

## **MARTINS CREEK QUARRY PROJECT**

Independent Planning Commission – Additional  
Information

**FINAL**

December 2022

# MARTINS CREEK QUARRY PROJECT

Independent Planning Commission – Additional Information

## FINAL

Prepared by  
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on behalf of  
Daracon Group

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QMS Certification Services

This report was prepared using Umwelt's ISO 9001 certified Quality Management System.

### **Acknowledgement of Country**

*Umwelt would like to acknowledge the traditional custodians of the country on which we work and pay respect to their cultural heritage, beliefs, and continuing relationship with the land. We pay our respect to the Elders – past, present, and future.*

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#### Document Status

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# 1.0 Introduction

The Martins Creek Quarry (the quarry) is operated by Buttai Gravel Pty Ltd, which is part of the Daracon Group (hereafter referred to as Daracon). The quarry is an existing hard rock quarry situated within the Dungog Local Government Area (LGA), approximately 7 kilometres (km) north of Paterson and 28 km north of Maitland, New South Wales (NSW) (refer to **Figure 1.1**). Daracon is seeking development consent under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to expand the quarry operations at the Martins Creek Quarry.

In 2014, Daracon submitted a development application for the Martins Creek Quarry Extension Project. This application sought approval for the consolidation of the existing development approvals and the expansion of the quarry into new areas to extract and haul by road transport up to 1.5 million tonnes (Mt) of material per annum (pa) over a 30 year period (Monteath & Powys, 2014) (hereafter referred to as the Original Project).

In response to the public and government agency concerns, Daracon and Umwelt undertook extensive stakeholder engagement and a thorough review of the Original Project to redesign key operational parameters in order to reduce environmental and social impacts. In particular, Daracon have committed to reduce the extraction limits, operational hours and truck movements (the Revised Project). The Amended Development Application (ADA) and Response to Submissions (RTS) Report for the Revised Project was placed on public exhibition from 2 June 2021 to 31 July 2021.

The Revised Project was referred to the Independent Planning Commission (Commission) in October 2022. As part of the process, the Commission held a Public Meeting on 7 and 8 November 2022.

On 23 November, the Commission sought information from the Department of Planning and Environment (Department) and the Applicant (Daracon) on matters that have been identified by the Commission Panel. These matters were listed as a series of questions in Attachment A of their correspondence.

In light of the issues raised in the Public Meeting and the matters raised by the Commission, Daracon has further reviewed the proposed road haulage rates for the Project. **Section 2.0** of this report provides details of Daracon's further proposed reductions to road haulage rates for the Revised Project, and the rationale for these project changes.

**Section 3.0** of this report provides a response to the questions raised by the Commission.

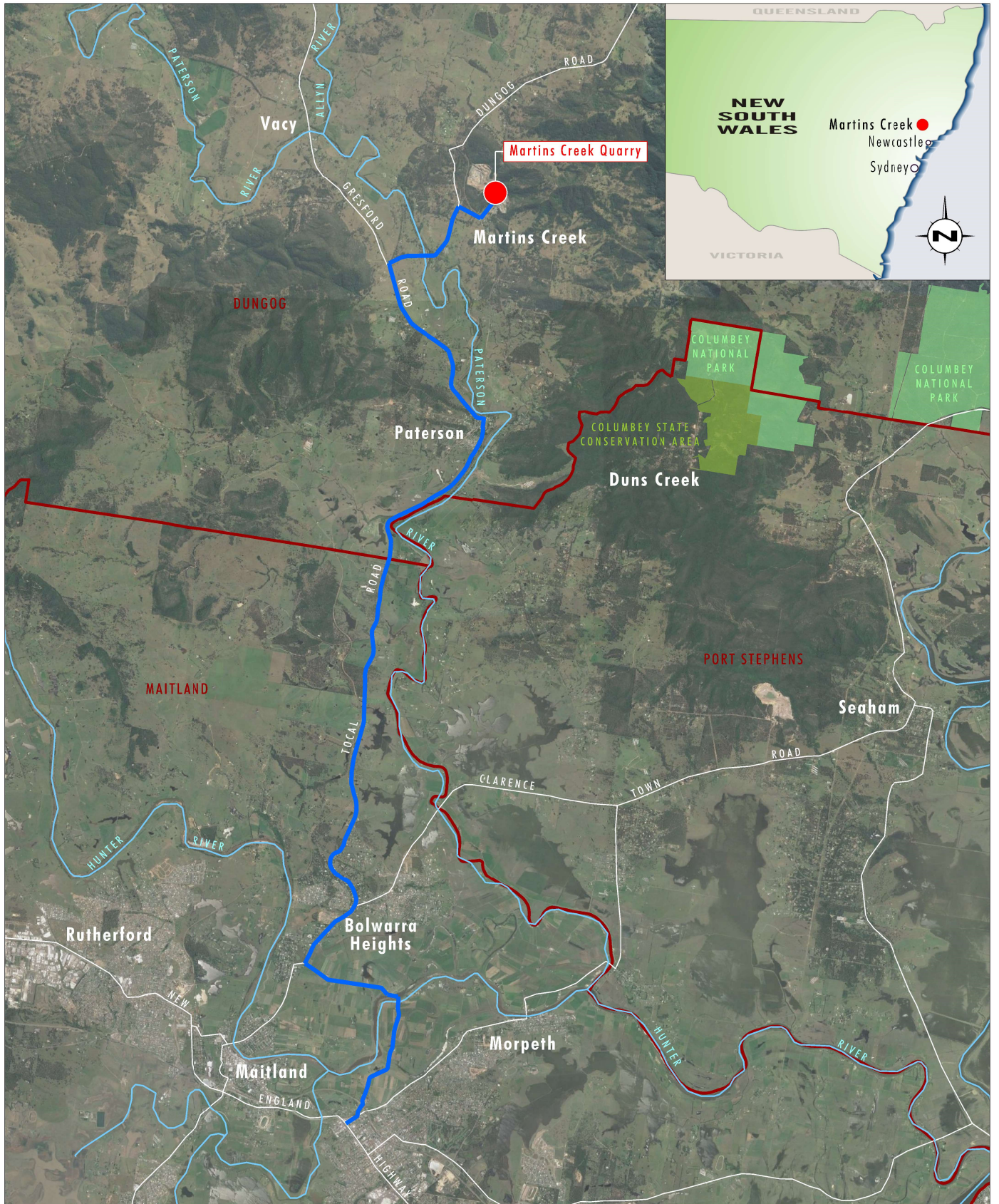


Image Source: Google Earth (2017)  
 Data Source: LPI (2019),  
 NSW National Parks and Wildlife Service (NPWS) Estate (Jan 2018)

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**Legend**

- Martins Creek Quarry
- Local Government Area Boundary
- Proposed Primary Haul Route

**FIGURE 1.1**  
**Locality Plan**

## 2.0 Proposed Project Amendments

The potential impact of proposed road haulage on amenity and community character, particularly in Paterson Village, has been a key issue of concern raised in previous community consultation and the recent Public Meeting. This section provides an outline of the proposed haulage rates in the ADA, the market drivers that influence the road haulage configuration; and the proposed further reduction to road haulage rates to further reduce potential community impacts.

### 2.1 Proposed Road Haulage Rates in ADA

In the recent Public Meeting, the Martins Creek Quarry Action Group (MCQAG) representatives and many other public submissions raised concern about road haulage through Paterson Village, with a particular focus on the lived experience during the very high volume of truck movements experienced in 2014. As presented by Mr Adam Kelly, Director, Daracon, at the Public Meeting, Daracon acknowledged that:

*We have listened to the ongoing feedback and I agree on and have personally acknowledged many times on behalf of Daracon that the truck numbers ran from the quarry in 2014 were unacceptable and we do not plan to run these total tonnes by road now or in the future.*

The revised product transport arrangements proposed in the ADA included:

- a reduction in road transportation from 1,450,000 tonnes per annum (tpa) to a maximum of 500,000 tpa
- a reduced peak daily laden trucks to 140 per day (280 movements) for up to 50 days per year, otherwise 100 laden trucks per day (200 movements). The hourly peak consists of:
  - 20 laden trucks per hour (40 movements), Monday to Friday between 7.00 am and 3.00 pm
  - 15 laden trucks per hour (30 movements), Monday to Friday between 3.00 pm and 6.00 pm.

The daily peak (maximum) laden trucks per day were proposed to be 140 per day (280 movements) to meet campaign requirements to service large regional construction projects, up to 50 days per year. The Revised Project proposed a limit of 100 laden trucks (200 movements) for the remainder of the year. Maximum truck movement parameters of 140 laden trucks per day and 20 laden trucks per hour (or 15 laden trucks between 3.00 pm and 6.00 pm) were selected to allow peak customer requirements to be met, not as a continuous level of activity throughout a year. The frequency (number of days) of these parameters occurring was limited by the Project parameter of 500,000 t being spread over a 12 month period, in line with customer requirements. Effectively this means that the average laden trucks per day would be in the order of 63/day.

### 2.2 Market Drivers Influencing Road Haulage Considerations

Daracon is proposing to continue to utilise rail haulage to supply rail network maintenance, and to supply the Sydney Metropolitan market when the extension to the on-site rail spur is constructed and planned access to a rail unloading facility in Western Sydney is secured. For this reason, the production limit of up to 1.1 Mtpa is sought for rail haulage. As discussed in **Section 3.1**, the Martins Creek Quarry is also an important resource for supply of Hunter Region construction materials. At this time, there is no viable rail

unloading facility to enable rail haulage for regional supply, and in the event that there was such a facility available, this would not avoid the need for an element of road haulage given the need to deliver product across the region. That said, Daracon is committed to continuing to explore opportunities to utilise rail haulage for regional markets.

For quarry operations, product delivery across regions is different to many other industries, including supply of coal or metalliferous products, and agricultural products, for example. Many other industries supply products to a sole destination for distribution, making rail transportation more viable and product haulage more predictable in terms of quantities and timing. Quarry operations supply the construction industry which by the very nature of the use of the product is far less predictable and may be influenced by a number of factors, including but not limited to:

- Variable product requirements, including product type, quantities and destinations.
- Customer readiness and site delays, which might be influenced by many factors in a given month, week or day, with some examples including:
  - Rain delays – for example if a road construction site receives substantial rainfall on a particular day, this may mean that planned works (and therefore construction material supply) will be halted on that day, and up to 3 or 4 following days while the road construction site dries sufficiently to meet relevant construction standard requirements for receiving and laying additional road base or asphalt pavements. Similarly, delivery of aggregate to concrete plants is delayed (albeit to a lesser extent depending on duration of rain and stockpile capacity) whilst these plants halt production, awaiting appropriately dry weather conditions for laying of concrete across all relevant types of construction.
  - Obviously, sustained rainfall periods cause cumulative delays. On average over the last 10 years, the Hunter Region has received on average 115 rain days per year and 13 rain days >20mm per year depending on location. During 2022 to date, there have been 139 to 158 rain days and 17 to 19 rain days >20mm in the Hunter Region (with the range represented by BOM data from Paterson Post Office and Nobby's Signal BOM Stations).
  - Other extreme weather events such as flooding and bushfires can cause further extended delays, depending on construction site locations, impacts on public roads etc.
  - Construction site logistics – for any construction site, there are many factors that may influence the schedule of works, such as delays in relocation of services, quality assurance or compliance matters, workforce issues, equipment supply and breakdown.
  - Quarry production logistics - similarly continuity of production from the quarry can be influenced by weather, workforce issues, equipment breakdown and many other potential issues. The cycle of construction material demands also means that generally there is more demand for materials to be delivered in the first half of the day, than in the later part of the day.

In recognition of the unpredictability of the quarrying industry and its susceptibility to external factors, hourly and daily haulage limits require some contingency, to allow for the ups and downs of construction material supply over the course of a production year. Proposed peak hourly and daily limits are the most appropriate compliance criteria as the combination of these limits caps the frequency of truck movements hourly, but also means that those peak hourly truck movements cannot occur all day. This is common



practice in the quarrying industry, with other quarries including Brandy Hill Quarry and Teralba Quarry having an allowance for contingency in their hourly limits compared to their daily limits, in the order of 100%.

For the Martins Creek Quarry, road haulage is further constrained by proposed commitments to minimise amenity impacts in Paterson Village, including:

- no road haulage of quarry product on Saturday
- no road haulage between 24 December and 1 January, inclusive
- no trucks through Paterson Village before 6.45 am
- reducing truck movements in Paterson Village between 3 – 6 pm.
- restricted haulage during significant community events which may occur on the primary haulage route, including Tocal Field Days, and funerals in Paterson Village.

On this basis, it is important to recognise that whilst the theoretical maximum number of road haul days throughout the year is in the order of 250 days, taking account of the many variables including production and construction material demand on any given week or day, it is highly likely to be many of these days on which there is limited or no road haulage.

