

## Position

I **strongly OPPOSE** Daracon's amended development proposal for greatly increased extraction from the Martins Creek quarry and, in particular, the excessive heavy truck traffic that this will generate. The truck traffic will have a serious and significant detrimental impact on the social amenity of the local communities along and around the haul routes. I believe the current approval conditions, established by court decision, should remain.

In this submission, I have documented my objections. I have also highlighted areas of concern that the community has consistently raised yet have not been addressed. I have also outlined what I believe to be a number of deficiencies in the consent conditions and how they could be improved, should the project be approved in some form.

## The Planning Process

On 20 October 2022, the NSW Premier, the Hon Dominic Perrottet, held a press conference at Barangaroo to announce reduction in the building height limits previously recommended for the development by Infrastructure NSW.

In announcing these changes, aimed at improving public space amenity, the Premier said

*"I don't want people to look back and say the Perrottet Government made decisions that put developers before people."*<sup>1</sup>

That will certainly be the case in Paterson valley and the Maitland suburb of Bolwarra if the Daracon proposal proceeds as outlined in the Development Consent (the Consent). On the strength of the 634 objecting submissions, the community is already, overwhelmingly, saying the proposal is putting development ahead of people.

I have found the Department of Planning and Environment (DPE) Assessment Report and the recommended Development Consent extremely disappointing in regard to taking account of the input from over 600 submissions from the community.

The Martins Creek Quarry assessment follows on from the late 2021 assessment of the Kurri Kurri Power Station. There were 261 submissions to this proposal of which 241 were objections, 18 were comments and only 2 were in support yet the project was approved. In both the Martins Creek Quarry and the Kurri Kurri case, there was an overwhelming majority of objecting community submissions, yet both projects are approved with minimal amendment. On the face value of these statistics, is it any wonder there is public cynicism about the planning process in NSW and the value of the public consultation aspect in particular?

The Consent alterations to Daracon's May 2021 revised application for the Martins Creek Quarry Project are essentially minor and tinkering at the edges. It is hard to see any evidence of the concerns raised in the 634 objecting submissions from the community being taken into account in

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<sup>1</sup> Source: Premier's announcement on ABC TV. NSW News Bulletin, 7.00pm, 20 October 2022

any substantial or material way. The documented response in section 6 of the DPE Assessment Report goes little further than endorsing the actions proposed by Daracon in its revised application.

The fact that it is difficult to find evidence in the report of demonstrable responses to the concerns and input provided by the community in the 634 objecting submissions really does question the value of the public consultation process.

I also find this disturbing in relation to Mr Preshaw's remarks at the conclusion of the public meeting on 8 November 2022 to the effect that DPE's job is only to look at what is proposed in the applicant's EIS and not to make adjustments outside what is proposed in the EIS.

Does this mean that if the community identifies relevant matters that are not covered in the EIS in their submissions on the proposal, these aspects cannot be considered by the DPE? Or, if the proponent does not include these matters identified by the community in its submissions report to DPE, they cannot be considered? If so, what is the value of the EIS public submission process?

This is really important because, as should be obvious from the public meeting, the community is showing signs of "submission fatigue". Many speakers mentioned that they had made submissions in 2016 and 2021 and were now having to go over the same ground for a third time for the IPC in 2022. What is more, some of these same community members have been making representations about the over extraction at the quarry and truck movements to Dungog Council, Government and the quarry operators since the mid-2000s – so "fatigue" might be an understatement. Despite this, the community came good at the November 2022 public meetings with very detailed, well- researched and professional submissions for the IPC's consideration.

What was also evident from the public meeting is that there is a lot of relevant expertise in the community. There was input from mining engineers, former mine managers and consultants, lawyers, health professionals, transport managers and people with a range of environmental backgrounds and qualifications. In sum total, there is probably as much professional expertise behind these submissions (and those coming in written form) as there is behind the applicant's consultant reports.

Two examples highlight to me that the DPE assessment paid little regard to matters raised by the community in 2021. The Daracon proposal makes recommendations for improvements to the 90-degree bend at the Duke and King Street intersection in the village of Paterson. However, a number of community submissions drew attention to equally important traffic concerns at the Prince and Duke Street intersection and to the northern approach to the King Street railway level crossing.

Neither of these concerns even rate a mention in the DPE's assessment report although they are very briefly covered, or rather dismissed, in the applicant's submissions report. Consequently, there are no consent requirements relating to upgrading these sites or management of traffic at these sites. In light of this failure to even recognise or acknowledge these concerns, I question how seriously the public submissions were considered in the assessment process.

I have provided more information about these two traffic issues later in this submission with a view to the IPC giving the issues some more robust consideration.

Even though 634 local people got off their backsides and put time and effort into articulating their concerns through written submissions, it is impossible to see that these concerns influenced the final outcome and consent conditions in any way.

## **Social concerns**

### ***Demographic changes***

I am particularly disappointed and concerned that the report (and hence the Department's assessment) does not acknowledge the major demographic change that is happening in Australia now and that has been boosted by the Covid-19 pandemic. That change is the patterns of work and the associated population move out of major centres as more and more people and businesses are able to work remotely and from home. This was highlighted in some community submissions but is not even acknowledged in the assessment report discussion of social issues.

