

I object to the Martins Creek Quarry application made by Daracon Pty Ltd.

In relation to the NSW Department of Planning report in the Martins Creek Quarry, there are significant errors and omissions. These may be discussed as follows:

### **Excavation Summary**

This sets out with reasonable accuracy the history of the assessment process. Reference is made to the need for hard rock quarry products. What it does not highlight is that there are at least four other major sources in the Lower Hunter and a great many potential other sites which don't come with the burden to the community of huge environmental and cultural costs. The report suggests that potential water, biodiversity and rehabilitation and final landform impacts are important assessment issues for the project. They are not addressed.

### **Traffic**

Traffic volumes are said not to result in a change to existing levels of service "...Would be expected to occur with or without the project." This is preposterous. There are proposed to be 280 truck movements per day.

The department considers that Daracon has responded to the feedback and incorporated an appropriate mix of road and rail. It has not. The proposal is essentially unchanged. The timing of Daracon is down by a few years and the level of extraction by a couple of hundred thousand tonnes per year. The level of road transport, the number of trucks, the hours of transport are unchanged except for cosmetic differences. It is not correct to say that the rate is not dissimilar to historical rates. Daracon has not prepared a satisfactory traffic management plan. There are no satisfactory changes to the nightmare of the King Street Paterson intersection, road bridges, school sections, or any contribution to the level of road maintenance. It is all "wait and see." This appears to be acceptable to the Department, surely it is not to the local government authorities adversely affected. The suggestion by the Department that the traffic and transport impacts are acceptable without any proper examination of the figures, is astonishing.

### **Noise**

The suggestion is that – you've endured it for years – you are stuck with it is no answer. With a blithe comment "The noise mitigation measures are reasonable," the Department dismisses in a couple of lines, the concerns raised.

### **Air Quality**

What are the proactive and reactive air quality management systems to be put in place? Apart from the airy suggestion that these existed, there isn't anything in Daracon's submission to support these suggestions.

### **Social Impacts and other issues**

See later.

### **Evaluation**

What is the detailed assessment of the merits of the project? Where is the examination of the social issues? There is none. The quarry has operated for over a century but for most of that time at a very low level. Nothing like the projected proposal. The Department has whitewashed Daracon's proposal in an attempt to justify the alleged economic benefits, urged by Daracon which were dealt with at

length by the response inter alia of Dungog Shire Council (DSC). It is governmental window dressing at its worst.

### **Contents of the report**

A comparison between the original and amended applications by Daracon indicate little change. For example there are still at times two hundred and eighty truck movements per day. Given the amount of time it takes for a truck to pass, this would result in a continual stream of trucks going through Paterson, Tocal, Mindaribba, Bolwarra and East Maitland.

### **Historical and Court Proceedings**

It is correct that Daracon was found to be operating illegally and their appeal failed. Daracon is attempting with the cooperation of the Department to get around that.

### **Strategic Context**

It is correct that the rail link has historically been used to transport ballast. The transportation by road of vast quantities of gravel would make the user of the road haulage route by the public for supply purposes and other transportation almost impossible. With a heavy vehicle traversing the road about every ninety seconds. The Department seems to be incapable of doing the maths.

### **Hunter Regional Plan 2036**

This involves:

- Providing for a biodiversity risk natural environment.
- Fostering developments and creating greater housing choices and jobs. The aim is to enrich the quality of life and wellbeing of residents not to destroy it. How on earth the Department considers this has been achieved that is environmental, social and economic costs balanced is a matter of wonderment.

The construction sector is said to employ three hundred and seventy thousand. This may well be (though the pastoral, viticultural and horse racing industries exceed it). However this is a totally misleading figure. Only a handful of Daracon employees would be engaged at the plant and they wouldn't live here. There is very little economic benefit to the local government area.

Similarly the recital, as a litany of the supposed benefits said to be 8.9 billion dollars is quite misleading and in any event irrelevant as is the recital of the commitment by the government over the four years to 2025 of 108 billion dollars. Its relevant only in so far as it demonstrates the barrow being pushed by the Department. We've got to have development at all cost.

The list of approved hard rock quarries is not exhaustive but sets out some of the sources in the Lower Hunter Valley an area with which can be supplied markets in the designated areas (as well as numerous sources outside the Lower Hunter). Again one wonders why the Department is pushing Daracon's barrow so hard.

## **4. Statutory Context**

The Department suggests that it has undertaken a detailed assessment of the Project. For reasons set out hereafter it is doubtful. Among other things it is required (section 6) to consider the likely social and economic impacts of the project. There is no evidence of this apart from the fact that the Department says so. The department also suggests that it has considered worst case impact scenarios.

#### **4.6 Biodiversity Assessment**

A biodiversity development assessment report (BAR) is supposed to accompany the report.