Over the past few months, the supply constraints in the construction material market have continued to increase. As detailed further in **Section 3.1**, there is a significant shortfall of available construction material in the Hunter Region and more broadly in NSW. Daracon advise that construction industry customers are seeking to book quarry materials for projects well into 2023, in order to secure supply in a very tight market.

The ongoing supply constraints have resulted in the market adapting to limited quantities of construction materials being available and modifying construction activities accordingly, despite higher costs to the end user. Effectively, that means that for road building, subdivisions and other construction activities, there is an increased acceptance of the need to source construction material from multiple quarries and to adapt construction schedules to variable scales and frequency of delivery of construction material. This is more costly for the customer (and ultimately the end user) but provides more flexibility in planning quarry production and road haulage delivery programs. Despite the change and acceptance of the market, there is unprecedented shortages across the State. The material change in the construction industry market drivers, makes it more feasible for Martins Creek Quarry to supply regional requirements at lower daily and hourly road delivery rates.

## 2.3 Proposed Further Reductions in Road Haulage Rates

In order to reduce community impacts, and in consideration of the changing market conditions, Daracon has further considered road haulage requirements for the Revised Project.

Daracon now proposes to further limit road transportation to 450,000 tpa, including a reduction in the daily road haulage limit to no more than 80 laden trucks per day (160 movements), Monday to Friday. In addition, Daracon propose to further limit the hourly truck movements to:

- 12 laden trucks per hour (24 movements), Monday to Friday between 7.00 am and 3.00 pm
- 9 laden trucks per hour (18 movements), Monday to Friday between 3.00 pm and 6.00 pm.

The proposed further changes are in addition to previous commitments, including:

- no road haulage of quarry product on Saturday
- no road haulage between 24 December and 1 January, inclusive
- no trucks through Paterson Village before 6.45 am.

In response to community concerns, Daracon has maintained a reduced haulage rate between 3.00 pm and 6.00 pm. The reduction to a maximum of 9 laden trucks (18 movements) per hour between 3.00 pm and 6.00 pm aims to further ameliorate traffic impacts during higher activity in Paterson village and interactions with school finishing times. An allowance of up to 12 laden trucks per hour (24 movements) between 7.00 am and 3.00 pm is required to allow sufficient quarry material to be dispatched to meet regional market requirements on days when supply is possible, noting that as discussed earlier, there will likely be many hours and days when truck movements are less than these peak numbers. Based on these considerations, Daracon estimate that this will result in an annual average daily rate of 56 laden trucks (112 movements).

In summary, the proposed changes to road haulage rates are provided in **Table 2.1** below.

**Table 2.1 Proposed Reduction to Road Haulage Rates**

Component	Revised Project as per ADA	Proposed further reduced rates	Reduction
Road haulage	500,000 tpa	450,000 tpa	10% reduction
Daily road haulage limit	Peak daily laden trucks of 140 per day (280 movements) for up to 50 days per year, otherwise 100 laden trucks per day (200 movements)	80 laden trucks per day (160 movements)	43% reduction in relation to peak, otherwise 20%
Hourly road haulage limit	<ul style="list-style-type: none"> <li>• 20 laden trucks per hour (40 movements), Monday to Friday between 7.00 am and 3.00 pm</li> <li>• 15 laden trucks per hour (30 movements), Monday to Friday between 3.00 pm and 6.00 pm</li> </ul>	<ul style="list-style-type: none"> <li>• 12 laden trucks per hour (24 movements), Monday to Friday between 7.00 am and 3.00 pm</li> <li>• 9 laden trucks per hour (18 movements), Monday to Friday between 3.00 pm and 6.00 pm</li> </ul>	<ul style="list-style-type: none"> <li>• 40% reduction during 7.00 am and 3.00 pm</li> <li>• 40% reduction during 3.00 pm and 6.00 pm</li> </ul>

As the Department is aware, the quarry has previously operated under an Interim Environmental Management Plan (IEMP) put in place during the previous Court proceedings which placed limits on extraction and processing volumes, truck numbers and operating hours. The IEMP was revised between October 2018 and February 2019 to incorporate additional controls. During the period of 1 February 2019

to 24 September 2019, the quarry operated in accordance with the most recent IEMP as agreed with Dungog Shire Council. The interim provisions provided for in the IEMP included:

- no more than 90 laden trucks per day
- no more than 20 laden trucks per hour
- no more than 75,000 tonnes of product dispatched by road per two calendar month period.

It is noted that during the period of 1 February 2019 to 24 September 2019 under the IEMP, low levels of community complaint were observed. A total of six complaints were received with four relating to traffic / trucks, all of which were investigated and appropriate action undertaken where necessary. Additionally, during the Court Proceedings, the judge noted:

*I find that the carrying out of the use to the terms of the IEMP 2019 (and its previous iterations) has improved the impacts from traffic volume and noise and has managed blasting and air quality external impacts on the community to a significant degree. In some cases some of the complainants are now satisfied that the intensity of the use as it affects them is acceptable.*

Additionally, the Court took into account some Paterson residents' evidence in relation to amenity impacts and acceptable road haulage volumes. The residents' evidence indicated that the peak road haulage levels experienced during 2014 was unacceptable, but were acceptable during previous operations.

*2016/00149935 - DUNGOG SHIRE COUNCIL v HUNTER INDUSTRIAL RENTAL EQUIPMENT PTY LIMITED, Testimony from John Russell McNally:*

*Q. That's notwithstanding the increase, what you've described in your affidavit as the level of truck traffic in early 2014, correct?*

*A. Initially when we were there the level was acceptable. (pp 356-357)*

*...*

*Q. When you say you accept a reasonable level, when you give that answer, what do you tell his Honour you mean by reasonable?*

*A. Well, the start time is an issue, quarter to 6 in the morning is an issue. Reasonable level is hard really to say but you know, my - this is my personal view - 20 to 30 loaded trucks per hour, which means 60 truck movements an hour within, is within the bounds of reason. But you know, a hundred an hour, which we've experienced, is not. Convoys of 10 and 12 trucks nose to tail, ploughing through the village, in my view is not reasonable, and this is what happens. They don't, they're not spaced out evenly. They come in clusters. (pp 360-361)*

Furthermore, residents' testimony indicated that road haulage from the quarry was part of the amenity of the area.

*2016/00149935 - DUNGOG SHIRE COUNCIL v HUNTER INDUSTRIAL RENTAL EQUIPMENT PTY LIMITED, Testimony from Frederick James Brody Ashton:*

*Q. So when you purchased the house let me suggest to you that you must have accepted that noise from trucks and other vehicles would be a part of your daily life?*

*A. I did in the context that I accepted and fairly well understood the scale of the operations at the time of the purchase. In saying that, I mean I visited the property during weekdays and observed the frequency of vehicle movements, of quarry haulage through the village and I also spoke to Terry Cavanagh from the council, I think he was the environmental manager at the time and enquired as to the permitted scale of the operation and what the - Mr Cavanagh's understanding of the scale of the operation. (pp337)*

...

*Q. Could you tell his Honour please what you understood that scale to be?*

*A. My understanding at the time from the conversation with Terry Cavanagh was in the order of magnitude of 450,000 tonne per annum, was to do with the existing use rights was what Terry had told me.*

*2016/00149935 - DUNGOG SHIRE COUNCIL v HUNTER INDUSTRIAL RENTAL EQUIPMENT PTY LIMITED, Testimony from Kristy Maree Buttsworth, pp 351:*

*Q. In answering questions a few moments ago, it was suggested to you that having decided to live where you live and move there I think in 2010 that you must have accepted that noise from trucks and vehicles would be part of your daily life and I think you accepted that?*

*A. Yes, yes.*

The revised road haulage limits proposed above are less than the IEMP limits which have previously been deemed acceptable by Dungog Shire Council, the Court and some complainants as noted by the Court. Additionally, the proposed road haulage rates are generally below the previous road haulage rates experienced between 2003 and 2012 when the quarry was operated by RailCorp and the levels at which the residents' testimony indicated were acceptable. We note that Dungog Shire Council also had an agreement in place with RailCorp to transport up to 550,000 tpa in the years 2010 – 2012, just prior to Daracon taking operation of the quarry.

During the Public Meeting, Daracon representatives further heard community concern and 'lived experience' in relation to road haulage rates returning to previous rates experienced during 2012 to 2017. The proposed haulage rates proposed in the ADA and further reduced as above, are not a return to haulage rates experienced in 2012 to 2017 and in fact are substantially less than haulage rates that have occurred in most years since 2003. Many of the community submissions referred to the 'lived experience' during the 2014 – 2015 period when peak truck haul rates were 316 loads in a day, with an average of 123 loads per day. Under the IEMP, the peak daily was 88 loads in a day, with an average of 53 loads per day. Under the proposed further reduction to road haulage for the Project, the daily limit will be 80 loads per day, with an average of 56 loads per day if the quarry is to reach the overall proposed annual road haulage limit of 450,000 tpa. As outlined above, the road haulage limits now proposed are within the range that have been considered acceptable by residents on the haul route under previous operations.

## 3.0 Additional Information

### 3.1 Strategic Justification

1. Table 3-2 of the Department's Assessment Report identifies six other approved hard rock quarries within the Hunter Region that could provide significant volumes of quarry material to the regional market and which also have more direct access to the State Road network. Given the impacts of increased truck movements associated with the proposed Martins Creek Quarry project along the local road network why is this project essential to meet regional market demand?

The Department's Assessment Report identifies six other approved hard rock quarries with the capacity to provide significant volumes of high strength aggregates and construction materials within the Hunter Region, being:

- Karuah Quarry
- Karuah East Quarry
- Seaham Quarry
- Allandale Quarry
- Brandy Hill Quarry
- Teralba Quarry.

A breakdown of approved production rates from these quarries is presented in Table 3-2 in the Department's Assessment Report and reproduced as **Table 3.1** below with further details in relation to relevant supply constraints. Daracon advise that a number of the quarries noted in Table 3-2 of the Department's Assessment Report are not able to supply to the demand of the market, and in some instances are unable to operate at full production rates indicated in the table. Several local quarries have limited supply or indicated that they were at production limits earlier in the year, and this situation has not improved.

**Table 3.1 Approved Hunter Region hard rock quarries and production rates**

Quarry	Production (tap)	Comment
Martins Creek Quarry	449,000	Significantly constrained by existing consent provisions
Karuah Quarry	500,000	Combined with Karuah East Quarry – limited supply
Karuah East Quarry	1,500,000	Mainly supplies internal concrete markets, as well as asphalt market
Seaham Quarry	800,000	Majority is servicing Sydney market
Allandale Quarry	2,000,000	Limited markets – source rock not the same quality as Martins Creek for aggregate and construction materials supply

Quarry	Production (tap)	Comment
Brandy Hill Quarry	1,500,000	Primarily used for existing regional concrete plants and Sydney market
Teralba Quarry	1,200,000	Conglomerate aggregate not the same market. Source rock not the same quality for aggregate and construction materials supply
<b>TOTAL</b>	<b>7,949,000</b>	

The Hunter region currently has a significant short fall of construction material supply, with continued sourcing from other regions, including the Taree, Gunnedah, Bylong and Liverpool Plains, to supplement requirements. As a civil contractor attempting to source material from the local market, Daracon is aware that a number of local quarries are unable to supply local demand. Ongoing lack of recycled materials in the market place is adding to the pressure of providing road base from natural gravel quarries. The market has indicated that this situation will not change in the short to medium term, due to lack of supply of raw feed in this market.

Whilst approximately 8 million tonnes of potential approved quarry production is indicated in **Table 3.1**, it must be recognised that this potential capacity does not ensure that the total required construction materials are available to market. As discussed in further detail below, there are significant supply constraints in the Hunter Region. It is also important to recognise that most quarries will not produce a suite of products at the same time, and a large percentage of material extracted (up to 50% for some quarries) is a by-product or a waste product depending on the source. These by-products cannot meet the demand in the aggregate, ballast, gabion and revetment rock, and general construction materials specified for most projects.

Daracon have collated the following information on the status of production from the six quarries listed in **Table 3.1**, from available market feedback.

### **Martins Creek Quarry**

Significantly constrained by existing consent provisions. Without a new modern approval, it is uneconomical to operate, and the Martins Creek Quarry resources will not be available to supply to the market.

### **Karuah Quarry**

This quarry has nearly exhausted its resource, and minimal tonnes are being produced and sold at this time. Tonnages from this quarry in the market have been taken up by the Karuah East Quarry, with both these quarries operated by Hunter Quarries.