In the last decade, and particularly the last five years, the Australian community has placed an increasingly higher value on living outside major cities and urban centres and this is accelerating growth in regional areas. This has come about with modern internet communications and the extension of the National Broadband Network (NBN) to rural areas, including the Paterson Valley. These technological improvements in communication have enabled people to live and work remotely in rural communities and benefit from the rural lifestyle amenity these areas offer.

The Covid-19 pandemic has placed accelerated demand for this type of lifestyle living and this is evidenced in the Paterson Valley by a significantly increased tempo in rural residential subdivision around Paterson, Vacy, Martins Creek and Gresford. The amenity offered by rural lifestyle living is a prominent and promoted attribute of the area – something highlighted by Dungog Shire's vision for the shire as *"An area where rural character, community safety and lifestyle are preserved"* and by the tag line on welcome signs to all of the shire's villages *"Life as it should be"*.

Many social commentators have suggested that Covid-19 has forever changed the nature of work in Australia with more people able to integrate their work with their home life and other lifestyle choices. If this is correct, the recent unprecedented rapid growth in lifestyle residential developments in the Paterson valley is certain to continue, and probably accelerate, over the planning horizon of the Daracon proposal.

Areas around Paterson along Martins Creek Road and the Brisbane Grove development, Boulton Street and smaller block subdivisions around Webbers Creek are attracting people to the area.

Right now, there are four peri-urban subdivision developments in various stages of construction and occupation in Vacy. These are:

- Green Tree Hill development – a six lot extension to the recently occupied Vacy Rural Estate is now under construction. All six lots were quickly sold off the plan and are yet to be occupied.
- Riverside Vacy – a 12 lot subdivision nearing completion. All lots were quickly sold off the plan and are yet to be occupied.

- Vacy Acres estate – commenced in 2010 and stages 1 to 3 are occupied. A further 9 lots are to be released as stage 4.
- Vacy Village estate – a 23 lot development to be released for sale later in 2022.

In Gresford another 29-lot subdivision is under construction with a number of lots already sold off the plan.

Rural amenity is the prime attraction of these developments and the fact that they sell rapidly off the plan shows that there is a strong demand. In this light, it is really disappointing to read the discussion in section 6.4 of the report that the benefits of these amenity and social attractions are intangible. Clearly to the buyers of these rural lots that are selling off the plan, the benefits are very tangible and this is reflected in how quickly the lots sell and the prices being paid.



This growing community is attracted here by the social amenity and lifestyle values and these are the very values that are at risk if the quarry proposal is approved. Many community submissions highlighted the social interaction that exists in and around the village of Paterson and pointed out how this interaction will be adversely impacted by the proposal, particularly by the frequent and constant heavy truck traffic through the village.

It is a mistake to think this social dimension does not have economic benefits for the community and the region. With this population growth comes local economic benefits. It increases rate revenue for the local council, and the residents spend money in this community and the wider region. One only has to drive past the Vacy oval on kids' soccer training night to see the overcrowded car park and street parking to realise the impact of this population growth in the last 5 to 10 years. Or visit the popular Vacy General Store, the Paterson Café, or the Paterson Service Station café to witness the resultant local social interaction and community support for local businesses.

This population growth is having a positive social and economic impact on the valley and it is driven by the local rural amenity values and the changing work patterns. That is why the community submissions are so concerned about the impact of the Daracon proposal, and particularly the truck movement impacts, on these values.

### ***Property Values***

A large number of submissions concern property and business values. The only mention of property values is in paragraph 185 on page 49 of the assessment report. The effect on property prices is identified, among other impacts, as “somewhat less tangible, residual social impacts”.

The people most affected are the near neighbours of the quarry itself and those who reside or have businesses along the main haulage route - i.e. those along the road from Bolwarra to the quarry. A quick Google Earth count shows that to be approximately 200 properties.

While the impacts on property prices may well be “less tangible”, it certainly does not mean that they may not be a substantial cost of the project. In this regard, it is again disappointing to see that there is no reference to the expert advice on property values contained in the 2021 community submissions.

Pamela Munson has been a long-standing real estate agent specialising in properties in the Paterson, Vacy, Gresford and Dungog rural areas for more than 20 years. In her submission<sup>2</sup> Pamela Munson wrote:

*“[Property] values have increased recently along the proposed truck route while the truck movements ceased since the [2019] Court case was won against Daracon.”<sup>3</sup>*

*“As the long standing local Real Estate Agent, I can state that the marketability and value of the properties all along the trucking route were definitely negatively impacted for the many years when Daracon ran trucks above the DA approved daily limit.”*

*“Obviously, property future values will be impacted to a severe degree if 280 truck movements per day are approved, 40 truck movements per hour past the front of homes, for 25 years along narrow country roads.”*

Even though the assessment report considers the property value impacts less tangible, some simple “what if” assumptions are informative. *What if* the average reduction in the value of properties along the main haulage route between Bolwarra and the quarry is \$50,000 per property? This is not an unreasonable assumption given that a number of properties could be valued at close to \$1 million or even more. In an advertisement in the November 2022 issue of the *Gresford News*, Pamela Munson reports recently selling a 10-acre lifestyle property at Paterson, and fronting the Gresford Road section of the haulage route, for \$1.79 million.