#### **4.7 Commonwealth Matters**

The project is a controlled action under the EPBC Act (Environment Protection and Biodiversity) Conversation Act (Commonwealth)). This is set to be done (See section 66 and Appendix G

#### **4.8 Integrated and other NSW approvals**

These include NPWS, Heritage Act, Roads Act. Daracon, can, it is suggested obtain these approvals (later, it might be observed, not beforehand).

### **5. Engagement**

Chronology: The Departments report sets out the history of the assessment, omitting of course reference to the proceedings before the Land and Environment Court and the subsequent Appeal by Daracon.

#### **5.2 Departments Engagement**

#### **5.3 Summary**

The report refers to the objections received and to the submissions in support said to amount to 447 (curiously amounting to 4.6 % of submissions. 14 from individuals and 17 from special interest groups.) This doesn't add up.

#### **5.4 Agency Advice**

The statement from the Department refers to Dungog Shire Council not objecting to the project. Dungog Shire Council objected to the project and has maintained its opposition. Council was very critical of the project. Indeed, the astonishing assertion in the Departments support of the proposal leads one to the view that the Department has not properly considered the material but has simply adopted great slices of what was urged by Daracon. The Land and Environment Court (which was scathing in its denunciation of Daracon's behaviour rates barely a mention. Although the Court examined at length the social and other issues raised.

One wonders why the Department should so blithely adopt Daracon's proposal to the extent that the Independent Planning Commission should at least consider referring the Department's behaviour in reviewing the proposal to the Independent Commission Against Corruption (IPAC). This is not a fey suggestion, there are a great many astonishing inaccuracies in the Department's report.

#### **5.5 Community and Social Impact**

These were not commented on in the Department's Report.

### **6. Assessment**

The primary haul route is identified as being 28km in length from Martins Creek to the New England Highway. A significant part of the problems with the proposal are connected with this haul route.

**6.9** It is not evident that the quarry has operated at a trucking rate of 500,000 TPA for 18 years but it is clear that the quarry operated illegally for part of that time. Whilst it is not the department's role to prosecute the noncompliance, it is necessary to look at the extent of Daracon's

illegal operations in assessing undertakings given by Daracon to do work subsequent to any approval.

**7.1** One of the alternate routes suggested via Martin's Creek is rejected quite properly because it is via a narrow road that is considered generally unsuitable for use by quarry trucks. Precisely! Just as is with the case with the proposed 28km haul route which comes with T- intersections and 90 degree turns and pavement conditions that are identified as poor to very poor.

### **7.3 Existing Rail Network**

It is noted that the existing rail siding can accommodate trains up to 345 metres in length.

**7.4** The rail transportation may be limited to one train per day. Daracon proposes two per week. Various depots have been identified to receive ballast by rail. Daracon has not identified the proposed depot for the receipt of the material by road.

**7.7** The Department reports that the traffic flows generated by the project would not result in any change in the existing level of service by the roads along the primary haulage route. This is extremely odd given the impact of 20 laden and 20 laden trucks per hour, 40 movements, on Monday to Friday between 7am and 3pm. (a total according to my arithmetic of 320 movements per day). This is going to (paragraph 76) cause delays and congestion with numerous freight trains, two XPT's both ways and four interrail trains using the crossing each way. It is difficult to see how there cannot be major hold ups with numerous trucks banked up. Table 6.3 on the other hand suggest almost no change between project and no project. Incidentally, the road access promised by Daracon (paragraph 81) would not take place for at least 2 years.

**8.2** In the self-serving statement contained in paragraph 82 Daracon refers to its role in providing emergency flood relief which could of course be supplied from other quarries not affected by flooding.

### **8.4 Road Safety**

There are issues concerning safety, sight distances, overtaking zones and others. Daracon suggests that these could be overcome and proposes a levy of 25 cents per tonne on materials transported. This would equate (assuming 40 tonnes per truck load of \$4.00 per truck load or \$500 per day). Not significant having regard to the damage to Council roads which ultimately falls on the Government and hence the tax payer which is likely to bear the majority of the costs of the proposal.

In paragraph 8.7, the Department refers to the design of the alleged upgrades to the satisfaction of traffic NSW. Has it? What evidence is there of this satisfaction and has the Department actually looked at it?

There is in paragraph 89, a coy admission that existing damage to roads and future costs have likely increased since the report was prepared. It is however acknowledged that there is a significant difference between the estimated cost of maintenance supplied by Daracon and the contributions required under the DSC Contribution Plan. These are in line with the contributions required by other Councils. It seems that at least some of the DSC submissions may have been looked at by the Department.

In paragraph 92, it is suggested that cycling activities take place mainly at weekends. To an increasing extent, these take place during the week as cyclists have hitherto sought to avoid road congestion in their quest for road safety. Moreover, with more people working from home and with

more persons engaging in a tree change, the roads are being used other than at weekends to an increasing amount.