### **Karuah East Quarry**

Material supply from this quarry has replaced that previously supplied from the Karuah Quarry, with some expansion of production. It provides high strength hard rock materials mostly to Hunter Concrete's internal concrete plants, the asphalt industry, as well as some road base and construction materials. An email received by Daracon from Hunter Quarries on 6 October 2022 advised there was low supply available for all road base and construction materials due to high demand for civil products, exacerbated by wet weather

conditions at that time. Daracon have since been advised verbally that road base materials will not be available from this quarry until May 2023.

### **Seaham Quarry**

Boral produce aggregates from this quarry which are primarily prioritised for internal concrete markets in the Hunter and Sydney regions, particularly with the ongoing supply constraints from Boral's Peats Ridge Quarry on the Central Coast. There is limited supply of construction materials available for external customer, and the timing and capacity of availability is not reliable for the construction industry market at this point in time. Mostly, by-products are the materials currently only available to the external market.

Boral has recently advised Daracon (via email on 7/12/22) that based on limitations on available quarry material from Seaham Quarry that new orders for road base and rail ballast are not available until May 2023, and there is no precast aggregate available until June 2023. This quarry in the current environment has a maximum production capacity of approximately 1 million tonnes, and only 60% of this is premium materials, with the remainder being by-products. Essentially, all this quarry has available to sell to the external market at the moment, is crusher dust. In this recent correspondence, Boral advised Daracon that:

*It is a very difficult time at the moment, in an industry that has demand almost doubling capacity to serve. I literally say no to at least 50,000T of project orders every week, and I am declining to quote any new work that starts before May 2023.*

### **Allandale Quarry**

Both Allandale Quarry and Teralba Quarry are not high strength hard rock quarries

Allandale is used for general non specification and local government construction road base and drainage aggregate markets. These products do not usually conform to TfNSW specifications, and do not normally supply into these markets.

### **Teralba Quarry**

Teralba is a conglomerate quarry, and used for general purpose concrete (not structural or TfNSW grade) and drainage aggregates, as well as non specification and local government road bases.

Metromix have advised Daracon that they are experiencing shortages across all quarry materials, and are at capacity and unable to increase tonnages. Road bases, drainage aggregates and fills are not available until March 2023.

### **Brandy Hill**

Brandy Hill Quarry produces aggregates for Hanson's internal concrete markets in the Hunter and Sydney regions, especially with the ongoing supply constraints for Kulnura Quarry on the Central Coast. On the 5 July 2022, Hanson Australia advised Daracon and other customers that:

*Our industry continues to find itself in a state of strong growth and high demand. Demand for natural rock at our Brandy Hill Quarry has been well above expectations for the first half of 2022. As a result, we are approaching our consent limit.*

*We are forced to make some unfortunate decisions. This means that we will not be able to supply to you goods and services from the Brandy Hill Quarry for the remainder of 2022. This is effective from 1st July 2022.*

*This decision was not made lightly, and we fully appreciate the impacts to your business and the frustration that it will cause.*

The quarry has been closed to the general market since July 2022, with no indication of this changing to date.

### **Martins Creek Product Quality**

It is also noted that not all quarries produce the same product. Martins Creek Quarry has the ability to produce high quality material and products for use in rail, concrete, asphalt and general civil construction, including products to meet the specifications of Transport for NSW (TfNSW), Australian Rail Track Corporation (ARTC) and Sydney Trains. Major customers of the quarry also include airports and port authorities, and various local Councils.

The quarry provides a diverse range of products that are far more extensive than typically supplied within the hard rock quarrying industry. Often site specifications differ to that generally offered in the industry. The quarry has demonstrated sustained market demand for a range of quarry products over a number of years, including numerous regional and state significant infrastructure projects.

Generally, quarries target materials into a particular market sector. The Martins Creek Quarry produces materials for supply to all sectors, including products to the highest specified requirements. This is an important point of difference between the Martins Creek quarry and other hard rock quarry producers in the Hunter Region. As discussed in the ADA, there is a high demand for the products produced at the quarry.

The source rock at the quarry is a hard-igneous rock with analysis of fines and aggregate samples confirming suitability for a range of uses including road base, concrete manufacture, sealing aggregates and rail ballast (VGT, 2021).

Whilst the quarry primarily produces high quality ballast and aggregates, it has also focused on the design and manufacture of high-quality road pavement materials, in particular Stabilbase (RMS Dense Graded Base) and Stabilstone (RMS Heavily Bound Base). These high-quality pavement materials were previously produced during the crushing and screening process and then blended through a pugmill on site. Frequently, these materials are difficult to source readily as evidenced during 2020, 2021, and 2022 without the availability of the quarry.

### **High Demand for Quarry Products**

Since September 2019, the quarry has not supplied any significant material volumes of construction materials into the greater Hunter regional market. This has contributed to limited quarry product supply issues for the region.

Martins Creek traditionally has been a key supplier in this regional construction industry market. As regional construction industry activity continues to grow, Daracon's civil construction activities alone consume more than 1 million tonnes per annum in construction materials.



Similarly, Dungog Shire Council Mayor, John Connors, referenced that Dungog Shire Council has been unable to source gravel and road base which has delayed planned road works in the LGA (Message from the Mayor 28 Oct 2022). Mr Connors confirmed that the amount of work being undertaken across the State due to flooding and government spending has exacerbated the product shortages. Mr Connors further indicated that:

*In some instances it is impossible to get the materials with which to do the work...We run into difficulties day after day with labour, with contractors and with materials. And that is having an impact generally on our roads.*

In reference to a lack of supply in lime to complete the Hook Street roadworks in Dungog, Mr Connors indicated:

*That same type of problem is showing itself in the supply or lack of supply of gravel, of road base, and there are roadworks that are being delayed because Council is unable to secure adequate supplies of gravel. And there is no immediate solution to that problem in the Hunter apparently.*

This was reaffirmed in Mr Connors Message from the Mayor: 18 November 2022:

*...Council has been delayed by contractors, Council has been delayed by weather, by the supply of materials, and these are delays that every council throughout New South Wales is experiencing at the moment. Staff shortages, contract shortages and material shortages. They're not particular to Dungog Shire.*

The need for the product from the quarry has also been reinforced through the submissions in support of the Project. Approximately 259 of the supporting submissions relate to the need for the Project to supply the local and regional construction market. A number of these submissions were from businesses directly impacted by the shortages, including Fulton Hogan, Robson Civil Projects, Ditchfield and Redicrete. In addition, submissions were received from regional property developers effected by the increasing costs to develop residential and industrial land as a result of the increase in cost of placement of construction materials due to the ongoing shortage in the market. Business Hunter, the largest regional peak business group in Australia, representing members across all business and industry sectors, further confirms the construction material supply constraints in their submission:

*We also note all levels of government have identified infrastructure provision and civil construction as a key priority area in their strategic planning. Furthermore, the level of construction activity related to these plans is at record levels and not foreshadowed to wane for many years.*

*In this context, the quarry will provide the region with continued access to high grade products from a local source to potentially be used for projects in the Hunter region and beyond. This is of significant importance at a time when supply chains of construction materials are stretched and other sources to substitute existing supplies are not readily identified or available.*

Considering the civil and infrastructure works being prioritised in the Hunter region, there is great concern and the real possibility of the demand being unable to be met in the construction materials market.

The importance of the Martins Creek Quarry as a reliable quality resource for the region, to meet product demand and product quality requirements within the market, is also readily evident by reviewing the quarry's significant customers. These include major companies and businesses that have their own

resources in the region from which to source either hard rock quarry products, conglomerate quarry products or sand quarry products (including Boral, Hanson, Holcim, Metromix, and Redicrete).

The proposed extension of the quarry is intended for the supply of construction material to regional markets of the greater Hunter and Central Coast, local markets, major regional infrastructure and to supplement Sydney markets. The resource has been identified as regionally significant and with properties conducive to the production of concrete aggregates and construction materials to nominated specifications. The proposed development of the resource would provide for the easing and securing of future supply constraints and is considered to be an orderly and economical use of the land, optimising use of an existing quarry and processing facility with proven high quality products, with access to main road and rail transport.

### Clarification of Haulage Context for Listed Quarries

We also note that the Commission's question refers to the six quarries mentioned in **Table 3.1** as having '*more direct access to the State Road network*' and references Martins Creek Quarry road haulage as being '*along the local road network*'. To clarify, the proposed haul route for the Revised Project utilises the existing road network which has historically been utilised for product transportation from the quarry. The primary haul route utilises the Regional Road (Main Road (MR) 101) that connects from East Maitland (at the New England Highway) via Bolwarra, Paterson, Wallarobba, Wirragulla, Dungog, Dingadee and Walshpool Bridge to The Bucketts Way. Regional Roads are intended to perform an intermediate function between the main arterial network of State Roads and Council controlled Local Roads. The characterisation of MR101 as a 'local road' is not considered appropriate. To this point, Dungog Shire Council (2021) has again applied for MR 101 to be a State Road. In a previous application for the reclassification of MR 101 to a State Road, Dungog Shire Council referred to MR 101 an essential link between the quarry and the New England Highway in support of railways, roads and industry in the Hunter Region (DSC, 2014).

Further, it is noted that two of the quarries listed in Table 3-2 in the Department's Assessment Report rely on road haulage on local roads, being Brandy Hill Quarry and Teralba Quarry. Neither quarry has direct access to the State Road network and also transport product through residential areas in order to access State Roads.

**2. If the Commission grants consent to the Application, and considering the proposed works to be undertaken to the rail siding, are there reasons why it should not impose a condition requiring a greater portion of product (recommended condition A15) to be transported by rail? If so, what are these reasons?**

The Martins Creek Quarry is an important resource for supply of Hunter Region construction materials. At this time, there is no viable rail unloading facility to enable rail haulage for regional supply, effectively resulting in no immediate market availability to the region via rail distribution. In the event that there was such a facility available, this would not avoid the need for an element of road haulage given the need to deliver product across the region. Other quarries in the state that distribute their materials by rail, still have to reload onto trucks to deliver to market.

There is direct rail access from the quarry onto the Main Northern railway line. As noted in Section 1.6.4 of the ADA, to further reduce the impacts associated with transport of quarry product via road and still maintain an economically viable project, Daracon have committed to increase the amount of quarry

product transported by rail. Daracon are planning to expand rail markets and gain access to rail unloading capacity, in order to enable greater transportation of product by rail to service the Sydney market.

Currently, the quarry is constrained by available train paths on the network and train loading hours which limits movements to one train per day. To alleviate some these constraints Daracon is seeking approval to load trains 24 hours per day and to construct an extension of the existing rail spur within the East Pit, to enable the loading of trains, typically either 400 or 600 m in length (although train lengths vary). The rail spur will be extended by approximately 360 m. Daracon planned to extend the rail spur by the end of Year 4 of the Revised Project however, with the Department's recommended condition to limit production in early years, this timing would not be achievable as outlined in **Section 3.2**.

The proposed changes to the rail spur will enable the full range of quarry products produced by the quarry, not just rail ballast, to be loaded onto trains. A rail dispatch rate of 600,000 tpa equates to an average 6 to 8 trains per week depending on train length. While campaign dispatch by ARTC is regular, demand that can be met by rail transportation will vary for the construction materials market. Rail loading is proposed for 24 hours per day to allow for up to 3 trains per 24 hour period to be dispatched to cater for demand.

Based on the access to the Main Northern railway line during the day and the train cycle time into the greater Sydney Region it is anticipated that the Revised Project would normally load a maximum of two trains over a 24 hour period, one during the day and one during the evening/night time period. The third train loading during the evening or night time period would only be required occasionally to meet peak demands or to adapt to rail line capacity availability, track closures, breakdowns, etc.

Railing locally for distribution is not currently an option. Despite extensive investigation (refer to Appendix N of the ADA), there is no current feasible option to use rail logistics to supply the local and regional market for the Revised Project.

A rail served aggregate distribution hub location would require:

- a facility to unload aggregates from bottom dump wagons which can discharge at rates of over 1,000 t per hour
- the ability to stack and store products in several different segregations
- rail access to and from the facility without impacting through rail services
- road access to the freeway network
- suitable buffers from residential zones and neighbours which allows for 24 hour a day seven days a week operation
- bulk storage areas for each segregation of product for a minimum of one week's production. Note that demand is weather dependent, but the rail logistics supply chain is not, leading to the facility risking becoming stock bound during periods of wet weather.

The assessment completed indicated that there are currently no suitable and existing operating rail receipt terminals for aggregate in the Hunter Region.

Whilst rail transport has a clear operating cost advantage over road transport for long haul operations, the capital cost of the rail receipt plant and the inability to achieve multiple cycles in a 24 hour period (due to

rail network congestion, passenger priority and loading/unloading site operating restrictions) makes rail transport expensive over short distances with small volumes. In order for the quarry to be commercially viable, it must be able to service the regional construction material markets.