In looking at “what if” scenarios, it is important to ensure that the base-line property values are those higher recent (i.e. since the 2019 Court of Appeal orders) values noted by Pamela Munson and achieved when truck movements had reduced, not those applying during periods of high truck numbers.

With 200 properties fronting the haulage route, an assumed average loss of market value of \$50,000 would mean a total loss in value of \$10 million – not an inconsequential amount when considered against the economic benefits in Table 6-17 under paragraph 266. Of course, the IPC can test the sensitivity of this assumption by using some other “what if” values for the loss in value per property.

The conclusion in the assessment report was *“On balance, the Department considers that the benefits of the Project outweigh its residual costs and that the Project is in the public interest and approvable ...”*. Clearly “on balance” means the community’s concerns conveyed in the 634 objecting submissions counted for nothing. A little bit of research and input from economists might have helped put some dimensions around these residual costs.

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<sup>2</sup> Submission S-24997457

<sup>3</sup> Daracon quoted from Pamela Munson’s 2021 submission in its submissions report but did not include this comment that points out that property values had increased after the 2019 court decision.

In short, the current and growing number of future residents of this area will have to put up with the adverse impacts of the increased extraction from the quarry for the next 25 years. That is not “balance”.

The benefits of the project primarily accrue to businesses and communities external to the Paterson community in terms of profits and the beneficial use of quarry products while this local community bears all the residual costs. How is that, in any way, equitable or fair?

### **Base-line quarry extraction and truck movements**

Paragraph 269 in Section 7 of the assessment report states *“Traffic volumes generated by the Project would not result in a change to the existing levels of service for roads along the primary haulage route”*.

This implies that the existing extraction and consequent truck traffic levels that applied between 2001 and 2010 were somehow acceptable to the community.

They are not and never have been.

The summary of “Historical operations and court proceedings” in section 2.1 (paragraphs 4 to 8) of the assessment report and the discussion in paragraphs 68 and 69 and supporting Figure 6-1 are deficient in that they omit relevant information from the period between 2007 and 2010.

Some of the following information relies on my memory so some dates and details may not be precise. My understanding is that, over time, there has been a declining demand for rail ballast from the quarry due to the completion of major rail upgrade projects in the region and the ability to in-situ clean and recycle existing ballast, so reducing the need to transport new ballast long distances from source quarries.

In this context, the quarry progressively switched from ballast production to construction products. Sometime around 2006 or possibly earlier, Rail Corp subcontracted part of the operation of the quarry to the Sydney concrete supply company, Metromix. My recollection is that Metromix utilised the quarry to source aggregates for its Sydney concrete business and also supplied overburden products for road base and fill. I believe Metromix may have also sold products to third parties directly at the quarry. The combined operations of Rail Corp and Metromix resulted in the expanded levels of extraction, mainly for construction products, shown in Figure 6-1.

This expansion in extraction and road haulage did result in growing community concern with the community making numerous representations to Rail Corp, Dungog Council and government.

The community pressure culminated in a public meeting in Paterson on 16 August 2007 attended by approximately concerned 80 residents. I have attached a record of that meeting as Appendix A. The issues raised at that meeting are the very same issues the community is raising in 2022.

In response, Rail Corp established a Community Reference Group in November 2007. A copy of the record of the first meeting of this reference group is attached as Appendix B.

In this context, it is a mistake to believe that the community's position on the levels of extraction and truck movements is only a response to Daracon's operations since 2012. Community action pre-dates Daracon's involvement in the quarry by at least five years.

Local media reports in 2008 reported on negotiations between Rail Corp and Dungog Council over the funding of road works and mitigation of the effect of increased truck activity, particularly noise. In July 2008, Council resolved to take action in the Land and Environment Court. This action was subsequently adjourned in early 2010 following Rail Corp's December 2009 announcement that it would sell the quarry.

My reason for including the above outline is that the historical summary in section 2.1 of assessment report jumps from the 1991 development consent in paragraph 6 to the 2015 court case in paragraph 7.

In omitting any discussion of the activity between 2007 and 2010, the assessment report fails to recognise the significant community concerns and actions during this period. This omission may be contributing to the view that the community was somehow accepting of the higher levels of extraction and truck movements between 2001 and 2010 and that the historic extraction in this period is an acceptable baseline. It is not.

### **Mitigation measures**

By dictionary definition, "mitigation" means reducing the severity of harm caused by some action.

While there are some physical mitigation measures proposed for the quarry site, the proposed "mitigation" measures for the broader affected community, particularly the residents and businesses along the haulage route, are not mitigating measures at all. They don't reduce the severity of the harmful effects of any of the adverse impacts. They are, at best, offsets and very poorly targeted offsets at that. They will, at best, only ever benefit subsets of the affected community. Many of the affected residents and businesses will receive no benefits whatsoever from those offsets.

