main elements deal with the changes residents will face along the haulage route: changes to their safety, the character of the area they chose to live in, the ambience that will be impacted upon by the noise of the passing trucks, their mental and physical health.

These are things we expect our government departments to have at the forefront of their minds when assessing these DAs. However, the overriding theme from the 3 representatives

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from the DPE seemed to be the profitability of Daracon with reference to that on so many occasions it makes one realise that perhaps the lobbying from the company and the quarrying association has certainly hit its mark.