In response to Question 8 below (refer to **Section 3.2**), it is also noted that production is anticipated to be limited prior to the completion of proposed road upgrades. If this limit was to be consistent with the currently approved 150,000 t road haulage limit, the rail spur extension would be delayed by approximately 2 to 4 years. As such, Daracon would be unable to maximise rail haulage for that period of time.

The Revised Project has been carefully designed in order to provide for increased rail transportation. This however, is reliant on road haulage in the early years of the Revised Project in order to allow for the rail spur extension and access to rail markets. An increase in rail transportation without the rail spur extension would be difficult and likely have greater impacts on the local community. The current configuration of the rail spur requires trains to be split for loading, and thereby there is increased shunting and train noise compared to when the new rail spur is in place. The current facility does not provide for efficient train loading and therefore limits the number of trains that can feasibly be loaded to one per day.

The rail spur extension provides for more efficient rail loading, of multiple products, and significantly reduces potential noise impacts, at Station Street and other nearest Martins Creek Village residences. Night-time rail loading is needed to provide for rail loading of up to three trains per day, and this is only feasible with the rail spur extension where loading would be undertaken further from residences in Station Street.

Without an approval in place, Daracon has been unable to confirm the quantum of future rail markets. Daracon have committed to continuing to explore opportunities to increase rail transportation from the quarry. As such, Daracon will aim to maximise rail transportation and proportionally reduce road transportation if possible in the future. The now proposed road haulage limit of 450,000 tpa will remain the upper limit, and Daracon seeks approval to transport up to 1.1 Mtpa by rail, in anticipation of potential future market and rail logistics potential to continue to increase the volume transported by rail, over time.

As noted in **Section 2.0**, the proposed road haulage limits are consistent or less than those operated under during the IEMP which was generally considered appropriate by Dungog Shire Council and the Court.

Road haulage for regional development is an important use for the quarry material. Ecologically Sustainable Development (ESD) is one of a number of objectives of the EP&A Act. ESD requires the integration of economic and environmental considerations in decision making processes. In terms of ESD, the local and regional communities should be able to benefit from the quarry product, rather than it being consumed entirely by the Sydney market. It is important for local and regional communities, to have adequate supply of construction materials for sustainable infrastructure and development to continue to be delivered to meet community needs. There is also a cost benefit to local and regional markets having road based delivery rather than double handling for rail based delivery.

## 3.2 Transport and Haul Route

3. The Commission notes the judgment of *CEAL Limited v Minister for Planning & Ors* [2007] NSWLEC 3021, in which the Court refused consent to a proposed sand and hard rock quarry at Ardmore Park. The Commission appreciates that all development applications should be treated on their merits. However, the Commission notes the reasoning adopted by the Court in that judgment with reference to the number of truck movements, the haulage route and people living along the haulage route. What is the Applicant's view as to whether the Commission should or should not adopt the reasoning adopted by the Court in that judgment – and why?

**Attachment 1** provides legal opinion provided by McCullough Robertson on the CEAL Decision and the rationale as to why the reasoning adopted by the Court in that judgement should not be adopted for the Martins Creek Quarry Project.

As indicated in the Commission's request, it is a well-established planning law principle that each development application is to be considered and assessed on its own merit. Whilst the Commission has acknowledged this principle in its request, it would be erroneous for the Commission to give consideration to the CEAL Decision in its assessment of the Martins Creek Project for the reasons set out below.

The decision in *Woolcott Group Pty Ltd v Rostry Pty Ltd* (Woolcott Decision) provides recent relevant guidance on this principle, with the NSW Land and Environment Court holding that prior decisions of the Court had no particular relevance to the Court's determination in a matter involving a poultry farm and issues about impacts from truck traffic through a small town. The Woolcott Decision specifically refers to the CEAL Decision and reiterates that development applications are to be considered on their own merits and that it is 'often unhelpful and entirely irrelevant to compare one decision of the Court to another' (refer to **Attachment 1**).

Notwithstanding the above, as per legal opinion in **Attachment 1**, there are a number of key aspects that differentiate the Martins Creek Project from the CEAL Decision, including:

- The CEAL Decision was a greenfield site whereas the Project is a brownfield development pertaining to a quarry that has been in operation for more than 100 years.
- Bungonia, the village relevant to the CEAL Decision, is comparatively different to Paterson village in terms of population, and context in relation to MR 101 and the Main Northern Rail Line and amenity.
- The applicable planning scheme, including the objectives of the zone, are different to those referred to in the CEAL decision.
- The adequacy and appropriateness of the proposed haul route, including the assessment of alternative haul routes.
- The Ardmore Park quarry application did not include or assess necessary road upgrades. The Project includes road upgrade works and associated impacts have been properly considered and assessed.
- Road noise levels would be entirely new and disruptive to the 'quiet ambience' and overall character of the existing Bungonia village whereas the quarry is well established and the Project will not result in unacceptable noise impact along the haul route.

- The CEAL Decision arose following the Minister for Planning having refused the development application. The Department, who has undertaken its own assessment of the Project, has recommended its approval.

The full legal opinion is included in **Attachment 1** and states:

*When a comparative exercise is undertaken, it clearly demonstrates that the reasoning adopted by the Court in the CEAL Decision with reference to the number of truck movements, the haulage route and people living along the haulage route, has no bearing or relevance on the assessment of the Application. As such, the merit based reasoning applied in the CEAL Decision cannot be readily nor reasonably applied to the Project.*

Refer to **Attachment 1** for further details.

Further, **Attachment 1** references case studies that demonstrate situations where development consent has been granted for quarry projects that involve substantial truck haulage on local roads. There are a number of quarries throughout NSW that transport product on local road networks through rural villages, rural residential areas, and/or lower density fringe urban areas, for example Brandy Hill Quarry and Teralba Quarry in the Hunter Region. In considering the context of these quarries, it can be demonstrated that Martins Creek Quarry is not unique and, in some instances, has less potential for impact than other quarries with comparatively recent development approval updates.

A number of quarries utilise local road networks, rather than Regional Roads, to access State Roads or Highways. For example:

- Teralba Quarry uses a number of local roads, including Rhondda Road and York Street, Teralba. Approximately 4 km of Rhondda Road used by Teralba Quarry includes steep winding sections of local road.
- Brandy Hill Quarry has two primary haul routes that traverse the rural residential areas, using a number of local roads, including Brandy Hill Road and Clarencetown Road, in addition to sharing a portion of haul route with Martins Creek Quarry. Brandy Hill Quarry travels between 11 km (Clarencetown Road) and 15 km (Brandy Hill Road) on local roads before reaching a State Road or Highway. The Brandy Hill Road route passes through rural residential precincts of Brandy Hill and Nelsons Plains and the small village of Woodville, which would be more akin to Bungonia than Paterson Village.

Unlike the Martins Creek Quarry commitment, these two other quarries are able to haul product via road on Saturdays, including on local roads through rural residential and smaller rural or urban fringe settlements. For example, Teralba Quarry is approved under its most recent approval modification in 2018 (MP10\_0183-Mod 1) to dispatch up to 85 laden trucks per day eastwards through Teralba (York Street) Monday to Saturday. The main street of Teralba includes residential areas, cafes, and creative art and antique spaces, attracting visitors, particularly on weekends. Brandy Hill Quarry is approved to dispatch up to 600 movements per day Monday to Saturday, including 24 movements between 6:00 am and 7:00 am, 60 movements per hour between 7:00 am and 6:00 pm and 10 movements per hour between 6:00 pm and 10:00 pm, on up to 20 evenings per calendar year.

While the Martins Creek Quarry haul route traverses through two Heritage Conservation Areas (HCAs), Brandy Hill Quarry currently transports through one of those and the Teralba Quarry approval allows road

haulage through the historical village of Teralba which is a proposed HCA (adopted by Council on 8 August 2022).

The above case studies in relation to Brandy Hill Quarry and Teralba Quarry demonstrate that it is not uncommon for quarry developments to be located in close proximity to rural villages and communities and consequently it is inevitable that these quarry developments will need to haul product on the local road network through these villages and rural residential areas. In this regard, whilst the haul route for Martins Creek Quarry has been utilised for many decades, road haulage from Martins Creek Quarry is not a new impact to communities located along the haul route. That said, Daracon has recognised that the amenity impacts on Paterson village is of key concern, and has proposed to further reduce proposed haulage rates as follows:

- further limit road transportation to 450,000 tpa, including a reduction in the daily road haulage limit to no more than 80 laden trucks per day (160 movements), Monday to Friday
- further limit the hourly truck movements to:
  - 12 laden trucks per hour (24 movements), Monday to Friday between 7.00 am and 3.00 pm
  - 9 laden trucks per hour (18 movements), Monday to Friday between 3.00 pm and 6.00 pm.

The proposed further changes are in addition to previous commitments, including:

- no road haulage of quarry product on Saturday
- no road haulage between 24 December and 1 January, inclusive
- no trucks through Paterson Village before 6.45 am.

**4. Submissions presented to the Commission note that given the predicted frequency of truck movements and the characteristics of the towns and residential development along the proposed haul route, the development could result in long-term adverse impacts on the amenity and character of these communities. Noting the 25-year life of the proposal, how have intergenerational factors been measured and what are the probable outcomes of these impacts over the life of the project?**

The Revised Project is within an area which has been subject to quarrying since the early 1900s, with this quarrying activity coexisting with neighbouring land uses for over 100 years. The Project would expand the historic quarrying activities and provide for continued supply and utilisation of high quality quarry product from the existing quarry site.

As outlined in the ADA Report, the land surrounding the quarry and along the haul route is primarily small villages, rural residential and small rural holdings. The haul route utilises the existing road network which has historically been utilised for product transportation from the quarry. Importantly, the proposed new quarry access road effectively bypasses Martins Creek Village, avoiding local roads to access the Regional Road (MR 101).

Further, the haul route primarily utilises a Regional Road (MR 101) that connects from East Maitland (at the New England Highway) via Bolwarra, Paterson, Wallarobba, Wirragulla, Dungog, Dingadee and Walshpool Bridge to The Bucketts Way. Regional Roads are intended to perform an intermediate function between the

main arterial network of State Roads and Council controlled Local Roads. As discussed in **Section 3.1**, there is a current application for MR 101 to be converted to a State Road.

The Social Impact Assessment (SIA) documents the generally agreed international principles relating to SIA (Vanclay, 2003) include the identification of social impacts as the matters affecting, directly or indirectly, among other things, people's fears and aspirations, that is their perceptions about their safety, their fears about the future of their community, and their aspirations for their future and the future of their children. The overall summary of the social impacts provided at Section 7.11 of the SIA for the Revised Project then acknowledges that fears and aspirations relate to one or a combination of the social impact categories, and that for the purpose of the SIA that all of the identified impacts fall within the fears and aspirations category.

The SIA also documents (based on engagement outcomes and documentary research and review):

- historical and current community issues, values and aspirations at a regional level and local level
- aspects that stakeholders, including Paterson residents, have identified that they value most about living in the area
- key attributes and values of importance to them including strengths of their communities and what they liked about living in the area, e.g. sense of community, quality of life and culture and heritage
- aspirations and priorities for the future as identified within relevant strategic planning documents (refer to Section 5.12 of the SIA).

The SIA also acknowledges the historical character of Paterson and the fact that it was this character that had attracted a number of the village's residents to the areas in the first place, the desire of community stakeholders not to lose the rural atmosphere in the future and also concerns for their future as a result of impacts arising from the Project.

The SIA considers how the social impacts are distributed within the current generation and the key strengths and vulnerabilities for the key study area communities and the Dungog LGA more broadly (refer to Table 5.36 of the SIA).

In light of the identified values, aspirations and context of the affected communities, most notably Paterson village, the SIA considered that there would likely be ongoing impacts on and changes to amenity and character as a result of the Project. This has been acknowledged in the SIA in Section 6.3.

It is understood that perceived impacts of the community are influenced by the 'lived experiences' of residents' along the haul route. This must however be put into context. The 'lived experiences' referenced generally relate to the operations during 2014 which Daracon has acknowledged was unacceptable (refer to **Section 2.1**). Based on consultation feedback and residents' testimony, the 'lived experience' during the Railcorp road haulage was acceptable.

In relation to the now proposed road haulage limits (as identified in **Section 2.3**), there would be minimal change to amenity beyond what has been previously experienced by the residents along the haul route during RailCorp operations. In fact, given the reduced haulage rates and extensive suite of management and mitigation measures proposed by Daracon, the impacts are likely to be less than what has been experienced during the 2002 to 2011 period in which RailCorp operated at similar or higher haulage rates.



As discussed in **Section 2.0**, there is acknowledgement from some residents that were affected by peak road haulage rates in 2014, that the influence of truck movements through Paterson village has been an accepted influence on the amenity in Paterson village for some time, and that a return to road haulage rates similar to those that which occurred during RailCorp operations would be acceptable.