It is ridiculous to suggest that the token mitigation measures of contributions to Martins Creek community and Dungog Community Benefits and Wellbeing Fund and the convening of an "advisory only" community consultative committee can offset the adverse impacts road haulage will have on this community every weekday for 25 years in addition to the (residual) loss of property values and business income. No rational person could possibly consider that these token measures go any way towards compensating the community for the costs it will bear to provide benefits to one company and to users of quarry products outside this region.

To even pretend that these mitigation measures in any way compensate the community, and will directly provide any tangible benefit to affected individuals in the community, for these losses and the daily disruption to lifestyle and rural amenity is both farcical and insulting. Even more so when paragraph 271 of the DPE assessment report describes these token measures as "leading" and "best practice".

And, while the communities of Paterson and Martins Creek are to get some local benefit funding, there does not appear to be any equivalent funding for the residents of Maitland – that is, for those affected residents along the haulage route in Bolwarra and Bolwarra Heights. My Google Earth count found about 120 such properties. So, there is no “mitigation” for these affected people. How is that fair? How does that constitute the outcome of a rigorous and robust assessment?

Perhaps the IPC could deliberate on how this outcome marries with the Premier’s statement of 20 October 2022 about not putting developers before people.

### **Truck movements**

The assessment report acknowledges that one of the major concerns of the community is that of truck movements, particularly the proposed maximum of 40 trucks movements per hour between 7.00am and 3.00pm on weekdays.

In the presentation to the Public Meeting on 8 November 2022, Mr Adam Kelly from Daracon stated that normal hourly truck movements through Paterson would be around 24 truck movements per hour and that the 40 movement per hour rate would only be needed occasionally to meet specific project delivery requirements.

Later in the presentation, Mr Kelly provided a list of current and future projects that would result in a greatly increased demand for quarry products in the region. In the context of this increasing demand, it is inconceivable that normal hourly truck movements would remain at around 24 per hour for very long. Rather, it is likely that Daracon would pursue the growing number of opportunities to supply as quarry products with the inevitable consequence that, over time, truck movements would increase and more frequently approach or reach the consent limit of 40 trucks per hour.

Even if truck departures from the quarry are controlled so as not to result in a convoy of trucks through Paterson and the roads of Maitland, it is impossible to ensure any time separation is maintained. There are a number of points along the route where trucks may be forced to stop, starting with the give way requirement at the Gostwyck Bridge, followed by the give way requirement when merging at the Dungog Road-Gresford Road intersection and the level crossing at Paterson. Trucks stopping at any of these points will serve to close any time separation between the trucks. A freight train of 60+ wagons can result in the gates at the crossing being closed for as long as five minutes<sup>4</sup>, which could result in up to 4 trucks being in the crossing queue and then passing through Paterson in convoy.

One of the most fundamental considerations of any planning assessment is to look at cumulative impacts. Just considering impact of the Daracon truck movements is not looking at the cumulative impact. In my opinion, the assessment report treats the cumulative impact rather glibly by stating

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<sup>4</sup> This is particularly so if it is a north-bound freight train that is stopped at the Paterson station crossing loop. Such trains have to start from stationary once cleared to pass through the crossing, which means they initially travel slowly and take longer to pass the crossing.



“Traffic volumes generated by the project would not result in a change to the existing levels of service for roads along the haulage route”. I dispute this and some figures support my concern.

I have counted current heavy vehicle traffic through Paterson. Currently, there are around 14 heavy truck movements per hour through Paterson during weekday business hours and occasionally greater numbers – for example, truck movements on Mondays are generally greater because Monday is the weekly cattle sale in Maitland, so there are number of trucks transporting cattle that day.

Daily truck movements comprise but are not limited to:

- Milk tankers (semi-trailers) servicing the dairy farms
- Vehicles supplying feed to large poultry farms and the movement of live poultry between hatcheries, farms and processors.
- Cattle and race horse transporters
- Delivery vehicles (semi-trailers) servicing the convenience supermarkets in Paterson and Gresford and the larger supermarket in Dungog
- Fuel tankers supplying service stations as well as LPG tankers servicing poultry farms and other bulk LPG users
- Rural supply vehicles
- Construction vehicles including those carrying house and roof frames, rainwater and septic tanks and other building materials including ready-mix concrete
- Other construction trucks, including those involved in earth moving including equipment (excavators, bobcats etc) and a range of landscaping and quarry products
- Wastewater effluent tankers – increasing with the growing peri-urban development

So, in addition to the existing level of non-quarry truck movements through Paterson, the cumulative impact of Daracon’s 40 truck movements per hour will mean, from the start, there will be 54 truck movements per hour or 1 truck every 66 seconds on average. Now, taking the assessment report conservative assumption of 2% per annum growth in broader local traffic, let’s look at the cumulative impact over the 25-year project life.