In paragraph 94, the Department is satisfied that there is an acceptable level of risk to road users. What is, given that a truck will pass every 90 seconds, this acceptable level of the risk of death? What is the acceptable impact upon the overall operation of the road network given the need for huge contributions of taxpayer money for road maintenance?

Paragraph 100 refers to the loading of aggregate at night time, the lack of suitable unloading facilities and to “a more commercially viable and flexible supply to service the same markets”. What about the 600,000 tpa being transported by two trains per week using the existing facilities? Why does the Department accept Daracon’s submission that it is not feasible to undertake quarry operations relying solely on rail transport where it proposes to shift a huge amount using only 2 days per week? The truth is that it would cost Daracon more (not as commercially viable).

In relation to the alleged reduction of Daracon’s projected tonnage it (the initial amount sought) should be considered an ambit claim – one where you ask for the sun, the moon and the stars and agree to settle just for the moon.

In just a couple of paragraphs, the Department concludes that the transport and traffic impacts are acceptable.

## **6.2 Noise**

### **Introduction**

There have been no noise related non-compliances to date, mainly because there has been little truck or extraction activity. The quarry’s operations have been present but at a comparatively low level. A summary of projected noise levels is given at (paragraph 1, 2, 3 and table 6.5 for the period 7am to 6pm). There will be a barrier but this will only affect noise levels in the Station Street area. The projections are just that – projections. There has been no attempt to simulate the noise levels generated by heavy vehicles passing at the rate of one every 90 seconds over poor roads with attendant squeal and the noise of exhaust breaks and road rumble. A fairly meaningless table of the number of decibels which might be experienced is generated. There is no comment upon these Daracon figures by the Department, no doubt because they like your correspondent, have no idea what they mean or what they are supposed to mean. What on earth is “moderate” and what is ‘extreme’? The abatement affected by the new access road which is quite small, would be slight and would be that affected by the spur line extension. In any event, these are not going to be constructed for years.

Paragraphs 1, 3, 4 – 140. Not much of this is intelligible.

The Department says in paragraph 143 that not much can be done about road noise given that Daracon is limited to removing only 600,000 tonnes by rail. Daracon has stuck to that figure throughout. It hasn’t varied. In short, you have got to hack it. There is supposed to be a significant commitment to minimise impacts. There isn’t except in so far as it is, an ambit claim to move 1.5 mta and when it became apparent that this couldn’t be realised, reduced to 1.1 mta.

In paragraphs 144 and 145 the preposterous statement is made that even if the quarry were to cease operations, the noise amenity would not improve. How about the reverse? The stream of noise would be something like a total of, say, given 30m per truck, each with a noise disturbance factor of possibly another 100m multiplied by 40 movements per hour. A moving stream perhaps

4km long through townships formerly not subject to noise pollution (except during illegal operations).

In paragraph 153, the Department's requirements "would require Daracon to mitigate noise affected receivers, undertake validation of the noise model, establish protocol, commission the proposed railway extension and develop a noise management plan". No mention is made of reducing truck road noise apart from suggesting (in 155) that receptors along the primary haulage route have been subjected to noise and other impacts significantly greater than those predicted to be experienced during operation of the project. This is of course preposterous. There has to date been nothing like the volume of traffic predicted. Why does the department make such outrageous claims?

158. The stringent conditions of consent referred to mean that Daracon is restricted to the level of production which is the greatest quantity of aggregate which it can produce and send. It would simply not be physically possible for Daracon to cram any more trucks onto the primary haul route. This is the "fair balance" to which the Department refers in paragraph 159.

### **Air Quality**

In noting that there were 278 objections over air quality impacts, the Department proceeds to dismiss them.

It is of course very difficult to predict what the impacts might be using models. A more accurate method may be to compare the results of the levels of impacts caused by the transmission of coal by rail and road along the northern rail corridor. Even so, there is a prediction that concentrations will increase from 34 parts per cubic metre to 51 parts which is an increase of some 50% (paragraph 169). The net effect of the project would involve residents moving from relatively clean air to relatively polluted air. This doesn't of course take into account the increase in the level of pollutant from diesel fumes and truck dust which is nowhere calculated by Daracon or by the Department. Similarly, the operational controls proposed by Daracon are limited to controls within the quarry site not along the haulage route.

## **6.4 Social**

There were 388 submissions regarding these (paragraph 181) A review of Daracon's SIA was undertaken by Dr Hedda Askland and Dr Louise Askew of the University of Newcastle and largely rejected by the Department which essentially adopted Daracon's SIA (paragraph 184).

### **Social Impacts**

#### **Traffic**

This gets a fleeting mention from the Department, as does loss of amenity, sense of community and character, community trust (which includes loss of trust in the decision making processes involving Daracon due in part to its former illegal operations on the site).

