

Attachment 1

Submission by Maree Amos

To The Independent Planning Commission of NSW

Re The Martins Creek Quarry Project Application Number SSD 6612

Quarry History

The history of the quarry presented at the IPCN meeting with the applicant, in the development application and the DPE Report is incomplete and potentially misleading.

No mention has been made of the fact that for a considerable period *Metromix* was also extracting at the same time as Railcorp. Not only government organisations were responsible for the excessive extraction before Daracon. The presented history makes first mention of the community action as being the council legal efforts from 2015. In fact, prior to this there were numerous community, individual and council efforts to compel the operators to abide by the lease conditions and reduce the terrible impact on the community. This included a meeting between the mayor and the then Premier on 13 August 2009 to ask for his assistance. The first public meeting that I attended was 16 August 2007 and on 30 November 2007 there was a meeting of the Martins Creek Community Reference Group that was set up to “hear complaints and give people an avenue to be heard”.

Council was slow to proceed to the courts on legal advice and potential costs to council. However, on 16 December 2008 Council did resolve to go to the Land and Environment Court with class 4 proceedings. On 2 December 2009 the sale of the quarry was announced and Railcorp made an offer to Council if they would adjourn proceedings. Following the court case commenced in 2015, in 2018 the LEC ruled that operations were illegal (not in accordance with the 1991 consent. The lessee did not accept this and appealed. This resulted in the approved operation being still a production limit of 500,000tpa of which not greatly more than 30% may be moved by road. I labour this history to show that the community has never accepted the horrendous and unlawful effects of overextraction and has been fighting against it for the entire period of what the DPE has called the “history of illegal operations”.

The DPE Report (pt69) states “the department also recognises that the proposed annual road haulage limit of 500,000tpa represents a rate that is not dissimilar to historical road transportation rates undertaken by the quarry over an approximate 18-year period between 2012 and 2019, including when the quarry was operated by the NSW government through Railcorp”.

This 18-year history is in no way a justification of the proposed consent conditions, in fact the reverse.

Every year that Daracon has held the quarry, it has exceeded the legal limit until forced to reduce operations by the 2019 ruling. Each year, it has even exceeded the proposed application conditions. At the IPCN meeting Adam Kelly from Daracon stated that in the future they would “most likely”

send out only 24 trucks an hour (not the forty allowed). This is not consistent with the history, especially given the great need for the product he also described.

Road Upgrades

The Gostwyck Bridge upgrade (what is legible on the proposal and DEP report diagram) involves an extra bend in the road only to “raise driver awareness” and a flashing warning light to warn drivers to slow for the bridge. Making the road bendier, when most road improvements involve removing curves, is a proposal that needs justification, particularly given it will reduce visibility to the bridge from the Martins Creek side and increase the curve, restricting vision, when leaving the bridge in the opposite direction. The transcript of the meeting between Daracon and the IPCN also mentions “some minor modifications to some property accesses on either side of Dungog Road”. In spite of Daracon’s claim at the same meeting of “extensive engagement with the local residents and those proximate to the haulage route”, the resident owner of the most impacted property knew nothing of this until pointed out to him at the IPCN public meeting on 7 November. From the map/diagram this will involve extension of his house driveway and relocation of the main entrance to this historic property.

The transcript also states that the applicant has committed with Transport for NSW to do some upgrades to the deck itself. This is not in the consent conditions, only work on the bridge approaches.

Nothing proposed will seriously address the safety issues with this bridge.

The changes to the Duke St/Gresford Road intersection appear to only involve some lane marking and reducing the sharpness of the left turn bend and elimination of 1 car parking space. This is unclear as the map/diagram provided in the IPCN Report shows only 10 car spaces. Presumably others will not be altered. It also seems to show a carpark which has been eliminated from the amended application. A carpark would have helped alleviate the more dangerous parking along the road through the centre of town. At the IPCN-Daracon meeting, when the traffic through Paterson was discussed, Daracon said that “some of the options preferred by Daracon weren’t considered preferable by the community and weren’t taken up”. Why the community did not prefer this carpark was not explained. Could it have been because there could not be a more inappropriate, dangerous site in all of Paterson for an “off-site, off-road car parking area”? The block owned by Daracon is right on the contentious bend and slopes steeply down to the river.

Transport and Safety

The proposed suite of conditions to ensure that residual impacts are effectively minimised, managed, offset and/or compensated for are incapable of doing this.

The proposals for reduced transport hours are a cynical exercise. This includes the commitment to reduced transport numbers (30 trucks per hour) between 3 and 6 pm to avoid school drop off times ie for student safety. There have always been less trucks dispatched at this time since they are unable to reach destinations before closing time. But there has been no equivalent concession for pick up times in the morning.

Also, no haulage between Christmas Eve and New Years Day is no burden as we are all aware that the construction industry is virtually shut down at this time of year.

The DPE (report p21) considers “the additional traffic movements generated by the project would have an acceptable impact on the operation of the key intersections along the primary haulage route”. On the mornings of 9 & 10 November 2022 (the 2 days following the IPCN public meeting) I was obliged to travel to Maitland along the main haulage route. The queue of traffic at the Flat Road/Lawes St/Melbourne St traffic lights back in the direction of the quarry was 1.1 km long on both days. The impact of 20 more trucks per hour, especially considering the approval to load 10 trucks at night to enable swift morning dispatch, is not an acceptable impact, especially when coupled with the increase approved from The Brandy Hill quarry. This is happening now, not in the distant future.