<b>Year</b>	<b>Non -quarry truck traffic (Trucks per hour)</b>	<b>Daracon maximum truck traffic (Trucks per hour)</b>	<b>Total truck traffic (Trucks per hour)</b>	<b>Rate</b>
0	14	40	54	1 every 66 secs
10	17	40	57	1 every 63 secs
20	20	40	60	1 every minute
25	23	40	63	1 every 57 secs

So, by year 25, it is reasonable to expect more than one heavy vehicle movement through Paterson every minute during weekday business hours. No rational person can possibly consider that is conducive to maintaining the rural and social amenity value of this village.

Many other submissions have dealt with the cumulative impact of trucks from both Martins Creek quarry and Brandy Hill quarry moving through Bolwarra and Melbourne Street. I won't provide further comment on this other than the following personal anecdote.

In 2011, shortly after the Flat Road connection to Melbourne Street was opened following completion of the new bridge over the Hunter River near Pitnacree, I left my vehicle for service at the dealer in Melbourne Street. The dealer's courtesy bus driver gave me an earful about how the opening of the Flat Road connection had been a disaster in terms of the traffic congestion that it had caused in and around Melbourne Street. If it was a "disaster" in 2011, what will be like in 2025? In 2030? In 2045?

The adverse impacts on the rural amenity values and the attractiveness of the region are not going to be mitigated by financial and economic contributions or community engagement meetings. Neither is going to reduce the number of heavy trucks travelling along the roads every day. I don't think the value that this community puts on rural amenity can be bought in that way.

The discussion in section 6.4 does not even touch on these factors relating to social and rural amenity. That discussion smacks of being nothing more than a "desktop" review without any actual "on the ground" truth assessment of the social changes occurring in the areas affected by the Daracon proposal.

### **Monitoring and Reporting**

While the Consent sets many conditions on Daracon's operations, there appear to be few conditions regarding monitoring and reporting of compliance with these conditions to the community. The requirement to publish only a summary of the records of truck movements on the Daracon website every six months – every 180 days - (condition B38) is inadequate for public transparency. With public reporting only every 180 days, the 50-day limit on 280 truck movements per day could be exceeded long before reaching the limit is reported to the community. And, what level of detail is in a "summary"?

Condition A39 requires annual reporting of production data to MEG (compliance with A10). There is no indication or requirement that any of this information be shared with the community or tabled at the Community Consultative Committee.

These monitoring and reporting conditions are vague and inadequate in terms of the detail to be provided in the six month "summary" and the timeliness of reporting to the community. This is really inadequate in terms of compliance transparency for the community. A better specified reporting requirement would help to ensure compliance with the detail of the consents, particularly those set out in A16 Table 1.

Should the proposal be approved (which I do not support), the community needs "real time" assurance that the detailed consent conditions are being complied with. Given the community's concern about the mass (tonnes) of product moved by road and rail and daily truck movements, there needs to be open and regular reporting of this information to the community, preferably via

monthly reporting on Daracon's website no later than five business days after the end of the month.

As a minimum, these monthly reports should show:

- Mass of product transported by rail for the month
- Mass of product transported by road for the month
- Cumulative mass (ie year-to-date) of product transported by all means (compliance with A10)
- Cumulative mass (ie year-to-date) of road haulage for the year (compliance with A10)
- Cumulative mass (ie year-to-date) of rail haulage for the year (compliance with A10)
- Truck movement numbers for each day of the preceding month. (compliance with A13)
- Quarry Blasting information for the preceding month (date and time of blasts). (compliance with A16 "Blasting")
- Cumulative total days (ie year-to-date) for the year where truck movements exceed 200 per day (Compliance with A13(c))

In the absence of having to make such reports public, there is little incentive for Daracon to ensure that it complies with the detail of the conditions set out in the Consent, particularly the conditions on daily truck movements. This reporting is also in Daracon's interest because it would head off any mis-information that may arise within the community about lack of compliance.

### **Road upgrades and road safety**

As mentioned earlier, it is notable that the only road upgrades proposed in the report and in the consent are those put forward by Daracon in its revised application. Road and traffic management upgrades highlighted in public submissions are not even acknowledged and hence appear to have been ignored, further questioning whether the process of seeking public submissions is anything more than a window-dressing exercise.

The residents of this community, including the authors of the 634 objecting submissions in 2021, drive these roads every day in all weather, day and night and in all vehicle types from motor cycles and farm tractors to trucks. We see the accidents and the near misses. We know the problem spots, the accident black spots and even where the kangaroos congregate and cross the roads. We are witnessing the growth in traffic from the new rural residential developments. Yet this experience and knowledge appears to have carried no weight against some consultant's desk top modelling.

Several of the community submissions about Daracon's revised 2021 application highlighted the dangers of the narrow section of Duke Street and blind curve on a crest at the Prince Street and Duke Street intersection. For vehicles exiting Prince Street, vision of approaching vehicles from the south is minimal. Vision is restricted by the curve and crest and view to the south is totally obscured by a large concrete retaining wall. Similarly, vehicles turning out of Prince Street are totally obscured from the view of the drivers of vehicles approaching from the south by the same concrete wall and crest and curve, immediately before the intersection.