#### **Property and Health**

The proposals raised by Daracon to deal with these might be regarded similarly to Mr Putin's overtures to Ukraine. With deep suspicion. They included such proposals as psychiatric surveys being done on an ongoing basis for the residents of Paterson and other townships and residents along the haul road.

## **6.5 Water Resources**

Any activity that threatens the Hunter Water catchment must be viewed with concern. The quarry extends across two sub-catchments (paragraph 193). The continuing supervision of waste water. It may well be argued by the Department, that this could be made a condition of approval but one has to have regard to Daracon's history of disregarding such approvals as evidenced by the former illegal activities.

Any projections about run off from the site are now probably out of date anyway given the increased likelihood of further La Nina events as are currently being experienced. At the expiry of 25 years, that is in 2047, we are likely to experience rather more extreme weather than at present.

The Department acknowledges in paragraph 205 that there may be some impact on the riparian health of ephemeral streams. This is likely, in the scheme of things, to increase.

In paragraph 222, the Department acknowledges that the groundwater impacts of the project are largely unavoidable, however it concludes as with so many other aspects of the project that the "impacts are acceptable".

### **Biodiversity**

There were 228 submissions, 3 threatened species of fauna were identified, Southern Myotis, Brush Tailed Phascogale and koala. In addition and not mentioned in the Department's submission are such species as quolls. The effect on wildlife was dealt with at considerable length by interalia Koala Protection Society. The concerns, it seems, are to be dealt with by purchasing credits from the BCT (para 248) that is to say, doing nothing.

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## **6.7 Rehabilitation and final land form**

The objectives for the project are set out in table 6-16 paragraph 257. Some of the voids would take 25 years to fill. This is hardly satisfactory.

**265** There will be a final void. The Department considers the proposal of rehabilitation to be acceptable, although the proposals for rehabilitation are extremely vague.

There are other issues, greenhouse gasses, Aboriginal heritage, blasting and cumulative impacts which are dealt with in table 6.17.

### **The Economic Aspect**

Again, the assertion is that the historic impact has been considerably greater than that which is projected. This is not so. The project would, it is alleged, create 22 jobs. The economic cost for the community over the period of the project would be huge, including as it does the cost to Local Government Organisations of the cost of road repairs (set out by DSC and not addressed by the Department). The costs to local businesses of tourism potential (inevitable when there are 240 truck movements per day and the lost revenue to State Rail of revenue which would otherwise be earned by the transport of 500,000 tonnes by rail.

### **Greenhouse Gas Emissions**

Estimated to amount to 33,000 tonnes. A vague proposal is offered by Daracon (energy efficiency initiation areas, new technologies as they become available). The Department dismisses the emissions as minimal.

### **Visual Amenity**

These cannot be explained away and are said by the Department to be acceptable.

### **Blasting**

This is said to be minimal, notwithstanding the lived experiences of residents and the Department considers these impacts to be acceptable.

## **7. Evaluation**

**267.** The Department's assessment is deficient in the many respects as set out above. The Department has accepted that Daracon has sought to maximise the use of rail transport. There are no significant road upgrades proposed.

**271.** There has been no response by Daracon to meet community concerns other than when Daracon has been forced to do so by legal process. These included a successful (by the community) application to the Land and Environment Court and a successful defence of Daracon's appeal. There have been no significant changes to the original proposal and no real reduction to Daracon's proposal to move 500,000 tonnes per annum by road. It was suggested by the Land and Environment Court that local residents may well be wary of Daracon's proposal considering the illegality of its activities. Other submissions have referred to developments in the Southern Tablelands in which the proponent was required to construct a major by-pass to save a small town. Moreover, a proposed coal development in the upper hunter was disallowed because of its adverse impacts, no such problem for Daracon according to the Department. Why is it being afforded "most favoured nation". Is it because Daracon has engaged in 'Gunboat diplomacy'.

The Department cannot be considered to have carefully weighed the environmental impacts of the project and I would urge the Independent Planning Commission to dismiss the project.

As Chris Thomas, the President of the UK Royal Entomological Society said, "If we are primed to brace ourselves for a certain adverse impact, a lesser blow can feel like an acceptable fate". If 20% of the insect species go extinct, this would be a disaster but would we consider this to be a good result if we had expected a decline of 40%. Perhaps we should regard the slight reduction by Daracon in its claims to be slightly less of a disaster.

We can expect that assaults are going to be made on our wellbeing by corporations which are propelled by greed but it is hard to find that Government Departments are complicit in this activity. Perhaps also with the reduction of biodiversity in general, not just biodiversity in the area of this project, we shall have to get used to blander, less colourful ways of life. Perhaps our grandchildren, not being used to the sounds of silence, won't expect any more.