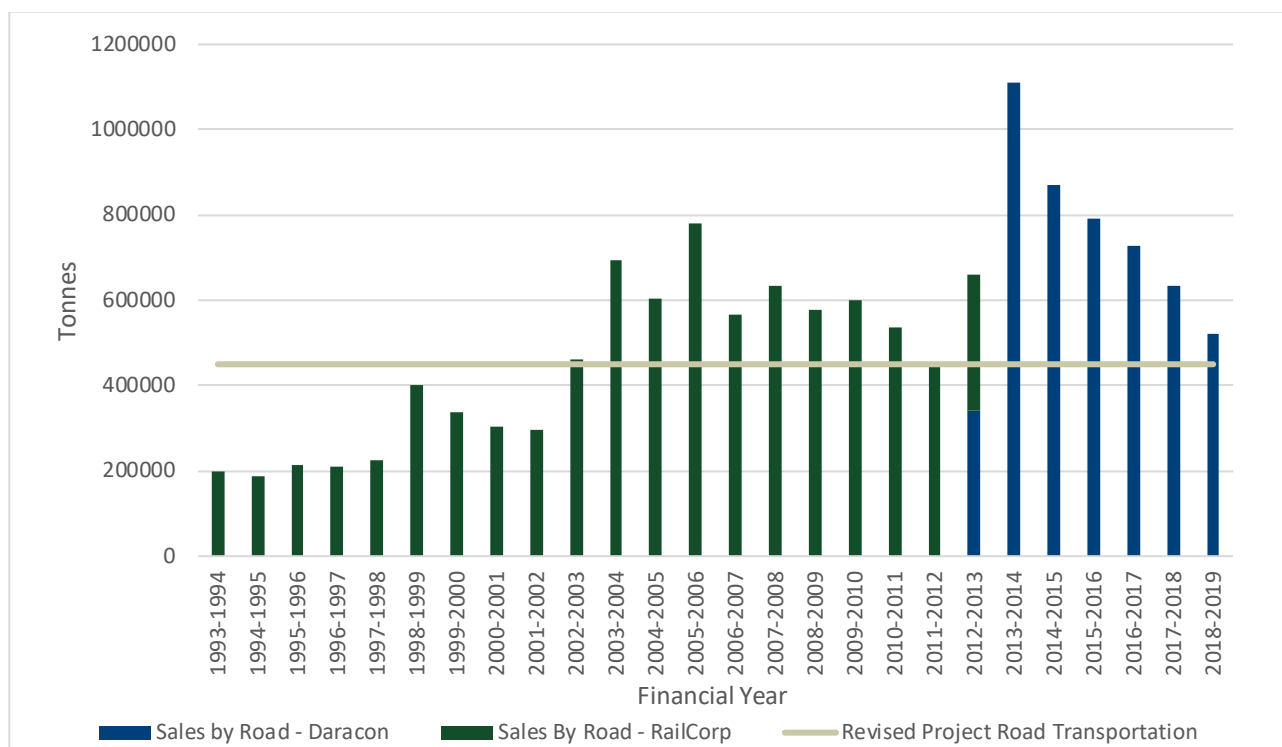
As outlined the ADA Report and further in **Section 2.0**, Daracon has made significant changes to the Project in response to identified community concerns. As discussed in **Section 2.0**, these proposed changes now include a substantial further reduction to the peak daily and hourly road haulage rates which further minimises impacts along the haulage route. These further reductions result in road haulage rates to that are similar to, and for most years, substantially less than those that were experienced since 2002/03.

Community submissions and consultation activities throughout the history of the Project assessment process, including consultation undertaken for the SIA, have referred to the desire for haulage rates to be reduced, to a level that has previously been experienced. For example, in the Martins Creek Quarry Action Group (MCQAG) Supplementary Objection dated 16 December 2016 submitted in response to the Original Project EIS, MQCAG indicated that:

*10. Our committee seeks that the facility be required to operate on a more reasonable scale than that asserted within the EIS and that it continues to coexist within the communities that surround the site and the haulage routes.*

*66. To date, the quarry and village community have co-existed given the previous size and scale of past quarry operations. However, the significant scale of the current proposal would result in more severe social impacts, resulting in impacts on local tourism and local businesses.*

Given the constant nature of the quarry in the region for over 100 years, its operation including road haulage is part of the region's context. The proposed road transportation limit of 450,000 tpa returns road haulage volumes to a level that is not inconsistent with road haulage volumes occurring prior to Daracon securing its licence in 2012 (refer to **Figure 3.1**). **Figure 3.1** illustrates that road transportation volumes proposed for the Project are less than those previously transported by RailCorp in all but one year through the period of 2003-2004 to 2010-2011. Throughout the assessment process for the Project, the community indicated that the haulage rates prior to Daracon securing the licence to the quarry had been acceptable. As outlined in **Section 2.3**, these levels were deemed acceptable by residents' Court testimony.



**Figure 3.1 Historical Road Tonnages – 1993 to 2019**

Other key changes were also made to road haulage, specifically in relation to no haulage on weekends. As per the response for Question 6, the community strongly objected to road haulage on weekends in relation to impacts on local tourism and local businesses.

The use of Paterson village in the afternoon period was also a consideration in terms of road haulage limits and reducing impacts on the functioning of the village as an activity centre. Daracon has committed to a reduction in truck movements in the period between 3.00pm and 6.00pm Monday to Friday in recognition that Paterson village generally has more activity in that period.

Detailed assessments have been undertaken on amenity issues associated with road transportation in the ADA, albeit at a road haulage rate of 500,000 tpa and higher daily and hourly rates given the further refinements outlined in **Section 2.0**. Key findings in relation to impacts on the amenity and character of communities along the haul route are outlined below.

- Overall, the current road network is assessed to be generally satisfactory for road safety issues.
- The TIA found that the traffic movements associated with the Revised Project will have an acceptable impact upon the overall operation of the principal intersections along the primary haul route. Whilst the two signalised intersections are predicted to suffer from increasing delays, this would be due to the continual traffic growth along the New England Highway in this location rather than a direct impact of the Revised Project.

- Road noise is predicted to comply with relevant criteria except for an exceedance of the relevant criteria at one receiver where it was not already calculated to exceed the criteria with the baseline traffic levels. Where the criteria are already exceeded or is predicted to be exceeded the predicted increase in road traffic noise due to the quarry trucks is predicted to be less than 2 dB. The Road Noise Policy states that noise level increases of up to 2 dB are considered barely perceptible to the average person.
- The proposed works at the King/Duke Street intersection will be at-grade, or close to at-grade, meaning that they will not be readily visible within general views to or within the Paterson Heritage Conservation Area (HCA) or individually listed heritage items. Existing kerbs, gutters and footpaths are contemporary and their re-alignment and reconstruction in a like-for-like manner will not result in any adverse visual impacts to the existing aesthetic significance or general visual presentation of the HCA or listed heritage items located therein.
- Adverse impacts on heritage items in the Paterson HCA associated with traffic induced vibration are considered to be unlikely given the controls to be implemented by Daracon and the contributions towards road maintenance.
- Air quality emissions are predicted to remain well below the nominated NSW Environment Protection Authority criteria and are therefore unlikely to lead to any adverse air quality impacts.

Intergenerational equity is based on the principle that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations. It requires that the needs and requirements of today's generations do not compromise the needs and requirements of future generations in terms of health, biodiversity and productivity.

The objectives of the Project in terms of intergenerational equity include:

- provision of a long-term secure supply of quality hard rock construction material, including rail ballast, to the local and regional market. Current construction material supply is severely constrained (refer to **Section 3.1**)
- economic recovery of hard rock material within the quarry licenced areas held by Daracon, maximising operational efficiencies within the quarry site whilst aiming to minimise environmental and social amenity impacts
- minimising social amenity, traffic and transport, noise, dust and visual impacts on the surrounding community over the life of the proposed quarry operations
- rehabilitation of the site at the cessation of the Project
- flexibility and contingency to adapt to future market and specification requirements
- flexibility and contingency for unplanned events (excessive rainfall, geological variation, changes to bench or slope stability, etc)
- enhancement and ongoing relationships with the local community through development of effective communication channels and ongoing involvement in the form of employment and community contributions

- contribute to the local, regional and State economies through capital expenditure, employment and economic supply of construction materials.

A modern project approval provides certainty to all stakeholders including the community, authorities, the quarry operator, and the market. The existing 1991 consent is inadequate, uncertain, and does not provide clear operating parameters, lacks contemporary controls, and has created many challenges for all stakeholders in relation to interpretation of compliance requirements. The granting of a modern consent will provide certainty for sustainable development for the next 25 years.

The Project further includes a range of environmental and social management and control measures in relation to traffic and transport, noise, air quality, cultural heritage values and community sustainability (refer to Section 8.0 of the ADA). These measures will mitigate the predicted impacts of the Project and maintain the health, diversity and productivity of the environment for future generations.

Furthermore, the Project is projected to generate significant economic benefits for both the State and local region which is expected to contribute to the wealth of both current and future generations. As outlined in the ADA and **Section 3.1**, the continued supply of construction materials in the Hunter Region is severely constrained and the Martins Creek Quarry is a key source of supply of a range of quality construction materials that are essential to delivery of essential infrastructure and sustained economic development consistent with regional and state plans. The Project will also make a significant contribution to maintaining services in the community through the direct and flow on effects of employee and operational expenditure and through development contributions in accordance with the EP&A Act.

Daracon has made significant efforts to minimise impacts associated with the Project. It is considered that the social impacts of the Project have been minimised where possible through project design and the proposed management and enhancement approaches. Intergenerational factors have been considered and have been a driver in the project design. As outlined above and in the ADA, there will also be a number of positive intergenerational outcomes associated with the Project. The Project will not compromise the needs and requirements of future generations in terms of health, biodiversity or productivity.

**5. How do the recommended conditions ensure that those most directly impacted by road transport are targeted by the proposed mitigation measures, including but not limited to social impact mitigation measures? What measures are in place for continuous improvement of mitigation measures over the life of the project?**

Following detailed analysis of Agency and community feedback and subsequent stakeholder engagement, Daracon has committed to a number of key project design changes and additional mitigation and management measures to minimise the Revised Project's environmental and social amenity impacts. This has included a proposed new access road, reductions in proposed extraction limits, changes to quarry operating hours, reduced road transportation volumes and times, increased rail transportation, and a reduced disturbance area.

In order for the quarry to be feasible, it must be able to service the local and regional construction material markets and be commercially sustainable. In comparison to the Original Project and the ADA, Daracon has made substantial reductions to the proposed road transportation haulage to reduce social amenity impacts.

The recommended conditions are considered best practice conditions of consent and provide Daracon and the community certainty in relation to the limits of the Project. Importantly, the recommended conditions have captured many of the key commitments from Daracon in relation key mitigation measures intended to improve social impacts, including but not limited to:

- product transport arrangements
- construction and use of a new access road and bridge crossing from Dungog Road, over the North Coast rail line, to allow for all heavy vehicle movements via the new access
- improvements at the Dungog Road and Gresford Road intersection and the King and Duke Street intersection (within the village of Paterson)
- upgrades to the approach to Gostwyck Bridge
- establishment of noise bunds and noise attenuation of the existing fixed processing plant with further upgrades and replacements to reduce noise and air quality impacts.

Those most directly impacted by proposed road transport are residents on Station Street and Grace Avenue in Martins Creek village, Paterson village and rural residents located closest to the Primary Haul Route. In addition, the experience of all users of the relevant sections of MR 101 have been an important consideration together with cumulative road traffic impacts in the suburban areas of Maitland LGA, including Bolwarra.

One of the key mitigation measures for direct impacts in Martins Creek is the new main site access. The Revised Project proposes a new access to the quarry on Dungog Road which will remove all quarry related trucks from Station Street and Grace Street in Martins Creek. The new site access effectively bypasses Martins Creek village and removes road haulage from a local road to a regional road. The use of Station Street and Grace Street will only be used by light vehicles in an emergency event once the new site access has been constructed. The Department's Recommended Condition B39 requires that:

*The Applicant must as soon as is reasonable and feasible, and no later than two years following the date of commencement of development, construct the new quarry access road intersection off Dungog Road as described in the EIS, unless otherwise agreed by the Planning Secretary.*

For all users of the Primary Haul Route, the proposed road upgrades are an important impact mitigation measure. Recommended Condition B40 requires that:

*The Applicant must as soon as is reasonable and feasible, and no later than 18 months following the date of commencement of development:*

*(a) upgrade the approach to Gostwyck Bridge;*

*(b) upgrade the Dungog Road and Gresford Road intersection; and*

*(c) upgrade the King Street and Duke Street intersection, as described in the EIS.*

Recommended condition A16 captures the permissible operating hours for different activities associated with the Project. Importantly, this condition reflects key commitments Daracon has made directly in response to community requests, including:

- no road haulage of quarry products on Saturdays (or Sundays and public holidays) or between 24 December and 1 January, inclusive
- no quarry trucks through Paterson prior to 6.45am Monday to Friday.