The photo on the left below shows a vehicle leaving Prince Street with the crest, curve and retaining wall behind obscuring all vision of vehicles approaching from the south. The photo on the right

shows how the retaining wall completely obscures the intersection for vehicles approaching on Duke Street from the south.

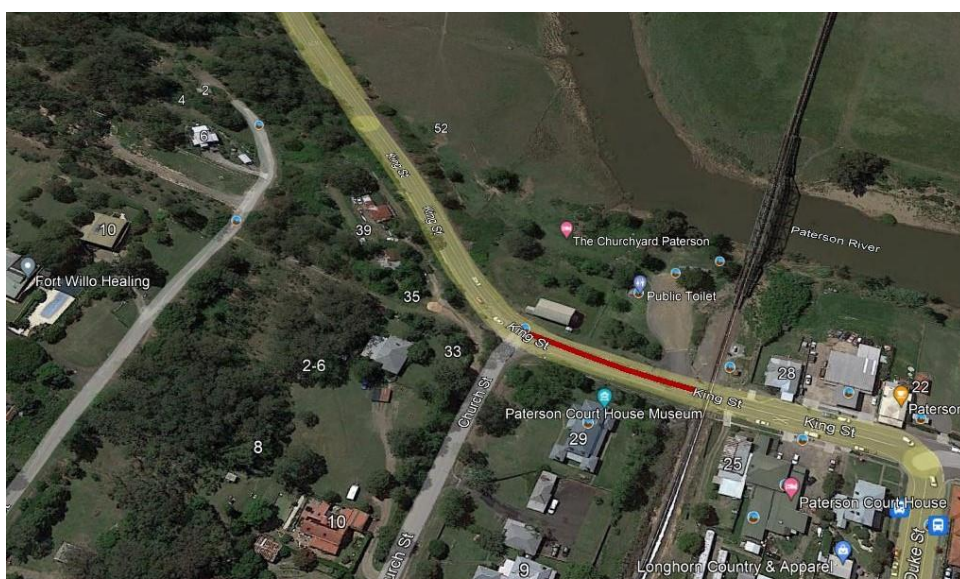


Despite these concerns raised in a number of submissions, they do not appear to have rated any attention from the assessors.

In its Submissions Report, Daracon claimed the problem at the Prince Street intersection is a road design issue outside its responsibility. If the road design is such that it cannot be modified to rectify the safety issues, then the road is clearly unsuitable as a haulage route.

Another significant traffic management concern raised in a number of submissions is the northern approach (from the quarry) to the rail level crossing in Paterson. Neither section 64 of the assessment report nor the consent (condition B40) acknowledges these concerns nor propose upgrade conditions for this site.

To reiterate the concerns about this site, the northern road access (i.e. from the direction of the quarry) to Paterson is also proving to be something of an accident black spot and further illustrates the issues associated with using this rural road as a major heavy-vehicle haul route. This access is characterised by a controlled level crossing on the main north rail line. Vehicles travelling into



Paterson from the north and queued at the closed level crossing are totally concealed from further approaching traffic by a crest on a curve just 75 metres before the level crossing, trees along the left side approach to the crest and the location and height of the former church building on the left side of the crest. The height of this building is sufficient to block clear vision to the level crossing from the higher driving position of trucks.

The red line in the photo above shows the length of road between the crest and the level crossing gates that is in dead ground and obscured from traffic approaching from the north.

The photo below shows how the view of the approach to the level crossing is obscured by the crest and the church building on the left.



In the 18 months to July 2021, there were four accidents at this site, mainly as a result of approaching vehicles being unaware of the vehicles queued at the level crossing beyond the crest. In one case, the vehicle involved became airborne and ended up against the wall of the adjacent former court house. The consequences of a loaded quarry truck being involved in an accident with the queue are potentially fatal.

The location is also complicated by the intersection with Church Street located on the crest before the level crossing. This is an increasingly busy intersection because Church Street is the only access to Paterson Primary School, the Rural Fire Service station, the village sporting complex and golf course. It is also the only access to the Webbers Creek and Boulton Drive areas, which are significantly growing areas of peri-urban development adjacent to Paterson village. Given the details outlined in the previous paragraphs, I find it a startling omission that this issue raised by the community is not even acknowledged in the DPE assessment report.

As a minimum, condition B40 should include a requirement for Daracon to consult with the ARTC and to fund the provision of an automatic flashing light warning sign, of the type shown in the photo, ahead of the concealed section of road to warn oncoming traffic about queued traffic at the level crossing when closed.



Given Mr Preshaw's comments at the end of the public meeting on 8 November to the effect that the DPE's job is only to look at what is proposed in the applicant's EIS, I wonder if these two traffic issues were not covered in the assessment report because they were not mentioned in the EIS. If this is the case, and given that they were raised in community submissions, I suggest there is something fundamentally wrong with the assessment process.