Likewise, the other traffic light intersection at the intersection of Melbourne St and the New England Highway (although incorrectly called the Pacific Highway in the transcript of the Daracon/IPCN meeting) was assessed as at near capacity when the road assessments were made. There are 2 right turning lanes heading towards the quarry which both already frequently overflow and then the waiting vehicles queue onto the New England Highway blocking one of the northbound lanes. Add to this, 20 trucks an hour (which also require more width to negotiate the right-angle turn). There is no ability to extend the turning lanes without the closure of access to other streets. It seems more like “exceeds capacity” rather than “near capacity”. The impact on safety and traffic flow on the highway must be relevant.

In spite of Mr Kelly’s assurance that trucks do not travel in convoy, since they bank up at the quarry access intersection, at the single lane Gostwyck bridge, at the Dungog Road/Gresford Road intersection, at the rail crossing, at the Flat Road/Tocal Road roundabout and the 2 traffic light intersections they frequently travel in convoy (as also seen in the video presented at the meeting).

The “rigorous” driver code of conduct can be summed up as drivers will be instructed to follow the road laws, drive quietly, if possible, drive slowly around dangerous bends, do 10 kph less than the maximum speed through Paterson and report new potholes.

The Application and Impacts

My professional background is in chemistry and education so I cannot profess to specialised knowledge in the fields relevant to the application.

The presentations made at the public meeting and in many written submissions demonstrate much local expertise in specific areas evaluated as well as the legal precedents relating to the rejection of the application. The representative of the DPE who spoke at the end of the meeting on day 1 stressed the complexity of many of the issues and the difficulty a layman would experience in comprehending them. This is of course apparent when even becoming aware of at least 5 legal instruments concerning noise.

What I would like to address is that many of the expert submissions questioned the methodology used in making the assessments particularly the baseline comparisons.

In assessing the proposal, it is not relevant to keep emphasising the reductions made from the original ambit proposal eg 25% reduction in maximum loaded truck movements. What must be evaluated is the stand-alone figures of 280 truck movements a day etc. The only valid comparisons that should be made are against what the court determined is current legal behaviour. On p11 of the DPE assessment report in table 5.1 the project is described as “seeking approval to regularise operations” – in other words to make the current illegal operations legal.

To use “ambient measurements”, “background measurements”, base-line traffic levels”, “historical operational aspects”, “the social baseline” etc in any of the reports in the submission that relate to conditions in the illegal period seems flawed and a denial of natural justice given that these conditions are what the community has rejected and fought all these years. Comparisons with some of them to assess increased effects due to the proposed operations is irrational.

The statement at the end of the report (table 6.1 Other Issues) that the proposed annual haulage rate is less than the historical average so economic impacts on tourism and businesses are acceptable simply means that these impacts have and are still occurring and is no justification.

During day 1 of the IPCN community meeting, one of the commissioners asked one of the speakers whether the trucks had caused the loss of any businesses in Paterson. The speaker did not know. Speaker 7 on day 1 is the owner of the service station and café. She was prepared to speak publicly as the only long-term owner of a business at the King St/Duke St corner. The Country Café, the Courthouse Hotel and the CBC Bank accommodation and café have all been sold on. How much this was due to the impact of the trucks cannot now be assessed. However, submission comments to the DA, such as that from an accommodation provider, stating that guests check out early citing the truck noise must be relevant. I suggest the guests would obviously not return.

Noise

According to Ms Crossly (IPCN /Daracon meeting transcript p190) the “detailed noise impact assessment was prepared in accordance with the relevant guidance” and “it did take account of the historical operation aspects of the quarry”. She also stated that the road haulage assessment along the entire route claimed “only one residence was predicted to have an exceedance of criteria where it was not already calculated to exceed the criteria with baseline traffic levels and that exceedance is predicted to be less than 2dB ... and that noise level increase is considered to be barely perceptible to the average person. So, in summary, the proposed road haulage meets the relevant policy guidelines.” Please relate this to the video shown at the public meeting to demonstrate the absurdity of this conclusion. It must be remembered the horrible impact that the video showed is experienced the entire length of the haulage route, only half an hour earlier or later by those of us towards the ends of the route and many times a day.

Other Issues

The proposed Social Impact Management Plan (Consent B65) does not even mention Bolwarra residents being included in the consultation.

Daracon has run the quarry for ten years. It is noticeable that they have only now made a commitment to local employment, using local businesses or contributions to road maintenance (except for court mandated contributions to Dungog council since Jan 2019 but nothing ever to

Maitland council). In addition, this includes a commitment to ensure that trucks leaving the quarry will be checked to ensure a reduction in the number of other road users who have their cars and windscreens damaged by gravel or rocks flung from the trucks although the load is covered. A discussion at the community meeting surprised me with the number of locals who, like me, have had this happen but felt no point in approaching Daracon.

The published Response to Submissions quotes selected parts of submissions to which to respond. The submission by the local real estate agent Pamela Munson mentions the “severe impact on marketability” during the illegal extraction but ignores her statement about improvement in prices observed since the operations were reduced in October 2019. She also predicts a further severe impact if excessive truck movements recommence.

It is unfortunate that the transcript of presentations to the public meeting held by IPCN have not yet (the day written submissions close) been placed on the IPCN website, as promised, to allow for consideration by other interested community members and submission writers.

Finally

In the Daracon presentation to the IPCN it was stated:

“There is no current feasible option to use rail logistics to supply the local and regional market for the Revised Project.”

The community believes:

“There is no current feasible option to use road logistics to supply the local and regional market for the Revised Project”.