These mitigation measures, captured by recommended condition A16, relate directly to the social amenity of residents along the haul route, in particular Paterson village.

Recommended condition B44 also provides for a comprehensive Traffic Management Plan to be prepared in consultation with TfNSW, Dungog Shire Council and Maitland City Council to the satisfaction of the Planning Secretary. Daracon would not be able commence construction or quarrying operations until the Traffic Management Plan is approved by the Planning Secretary. Condition B44 specifies that mitigation measures to be implemented include:

- ensure compliance with the traffic operating conditions and other traffic related conditions of this consent
- manage the traffic impacts from contractors and subcontractors
- minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school bus operations
- minimise the transmission of dust and tracking of material onto the surface of public roads from vehicles exiting the site
- trial and evaluate a self-imposed speed limit of 40 km/hour for trucks travelling through Paterson
- avoid trucks travelling through Paterson prior to 6:45 am
- monitor driver behaviour
- participate in transport management investigations initiated by Dungog Shire Council or Maitland City Council.

The Traffic Management Plan would also include the Drivers' Code of Conduct that includes procedures to ensure that drivers:

- adhere to posted speed limits or other required travelling speeds
- adhere to designated transport routes and travel times
- implement safe and quiet driving practices.

In addition, recommended Transport Operating Condition (B43) provide for Daracon to:

- ensure that all laden trucks entering or exiting the site have their loads covered
- ensure that no trucks or other heavy vehicles arrive at the site prior to 7:00 am
- take all reasonable steps to minimise traffic safety issues and disruption to local road users

- take all reasonable steps to ensure that appropriate signage is displayed on all trucks used to transport quarry products from the development so they can be easily identified by other road users.

Further, recommended Condition B65 requires a Social Impact Management Plan (SIMP) for the development, to be developed in consultation with Dungog Shire Council, the Community Consultative Committee (CCC) and affected stakeholders (including Martins Creek, Vacy and Paterson residents) and other interested parties, to the greatest extent practicable. Amongst other requirements, this SIMP must:

- include a summary of the social baseline and assessment of social impacts and risks, including the social impact ratings
- include a Stakeholder Engagement Strategy including details about proposed communications with relevant stakeholders, particularly focussed on the Paterson and Martins Creek communities and including local services providers
- describe the measures that would be implemented to enhance positive social impacts from the development
- describe the measures that would be implemented to manage and mitigate negative social impacts, including:
  - Near Neighbours Impact Management Framework - incorporating a community benefit program, particularly focussed on the Paterson and Martins Creek communities
  - Local Services Provision Framework
- include a program to monitor, review and report on the effectiveness of these measures including:
  - identifying performance indicators, incorporating a trigger-action-response-plan
  - three-yearly independent surveys of current community attitudes concerning the development (unless the Planning Secretary agrees to less frequent surveys)
  - procedures for analysing and comparing the results of monitoring and surveys against the predicted social impacts and results of previous monitoring and surveys
  - adaptive strategies throughout the life of the development (i.e. construction, operations and closure)
  - undertaking additional research, if necessary, to address new or changed social risks and impacts.

The Revised Project has been through a number of refinements in order to reduce impacts on affected stakeholders where possible and then considered a range of mitigation and management measures, such as reduced truck movements during particular windows of time, reduced speed limits and reviews and updates to the drivers code of conduct.

The SIA has also considered, assessed and documented the anticipated residual impacts by locality by the implementation of refinements and key mitigation measures to identify those localities / areas that are predicted will experience a higher level of impact. The resulting documentation of impacts at Section 7.0 and Table 7.35 of the SIA identifies that there are some community members that will still be more greatly affected than others.

The SIA outcomes will therefore be used, in conjunction with continued consultation with affected stakeholders, to inform the preparation of the SIMP with the SIMP in turn including a program for the ongoing analysis of social risks and opportunities arising from the Project and therefore the ability to modify / adapt proposed mitigation and management measures should they be required due to changes in affected communities and how they are being impacted, new issues arising, etc.

Consultation activities to be undertaken to support the preparation of a SIMP will also seek to identify any further stakeholder identified strategies that may be to be considered in the management of social impacts and again this consultation will seek to involve stakeholders from different Project-affected locations.

Measurable and defined targets and actions for monitoring, reporting, auditing and reviewing progress, are required along with a commitment to measure results and report on these.

Should it be approved, ongoing engagement with the community over the life of the Project would be essential to establish the necessary mechanisms for feedback and adaptive management of adverse social impacts. Daracon has already engaged a Community Relations Officer to facilitate this ongoing engagement and to continue to establish relationships between the local community and Daracon personnel to enable the process of feedback and input to occur. As Project development proceeds, resourcing requirements would be reviewed to ensure the effective delivery of Daracon's commitments with regards to ongoing community engagement.

The Department's recommended conditions in Part D of the draft development consent provide stringent requirements for management, monitoring and reporting of performance of the development against compliance requirements. Importantly, these conditions provide very specific requirements for continuous improvement in relation to all management plan requirements including a program to monitor and report on the:

- impacts and environmental performance of the development
- effectiveness of the management measures
- a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible
- a program to investigate and implement ways to improve the environmental performance of the development over time
- a protocol for managing and reporting any:
  - incident, non-compliance or exceedance of the impact assessment criteria or performance criteria
  - complaint
- failure to comply with statutory requirements
- a protocol for periodic review of the plan.

The above management monitoring activities and associated government and community involvement in this process will provide for a rigorous program of evaluation and continuous improvement of mitigation measures over the life of the Project. The outcomes of the engagement and monitoring will be reported



annually through publicly available reporting in order to keep the community informed, maintain transparency, and to remain accountable to all relevant stakeholders.

**6. Submissions to the Commission identified a risk that the ongoing haulage of quarry products by road could affect the commercial viability of businesses along the primary haulage route including in and around Paterson. What evidence is there that this will not occur?**

Local businesses, including those within Paterson, were involved in SIA consultation activities including but not limited to:

- the then CBC Bed & Breakfast & Café (now the Paterson Lodge)
- Court House Hotel
- Dillon & Sons (Dungog)
- Paterson Public School
- Tilly's Childcare Centre
- Tocal College
- Paterson Auto Repairs
- Paterson Gallery
- Paterson Tavern
- Stockers and Partridge
- Stylz on Track Hairdresser.

During discussions with a number of these businesses, concerns were raised with regards to impacts being experienced by their business and therefore, ultimately that their livelihood.

Many of those consulted felt that the quarry and associated trucks were causing decline of business in Paterson due to noise, increased safety issues, decreased ability to walk around village and issues with parking. These impacts were seen to cause a reduction in the amenity of the village and deterring people from shopping in Paterson. There was also particular reference to concerns regarding a loss of tourism revenue.

*It's a lovely quiet little town and can be quite busy with visitors on the weekends, which keeps us afloat in this area.*

However as identified above, community submissions and consultation activities throughout the recent history of the Project, including consultation undertaken specifically during the preparation of the ADA and associated SIA, referred to the desire for haulage rates to be reduced, and in particular for these to be reduced on a Saturday to preserve the tourism values and visitation to Paterson and surrounding areas on weekends and the protect the characteristics of Paterson village. For example, in the MCQAG

Supplementary Objection dated 16 December 2016 submitted in response to the Original Project EIS, MQCAG indicated that:

**64:** *The MCQ Proposal has the potential to significantly change the characteristics of the village as a **weekend tourist destination**, particularly if trucks are allowed to transport product from the quarry to the market through the town on Saturday.*

**82:** *Should the Minister, contrary to our submissions, be inclined to grant consent to the development application we respectfully request the following conditions to be incorporated into any new consent over the site.... Operating hours onsite be limited to 7am to 5pm Monday to Friday and nil operations Saturday and Sunday: **to mitigate early morning sleep impacts and to preserve tourism values and visitation to the areas on weekends.***

Survey of 10 business owners based in Paterson and including hospitality, retail and sales, community and health services, were also undertaken by MCQAG and appended to the MCAQG Supplementary Objection). These surveys suggested a range of potential strategies that were considered by consulted businesses to manage impacts of the Original Project and again these included reductions or capping truck numbers through Paterson per day, nominated hours for truck movements and no movements during weekends.

It was noted by one Paterson accommodation owner at the time of SIA engagement activities that 95% of their business was linked to weddings and that while visitation rates due to weddings had been significantly impacted by COVID, Daracon's proposed change in quarry operating hours (later morning starts and no haulage on a Saturday) was seen to be a positive move to assist and reduce the likelihood for patrons to leave early.

The above suggests that perceptions with regards to traffic impacts on business revenue, included a particular focus on truck movements on a Saturday and that in the absence of these, impacts on the weekend tourism activities within Paterson may be reduced.

This is supported by the fact that following additional Project commitments in relation to changes to quarry operating hours, the proposal to cease road haulage on Saturdays was seen to be a positive Project design change by a large number of stakeholders consulted with some improvements also noted:

*Trucks at decent times during the weekdays are acceptable, just. Trucks late at night and on weekends is unjust, cruel and a sign of greed (SIA, Section 6.3.1.4)*

At one of the Traffic Consultative Assessment Forums held as a part of the SIA consultation activities (on 24 July 2019) it was also noted at the time that under the IEMP that:

*Paterson is a different place now that we have no truck movements [on a Saturday] (SIA, Section 4.5.1).*

As identified at **Section 2.3**, further reductions in road haulage are now proposed which will bring rates of haulage to be less than with those under the most recent IEMP that had restricted movements to no more than 90 laden trucks per day (versus the now proposed 80 laden trucks per day) and no more than 20 laden trucks per hour (versus the now proposed 12 laden trucks) per hour between 7am and 3pm.

Mr Neil Ritchie noted in his submission delivered at the IPC Public Meeting on 7 November 2022 that:

*...under the current interim orders, new owners took them [businesses in Paterson] over and have kept those businesses going.*

Robyn Burgmann's submission also referred to the fact that she and her husband had started their business, the Paterson Service Station, in 1989 and that they had been able to grow their business over the past 10 years from a "country servo and mechanical repairs" to a "busy café and gift shop". This growth has been during a period where Daracon had been actively hauling through Paterson, for a number of years at rates higher than that currently proposed. At the Public Meeting, a number of community members spoke to the number of businesses in Paterson. These businesses have remained viable despite continued road haulage through Paterson.

While consultation with businesses for the SIA did not collect specific information with regards to current income levels and patronage, the Department's recommended condition for a SIMP describes the measures that would be implemented to manage and mitigate negative social impacts. One of these measures includes a Local Services Provision Framework which will require the inclusion of mechanisms to mitigate impacts on local service providers and businesses trading in goods and services along haul roads, e.g. hospitality, tourism, etc. and those located in Paterson village itself.

It is intended that this Framework be informed by the preparation of business survey which sets a baseline for existing commercial context prior to the commencement of activities, i.e. type of business; length of time of operation; opening hours; number of customers / visitors per day; average business income, number of employees by type.

Information collected via this survey and included within the Framework will assist in the tracking of any impacts on businesses and the effectiveness of proposed refinements such as reduced truck movements through Paterson during the afternoons and on weekends, and to allow for the identification of impacts on business and changing nature of these and allow for adaptive management should unexpected impacts arise.

**7. In reference to paragraph 94 of the Department's Assessment Report, how was the conclusion reached that the impacts of the increased road haulage associated with the Application on road users, including cyclists, school bus passengers, and pedestrians, present an acceptable level of risk?**

A comprehensive Traffic Impact Assessment (TIA) (refer to Appendix C of the ADA) was prepared by Seca Solutions Pty Ltd (SECA, 2021) to assess the road traffic impacts of the Revised Project. The assessment was undertaken in accordance with the Secretary's Environmental Assessment Requirements (SEARs) for the Original Project (dated 4 August 2016), the Austroads Guide to Traffic Management, the Road Design Guide and Guide to Traffic Generating Developments published by the Roads and Maritime Service (RMS)/Transport for NSW (TfNSW). The assessment updated the previous traffic assessment that was prepared for the Original Project (SECA, 2016), and addressed agency submissions relating to the 2016 TIA.

Accident data provided by TfNSW (refer to Appendix C of the ADA) showed that the overall number of accidents are low with no reportable accidents identified to be associated with the operations of the quarry. In addition, Daracon have confirmed that since operating the quarry there have been no record of any reportable or significant accidents associated with the truck movements in and out of the quarry site along the haul route.