### **Gostwyck Bridge**

The main access route to the quarry from Paterson is along Gresford Road and Dungog Road. Dungog Road crosses the Paterson River via the single-lane Gostwyck Bridge constructed in 1928. This bridge is a pinch point on the route to and from the quarry and as it is a single-lane bridge one direction of traffic is required to give way to traffic approaching from the opposite direction.

At present, a "give way" sign directs traffic approaching from the quarry side to give way to traffic approaching from the other side. The "give way" sign is positioned after a blind right hand corner just 50 metres before a steep narrow descending approach to the actual bridge deck. This arrangement is perilous enough for light traffic – requiring laden heavy vehicles to stop and give way with such a limited sight distance to the actual bridge is seems dangerous and undesirable. Greatly increasing heavy vehicle traffic at this pinch point must increase the probability of an accident. In July 2015, a car approaching the bridge from Paterson was forced to reverse off the bridge to make way a truck entering from the other direction. The reversing vehicle left the road and rolled down the embankment of the Paterson side bridge approach.



The information about Gostwyck Bridge in Table 6-1 under paragraph 72 of the assessment report is incorrect and deficient in detail. This table incorrectly describes the bridge as "A two-lane (single lane for heavy vehicles) steel truss and timber girder bridge ..." – implying that it operates as a two-lane bridge for light vehicles. The bridge has operated only as a single lane bridge for all traffic (heavy and light) for many years. Oversize signs on each approach to the bridge advise drivers that it is a single lane bridge. This error would have been apparent if the assessment team had confirmed the details in the field.

The description also states that the bridge is built on concrete piers. While this is correct for the steel truss section of the bridge, the bridge also comprises a 75-metre section on the western side that is on timber piling with a timber sub-structure. This section of the bridge requires more regular maintenance, especially with high volumes of heavy vehicle traffic, and generates considerable vibration noise when crossed by heavy vehicles. Due to the topographical location of the bridge, this noise can be heard for some distance. One resident living on the hillside almost one kilometre to the west once told me that her family call it "the noisy bridge". As far as I can tell, the noise impact of constant heavy traffic over the bridge has not been assessed in any of the studies.

The photo below shows the timber piers and all-timber truss work that supports 75 meters of the western approach to Gostwyck Bridge.



With regard to the proposed Gostwyck Bridge eastern approach upgrade, it is difficult to comment because the notations on Figure 6-3 in the assessment report are impossible to read and decipher even when the electronic version is enlarged. This is scarcely conducive to constructive community input.

Notwithstanding this presentation issue, it is difficult to understand the merits of changing the current straight approach to a curved approach for laden heavy vehicles. The minimal curvature shown is likely to have little effect in terms of slowing truck approach speeds, if that is the purpose. It certainly doesn't appear to offer any increase in sight distance to the bridge for approaching vehicles – in fact, after inspecting the location, a reduction in sight distance seems to be the more obvious outcome.

How does putting this curve in the current straight approach make the bridge safer? It doesn't even pass the "pub test" for common sense. The claimed benefit that this curve will increase driver awareness is particularly dubious.

Further, while the curved alignment may have the dubious advantages mentioned above when approaching the bridge from the quarry, the curved alignment complicates travel in the opposite direction. Drivers coming off the bridge towards the quarry will now face a sharper left-hand bend at the top of the steep incline from the bridge deck. In terms of forward vision, this is not helpful to drivers of light vehicles and motorcycles that have a lower driving position than trucks and effectively negates any claimed safety advantages.

Similarly, the upgrade of the King Street and Duke Street intersection is poorly explained via the notations in Figure 6-5 of the report and the accompanying text. Removal of one car parking space on King Street and new line marking to suit truck turn path geometry is understandable but the purpose behind removing the existing signage and replacing the footpath and kerb along the northern side of King Street is not explained. Presumably, this is no longer required as Daracon has advised the IPC that it does not intend to construct an off-street car park at this location. It would be helpful to the community for this to be confirmed because it conflicts with the notes on Figure 6-5.

## Compensation offsets

Section 85 of the report says Daracon has proposed the following compensations for Dungog Shire Council (DSC).

- Road maintenance levy of \$0.25 per tonne of material transported by road to be used for road maintenance
- A levy of \$0.05 per tonne of material transported by rail to be directed to service and infrastructure that benefits Martins Creek village
- A contribution of \$180,000 for road side amenities in Paterson Village
- An annual contribution of \$40,000 per annum to DSC's Community benefits and Wellbeing Fund.

It would be of interest to the community to know how the figure of \$0.25 per tonne was established, particularly as it is substantially less than the rate of \$0.795 that applied under the 2019 Interim Environmental Management Plan (EIMP).

It is notable that, in place of the recommended \$0.25 per tonne, consent A23 specifies that Daracon must make an annual contribution to both DSC and Maitland Council towards the maintenance of local roads used for haulage of quarry products and gives options for determining these contributions. Given the recommendation in the assessment report, it would be reassuring to the community if a floor contribution was specified at the start of consent A23 along the lines of "The Applicant must make annual financial contributions of no less than \$0.25 per tonne (in \$2022 terms – that is, indexed annually) to Council and Maitland City Council towards ...". Or perhaps a floor contribution closer to the rate in 2019 EIMP would be appropriate.

It is also noted that although A25 protects the \$0.05 per tonne contribution by indexing for inflation, no such protection exists for the \$40,000 contribution to the wellbeing fund in A26. Some form of inflation proofing should also be applied to this contribution.

## Myth busting

There were two prominent myths that received some attention during the public meetings on 7 and 8 November.

The first was a view that the community had lived with higher extraction and truck movements for 18 years and had only become concerned about this with Daracon's operations. I have provided details and evidence of community opposition to the levels of extraction in the period before 2012 earlier in this submission.

The second myth is that visitation from outside the area occurs only at weekends. This is not correct although the type of visitation differs between weekends and weekdays.

Weekend visitation is more "family" visitation around sporting events such as cricket, football and horse-riding activities. The area, particularly Tucker Park in Paterson, is also popular for family picnics, family reunions, and weddings. Similarly, Tocal homestead is popular for weekend weddings. Gresford, Vacy and Paterson also popular destinations for vintage car groups.



Weekday visitation is characterised by different demographics. It includes bus trips from retirement villages, small motor cycle groups, often of the over-50s age group, and similarly groups of cyclists. It is also popular with NDIS carers and their clients. Perhaps the major source of week day visitation is caravaners – the so called “grey nomads”. In recent years, there has been a very noticeable increase in caravan traffic in the area on all days of the week. So much so that a second caravan park and camping area has opened in Gresford. Together, the small groups and caravaners make up a significant weekday visitation.

So, it is certainly not true that visitation occurs mainly at weekends – visitation occurs all week and the weekday visitors, the cyclists, the motor cyclists, the retirees, the grey nomads are particularly conspicuous as patrons of the area’s cafes. This group is also one that is potentially at greater risk sharing the roads with heavy vehicles.

### **Final Comments**

At the start of this submission, I quoted the NSW Premier saying that he did not want his government to be remembered for putting developers ahead of people.

The Paterson area is part of the Upper Hunter electorate and is represented by Mr Dave Layzell, a member of the current NSW Government. A private member’s statement dated 18 October 2022 by Mr Layzell about the Martins Creek quarry project was published in the November 2022 issue of the Gresford News. While I am conscious of the IPC’s need to be independent of political positions, I have included Mr Layzell’s statement below because it is indicative of the wider support for the community’s position.

I have lived on this same property since 1988 so I have lived through a period during the 1980s and 1990s when the quarry was primarily operated as a ballast quarry with most product moved by rail and through the period of expansion since 2001-02. So, I have the relevant “lived experiences” on which to base my submission and opposition.

Like most other residents, I am not against the quarry operating but I am definitely **opposed** to the higher level of extraction if that means the product has to be moved by road. The adverse effects on road transport of this community are just too great to justify the expansion. No number of offsets can compensate the community for these adverse impacts and the offsets proposed are, at best, pathetic – and certainly not “best practice”.

Thank you for the opportunity to make my views known. I hope it is the last time I have to make a submission on this matter.

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## Quarry Statement, Dave Layzell MP

Dave Layzell MP, Member for Upper Hunter.  
Private Members Statement 18/10/2022.

... That issue [haulage] needs deeper discussion. The damage that will be sustained to the local roads will be significant. Yet the local infrastructure contribution is insignificant to the damage that the project will cause. The financial obligation placed on our struggling councils is beyond comprehension. In addition, the recommended conditions state that the haulage is to commence before the infrastructure upgrades are even completed. That makes absolutely no sense. The infrastructure improvements need to be in place before any significant increase in traffic is incurred. That is a serious oversight of the department.

The department has included guidance on the haulage routes and the haulage rates to be used. That is where we have a totally unacceptable assessment, and there are serious concerns with the haulage route. In particular, I must object to the idea that trucks will be running through the small town of Paterson. This picture-perfect country town has a 90-degree road bend at the junction of King Street and Gresford Road. That corner cannot safely manage a large number of turning trucks. It is simply unsuitable. Any logical person would see that

the corner in question cannot be used for the proposed number of trucks. I do not care how many traffic studies have been undertaken. Let us not forget the upper limit of 40 trucks per hour. That is one truck every 1.5 minutes. Imagine that. I am very concerned that the IPC would not take the opportunity to visit the site and get the ground truth on the traffic impact on the corner in question. I am sure it could be easily arranged, and it would then see that the proposed modifications by Daracon are totally inadequate.

Meanwhile, we have an acceptable alternative option. That is to run the gravel out by rail. The quarry was set up as a rail quarry, and it can be done again. It is not easy. It is hard to negotiate with the ARTC, but I make the commitment that I am willing to help Daracon in that negotiation. I am sure the member for Maitland would also be willing to help, and I am sure that the Federal member for Paterson, Meryl Swanson, would be a part of a working group to help resolve this issue. If the IPC does not make the adjustment required to satisfy the community, I can see a long court case in the Land and Environment Court. We need to appeal to Daracon to come up with common sense and get a solution that works with the community.