The TIA has indicated that overall the current road network is assessed to be generally satisfactory for road safety issues, with the key road network issues being those identified above. The TIA further indicated that the Revised Project is not expected to have any adverse impacts on the safety of the road network or other road users. The TIA also shows that the key intersections would continue to operate at current capacity with the implementation of the Revised Project.

Road improvement works are proposed as part of the Revised Project to alleviate existing road safety concerns and improve traffic flow. These will be designed in consultation with the relevant road authorities and in accordance with Austroads Guidelines. The proposed road works (detailed in Section 2.8.2 of the ADA) will provide the following benefits to be experienced with the Revised Project:

- New main site access – a new access to the quarry on Dungog Road will remove all quarry related trucks from Station Street and Grace Street and the existing access will only be used by vehicles in an emergency event.
- Gresford/Dungog Road intersection – will provide a sheltered right turn lane on Gresford Road to improve road safety, by reducing or eliminating the potential for rear end type accidents. The upgrade will direct all through traffic to steer to the left of any vehicle waiting to turn right at this location. This upgrade is in line with RMS/TfNSW policy (RMS Publication 17.336 version 2.0 dated 31/8/2017) which no longer permits Rural Type AUR intersection controls and requires a Rural CHR type intersection. The upgrade will further extend the acceleration lane improving road safety.
- King and Duke Street intersection – upgrade the 90-degree bend in Paterson with a refresh of the diving line marking through the intersection to delineate and separate opposing traffic. The upgrade will allow for the relocation of the driveway on the north side of the intersection to improve space allocation for on street parking.
- Gostwyck Bridge approach upgrade – the upgrade will allow for the realignment of Dungog Road by incorporating a series of curves to raise driver awareness and associated new line marking, as well as Vehicle Activated Signage (VAS) alerting drivers approaching the bridge to reduce speed.

In addition, Daracon has committed to implement a range of driver conduct and other traffic controls (as outlined in Section 6.3.5 of the ADA) to further mitigate any potential road safety impact to be associated with trucks from the Revised Project.

In light of noted concerns regarding the safety of existing school bus routes and possible interactions between buses and heavy vehicles, a review of local school bus services and routes was also undertaken (refer to Appendix O of the ADA Report). There are a number of primary schools in the local area including Paterson Public School, Martins Creek Primary School, Vacy Public School and Bolwarra Public School which all use local bus services with secondary aged school students typically travelling further afield to high schools within the Maitland local government area (LGA) and even as far as Newcastle.

There are three main school bus service operators with routes that include the proposed quarry haulage route with Hunter Valley Buses, Linq Bus Lines and Grace Coaches all having a number of pickup and drop-off points for their school buses that are along the Revised Project's haulage route. There are a high number of informal school bus stops along the haulage route which are generally agreed between bus operators and parents, and are not sign posted or developed as formal bus stops.

Discussions with the above local bus companies undertaken during the preparation of the SIA have revealed that to date there have not been any incidents with trucks or near misses reported. Feedback from the bus companies that was relevant to the Project assisted in shaping proposed mitigation measures, including specific provisions in the Drivers Code of Conduct, and Daracon's commitment to contribute to bus bay considerations, as outlined below

The Social CAF raised concern over bus stop locations in Paterson. This issue was also raised in discussions with Dungog Shire Council during VPA discussions, as an existing issue regardless of quarry trucks. The minutes of the meeting with Dungog Shire Council record that Daracon have offered \$80,000 to contribute to works for the public transport including 'Improvement of the safety and comfort for students and bus users throughout the township of Paterson. To reduce the need for parents and students to wait in cars near bus stops, which will reduce congestion around bus stops'.

The TIA indicates that the Revised Project is not expected to adversely impact on public transport, or the safety of pedestrians and cyclists using the primary haul route and is not anticipated to have any adverse impact on the structure of the Gostwyck Bridge due to the proposed number of truck movements over the bridge. A report on the structural integrity of Gostwyck Bridge was completed in consultation with TfNSW and the outcomes accepted by TfNSW.

There are currently no pedestrian or cyclist's facilities provided along the majority of the length of the local roads associated with the current haulage routes for the quarry outside of the urban areas. This is typical of the rural setting and is reflective of the on-site observed low demand for pedestrians or cyclists.

The TIA indicated for other minor routes utilised by Martins Creek Quarry, the majority of the roads are in rural areas with no footpaths or cyclist facilities, reflective of the low demands by pedestrians or cyclists observed. Within the local town centres e.g. Dungog there are footpaths provided within the central business district only, reflective of the higher demands in these areas. In the rural settings for the roads, the distance between urban centres discourages casual cycling use and cyclists using these rural roads are generally more proficient and accepting of the rural environment for cycling. Roads around Martins Creek and Paterson appeal to weekend riders as part of a casual ride who are more confident of riding bikes in these environments. These riders typically ride at the weekend and less so during the week.

Daracon has considered input from the Traffic and Transport forums along with outcomes of broader engagement activities with community and other stakeholders and identified a number of additional mitigation measures to assist in the reduction of potential traffic impacts. These are in addition to measures that had already been implemented by Daracon. The key strategies to support the management of truck movement and associated traffic related impacts are to be contained within:

- Driver Code of Conduct
- Traffic Management Plan.

While a Driver Code of Conduct had previously been in existence for the quarry, following the Traffic and Transport CAF, Daracon published a revised Driver Code of Conduct on the Martins Creek Quarry page of the Daracon company website and has agreed to the continued consideration of any comments or feedback received from the community on this document. The Code of Conduct applies to all trucks travelling to and from the quarry and outlines actions to minimise the impact of Daracon's operations on the community and environment including, but not limited to:

- limitations on hours with which trucks may travel through Paterson and Martins Creek (6.45 am and 7 am respectively)
- enforcement of truck speed limits:
  - 40 km/hr through Paterson, Bolwarra and Vacy
  - 20 km/hr on Station St Martins Creek
- no access to the quarry via Martins Creek Rd and Cory St
- trucks not to travel in convoy
- restricted use of compression breaking within East Maitland, Brandy Hill, Bolwarra, Paterson and Martins Creek or any other residential areas unless necessary for safety reasons
- covering of truck loads and ensuring that all loose debris is removed prior to leaving the quarry site and again after unloading
- conducting regular monitoring, spot checks and observation of driver behaviour.

The Code of Conduct also reinforces the need for drivers to demonstrate increased vigilance in areas of high pedestrian and vehicle activity and in particular at school bus drop off and collection points along the haul route and through the townships.

Daracon is committed to regular reviews of this Code of Conduct and the inclusion of new traffic and transport mitigation measures identified as appropriate and to regularly communicate these measures to all drivers via driver toolbox talks and induction activities and to regularly monitor compliance of the Code of Conduct's implementation.

Additional proposed inclusions to the currently existing Code of Conduct include:

- Truck speed limits of 20-25 km/hr when travelling through the intersection of King and Duke Streets in Paterson.
- Requiring the reporting of any identified substantial road pavement irregularities within Paterson with these reports being passed onto both the Dungog Shire Council and Maitland City Council for attention.
- Regular and ongoing engagement with bus companies to allow for the identification and implementation of reasonable and feasible measures to manage interactions between buses and quarry trucks such as the identification of bus stops along the haul route and education of truck drivers as to the location of these to further increase awareness and enhance safe driving practices in their vicinity. This is particularly important given the regular changing nature of these due to families moving, changing schools etc. Related to this, Daracon will also investigate implementation of a system to identify rural bus stop pick up points i.e. stencil or paint markers as physical reminder to drivers that there is potential for children and parents to be close/adjacent to the road at school bus times.
- Reminder to drivers of the legal requirement to slow to 40 km/hr when approaching a bus with flashing lights whether the bus is stationary or moving (Transport for NSW 2017).

Should the Revised Project be approved, Daracon has also committed to:

- further monitor driver conduct and truck convoying including fleet management technologies and GPS monitoring for both Daracon and non-Daracon vehicles
- investigating options for the establishment of truck parking bays and consultation with the community on potential locations for these
- seeking to establish road maintenance contributions with Dungog Shire Council and Maitland City Council to further mitigate any impacts on the road pavement, and therefore road safety, resulting from the transport of product associated with the Revised Project
- providing advance community and key stakeholder (e.g. Dungog Shire Council and the Environment Protection Authority) advice in accordance with any emergency response plan enacted by the relevant State or National authority in the event that Daracon is called upon to assist in providing quarry material in response to an emergency event
- planning quarry activities, and revise haulage as required, around days when there is expected to be extra traffic within Paterson, i.e. due to a funeral or pre-arranged significant community events, e.g. Total Field days, car show events. Daracon's Community Liaison Representative will maintain links to key community groups and local service providers to identify such events and their timing. It is also anticipated that given the quarry will no longer operate on Saturdays that interactions with other Paterson based community events is to be limited
- further reductions of truck movements between 3-6pm every week day to now 9 laden / 20 truck movements in acknowledgement that there is extra traffic within built up areas and along the haulage route during these hours due largely to school pick up times, after school and community based activities and people leaving their workplace
- investigation of relocation of the existing Paterson bus stop near the CBC Bed and Breakfast Café in collaboration with Dungog Shire Council
- establishment of a Camera Monitoring Station at the King and Duke Street Intersection in Paterson Village to enable identification of relevant trucks associated with any complaints or enquiries
- maintaining regular communications with Hanson via its Daracon Community Liaison Representative with the equivalent role within Hanson to identify ongoing issues of community concern, possible cumulative issues and joint responses to these.

In addition to the above measures, while previous consultation with TfNSW indicates that Paterson does not meet the criteria for a pedestrian crossing and no particular option (i.e. crosswalk vs no crosswalk) has been supported during consultation activities to date, Daracon have proposed this as an option and would be supportive of contributing to the establishment of a pedestrian crossing in Paterson, or other works to upgrade pedestrian amenity, should Dungog Shire Council support it as a part of the Voluntary Planning Agreement (VPA) considerations, and TfNSW approve these measures, as relevant. Further, Daracon have offered to contribute to upgrade of the footpaths in King and Duke Streets, Paterson, as part of VPA considerations.

In consideration of the previous lack of accidents during quarry operations, detailed assessments undertaken in accordance with the SEARs, proposed mitigation measures and further reductions in road haulage levels, the impacts of the increased road haulage associated with the Revised Project presents acceptable level of risk on road users, including cyclists, school bus passengers, and pedestrians.

**8. If the Commission grants consent to the Application, are there reasons why it should not impose a condition requiring the proposed road upgrades and transport mitigation measures to be in place prior to the commencement of any increase in road haulage of quarry product?**

Daracon have committed to a number of road upgrades, as noted in the Department's recommended condition B40, including:

- upgrade the approach to Gostwyck Bridge
- upgrade the Dungog Road and Gresford Road intersection
- upgrade the King Street and Duke Street intersection.

To be clear, consistent with recommended Condition B40, Daracon's preference is to design and construct the road upgrades within 18 months of project approval, subject to gaining relevant Roads Act approvals from Dungog Shire Council.

Based on the Public Meeting and Dungog Shire Council's meeting with the Commission, it is understood that there is concern in relation allowing increased road haulage prior to the road upgrades being completed.

When considering this matter, it is important to recognise that under the previous IEMP, Daracon was able to transport up to 450,000 tpa via road on the existing network. The IEMP was supported by Dungog Shire Council and there were no recorded safety incidents during that time. Dungog Shire Council also had an agreement in place with RailCorp to transport up to 550,000 tpa by road in the years 2010 – 2012, just prior to Daracon taking operation of the quarry.

Under the existing development consent, the quarry currently can transport product by road provided that not greatly more than 30% of material per annum is transported by truck. The Court judgement was that the total extraction is limited by the terms of the EPL being 500,000 tonnes, and thereby approximately 150,000 tpa is deemed to be the currently approved limit for road haulage.

The current draft conditions recommended by the Department provide for a limit of 250,000 tpa until such time as the road upgrades are completed. Daracon supports this limit as it goes some way to addressing market need for product available at the quarry; greater quantities have been transported in the past; allows more material for the market and also allows for the extraction and transport of quarry product to facilitate the proposed rail spur extension. As previously discussed with the Department and the Commission, the rail spur extension requires the extraction of approximately 800,000 tonnes of quarry product to provide for its construction. Limiting the annual production from the quarry will delay the ability to extract this resource and as a result delay the rail spur extension. The rail spur extension is required to allow greater access to the rail market.

That said, should the Revised Project be approved, Daracon accepts that road haulage may be limited to the currently approved limit of 150,000 tpa until the road upgrades are completed. This will likely result in the proposed rail spur extension being delayed by approximately 2-4 years (i.e. 6 to 8 years to commission new rail spur extension) and would limit access to rail markets until that time.



The retention of at least a continuing road transport limit of 150,000 tpa until such time as the road works have been completed is important to allow continued operations from the quarry to provide for some material to the market, while providing for quarrying required to facilitate the rail spur extension.

**9. When servicing local projects, trucks will utilise other local roads outside the primary haul route. How are local projects defined? What portion of total proposed product hauled by road would this comprise, and how will this be monitored and reported?**

The target resource of the quarry has been identified as regionally significant. The focus of regional road haulage will be to service significant regional projects, such as:

- Inner City Bypass – Jesmond to Rankin Park
- Muswellbrook Bypass
- Singleton Bypass
- Hexham Straights upgrade
- M1 – Beresfield to Raymond Terrace
- Williamtown runway widening.

To be clear, these regional projects and other regional projects will be accessed via the proposed primary haul route. Local projects are defined as projects that are located between the proposed quarry site and the New England Highway, or within Dungog LGA, to the north of the quarry.

Road haulage to local projects will optimise the use of the Primary Haul Route at all times, accessing the local road system in a manner that minimises the travel on local roads. For local deliveries in Dungog LGA, north of the quarry, use of MR101 will be optimised in a similar manner.

The majority of quarry products are, and will continue to be, sold to regional and state markets. It is estimated that only 5-10% of annual production will be delivered locally. Further, it is important to recognise that all of the relevant Driver Code of Conduct and other relevant road haulage controls will apply to travel along the Primary Haul Route and to the travel to and from local delivery sites. These controls include recording planned destinations for road hauled material, GPS monitoring of trucks travelling to and from local delivery locations, and regular reporting of road haulage on Daracon's website.

The Departments recommended conditions include the requirement for a Traffic Management Plan, and relevant parameters and controls for local deliveries will be outlined in that Plan. This plan requires consultation with both Dungog Shire Council and Maitland City Council, which will include further definition of the management of local deliveries. It is important to also appreciate that any construction material haulage to any local road works or subdivisions will also be controlled by the relevant development controls for those works (including any developer contributions to that council for that development).

It is not intended that quarry would service a substantial amount of local projects. Allowance for local deliveries was sought as part of the Project to provide a supply of construction material to appropriate projects and / or works nearby that could logically be supplied by the quarry. For example, road base materials provided within the Dungog Shire LGA or a new sub-division within the Dungog LGA or in those

portions of Maitland or Port Stephens LGA that adjoin and most efficiently accessed via the Primary Haul Route. It is also noted that Brandy Hill Quarry approved by the Commission in 2020 has allowance for local deliveries. Their management plan provides for: 'local deliveries may use alternate routes, though this is not expected to be a regular requirement'. By way of example, it is understood that Brandy Hill Quarry is currently supplying a local concrete plant at Dungog.

We firmly believe that providing a source of construction material locally is far more sustainable than such material being transported from outside the locality. It is not only the most energy efficient and cost effective way to deliver the material, it minimises the cumulative impacts on local and regional communities. For example, it is understood that Dungog Shire Council works have sourced quarry material from quarries such as Allandale Quarry and Possum Brush Quarry. Allandale Quarry is located in Keinbah approximately 48 km southwest (direct line) of the quarry. Product being supplied to Dungog Shire Council from Allandale Quarry would generally utilise some of the same road network that would be used by the Martins Creek Quarry but travel far more distance. Possum Brush Quarry is located in proximity to the Pacific Highway, near Taree, approximately 85 kilometres northeast (direct line) of the quarry. Local deliveries from the quarry would provide far shorter travel distance and would generally be more sustainable.

The proposed development does not rely on local deliveries for the quarry to be economically feasible, and these local deliveries could be excluded if the Commission has a preference to do so. However, we believe this would be a perverse outcome for the local community and not consistent with the principles of sustainable development.

## 4.0 References

Dungog Shire Council, Great Lakes Council, Maitland City Council (DSC), 2014. *Joint Submission for the reclassification of MR 101 to State Road*

Dungog Shire Council (DSC), 2021. *Infrastructure Funding Priorities, Critical Road and Infrastructure Priorities*

SECA Solution (SECA), 2021. *Martins Creek Quarry Traffic Assessment*



**ATTACHMENT 1**

**Legal Opinion**

Partner Kate Swain  
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Email kswain@mccullough.com.au  
Our reference KJS:155962-5

8 December 2022

Adam Kelly  
Daracon Group  
20 Kullara Close  
Beresfield NSW 2322

**Email Adam.Kelly@daracon.com.au**

Dear Adam

## **Martins Creek Quarry Project (SSD-6612) – Independent Planning Commission’s Request for Information**

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1 We refer to the Request for Information received from the NSW Independent Planning Commission (**IPC**) dated 23 November 2022 (**Request**) in relation to the State Significant Development application for the Martins Creek Quarry Project (SSD-6612) (**Application**). You have specifically requested our advice regarding whether previous planning decisions made in respect of other quarry projects should be considered by the IPC in their determination of the Application.

### **Background**

- 2 The Application is currently before the IPC for determination and relates to the Martins Creek Quarry, being an existing hard rock quarry located within the Dungog Local Government Area, approximately 7km north of Paterson in the Upper Hunter region of NSW. We understand that the Martins Creek Quarry was first established in 1914 and has been operated continuously by various NSW Government entities until late 2012, when Buttai Gravel Pty Ltd (part of the Daracon Group) took over these operations.
- 3 The Application seeks approval for the consolidation of existing development consents relating to the Martins Creek Quarry and the expansion of the quarry into new areas to extract, process and transport up to 1.1 million tonnes per annum of quarry material over a 25-year period (**the Project**).
- 4 The Request seeks certain information from the NSW Department of Planning and Environment (**Department**) relating to the Application, including the following information referenced at paragraph 3 of the Request, relating to the Project’s transport and haul route:

*"The Commission notes the Decision of CEAL Limited v Minister for Planning & Ors [2007] NSWLEC 3021, in which the Court refused consent to a proposed sand and hard rock quarry at Ardmore Park. The Commission appreciates that all development applications should be treated on their merits. However, the Commission notes the reasoning adopted by the Court in that Decision with reference to the number of truck movements, the haulage route and people living along the haulage route. What is the Applicant’s view as to whether the Commission should or should not adopt the reasoning adopted by the Court in that Decision – and why?"*

5 The Request states that any written response provided by 9 December 2022 will be considered by the IPC.

## Advice Sought

- 6 Having regard to the IPC's reference to the decision of *CEAL Limited v Minister for Planning & Ors* [2007] NSWLEC 3021 (**CEAL Decision**), our advice is sought with respect to the relevance of this decision and the weight that may be attributed to the CEAL Decision when the IPC is determining the Application.

## Consideration of the Application on its own merit

- 7 It is a well-established planning law principle that each development application is to be considered and assessed on its own merit.<sup>1</sup> Whilst the IPC has acknowledged this principle in its Request, it would be erroneous for the IPC to give consideration to the CEAL Decision in its assessment of the Application.
- 8 The decision in *Woolcott Group Pty Ltd v Rostry Pty Ltd* (**Woolcott Decision**)<sup>2</sup> provides recent relevant guidance on this principle, with the NSW Land and Environment Court (**Court**) holding with respect to a development application that sought approval for a poultry farm that, in assessing the impacts from truck traffic through a small town, no regard was to be had to similar decisions previously made. Coincidentally, the Woolcott Decision specifically refers to the CEAL Decision and reiterates that development applications are to be considered on their own merits and not compared to any other factually similar cases, commenting at [155]:

*'Ultimately, each case must turn on its own facts and it is often unhelpful and entirely irrelevant to compare one decision of the Court with another as the objector invites me to do in this case. For example, the Court's particular determination in CEAL Limited v Minister for Planning & Ors [2007] NSWLEC 302) that 24 B double trucks was too many in an application for a quarry - in an entirely different local government area - has no particular relevance to the case at hand about a poultry farms operation.'*

- 9 The Court went on to note that consideration of prior decisions, such as the CEAL Decision, is only relevant to the extent the case may offer useful commentary on legal principles. It is important to note that consideration of such legal principles are matters entirely separate to the merit based considerations referenced in the Request by the IPC.

## Comparison Exercise

- 10 Notwithstanding the above, in the event that the IPC is still minded to erroneously take the CEAL Decision into account, then the IPC should note that key aspects of the proposed Project can be distinguished from the development that was the subject of the CEAL Decision.
- 11 When a comparative exercise is undertaken, it clearly demonstrates that the reasoning adopted by the Court in the CEAL Decision with reference to the number of truck movements, the haulage route and people living along the haulage route, has no bearing or relevance on the assessment of the Application. As such, the merit based reasoning applied in the CEAL Decision cannot be readily nor reasonably applied to the Project.

## Greenfield versus brownfield development

- 12 Firstly, it is important to recognise that the site that was the subject of the CEAL Decision was a greenfield development. The development application in question sought approval for the establishment of a new sand and hard rock quarry at Ardmore Park. It was proposed that quarry trucks would travel through the village of Bungonia, and onward along Jerrara Road to the Hume Highway. It follows that any impacts arising out of this particular proposal, be that traffic related or otherwise, would be new to

<sup>1</sup> See *Goldin & Anor v Minister for Transport Administering the Ports Corporatisation and Waterways Management Act 1995* (2002) 121 LGERA 101 [34]

<sup>2</sup> *Woolcott Group Pty Ltd v Rostry Pty Ltd*<sup>2</sup> [2016] NSWLEC 1113 at [155].

the surrounding village of Bungonia which was to be the proposed route for the quarry trucks from the site.

- 13 In contrast, the Application seeks approval for a brownfield development pertaining to a quarry that has been in operation for more than 100 years. Whilst the proposed development will result in additional traffic movements along the primary haulage route (including through the villages Paterson, Bolwarra Heights, Bolwarra and East Maitland), much of the impacts associated with this Project have been experienced for many years by local residents pursuant to existing development consents. As the Department has recognised in their Assessment Report dated October 2022, the proposed annual road haulage limit is not largely dissimilar to the historical road transportation rates undertaken by the Martins Creek Quarry.

#### The locality and people living along the haul route

- 14 The local village of Bungonia that surrounded the relevant Ardmore Park site at the time the CEAL Decision was published comprised a very small population of 31 people according to the 2001 census. The wider area around Bungonia, stretching from as far as Tallong to the edge of Marulan, accommodated 255 people.
- 15 By comparison, the locality within which the Project site exists is the much larger village of Paterson, with a population of 2,069 persons according to 2021 census data. The site itself sits along a Main Road (MR) 101 with the Main Northern Rail Line passing through it. Whilst Ardmore Park had no rail line in place at the time of the CEAL Decision, the Project is able to utilise a mix of road and rail transport options to manage traffic and amenity impacts.

#### Haulage route

- 16 A key issue in the CEAL Decision pertained to the adequacy and appropriateness of the proposed haul route. The applicant, CEAL Limited, conceded that the existing local road infrastructure that was to be used as the haulage route, was inadequate and CEAL Limited failed to formulate a proposal that would adequately address this. The significant road upgrades required included the following:
- (a) widening the haul route to a 6m sealed carriageway with 1m shoulders, each shoulder being sealed to a width of 0.5m;
  - (b) within Bungonia village, widening the haul route to a 7m sealed carriageway with 1m shoulders, each shoulder being sealed to a width of 0.5m;
  - (c) widening three culverts at certain identified locations along the haul route to a total barrier to barrier width of 8m;
  - (d) widening three bridges at certain identified locations along the haul route to a total barrier to barrier width of 8m and one bridge to a total barrier to barrier width of 7.5m; and
  - (e) centre and edge lining of the haul route.
- 17 Critically, none of these local road upgrade works formed part of CEAL Limited's development application. Rather, the applicant sought to defer this aspect of the proposal entirely. The Court considered that the relevant haul route to the Hume Highway, with respect to both its adequacy and capacity to be upgraded without causing unacceptable environmental impacts, was a fundamental component of the quarry development proposed. CEAL Limited's proposal sought to defer consideration of this matter to a subsequent development application, which would require the Court to accept an additional 48 articulated trucks between the hours of 7am and 6pm on the local roads in Bungonia village, without having the power to impose a condition on the consent requiring such upgrading works to be undertaken. The Court held that this proposal was unacceptable as it would impede the proper assessment of the proposed quarry, the operation of which was interdependent on the haul route and the upgrade works required.

- 18 The abovementioned impediment to the granting of consent to the quarry at Ardmore Park does not apply to the Project. Firstly, the Application expressly incorporates within its development application a proposal to undertake several road upgrades and to implement mitigation and management measures in order to minimise the Project's traffic and transport impacts. We understand that such road upgrade works include the following:
- (a) construction and use of a new access road and bridge crossing from Dungog Road, over the North Coast rail line, to allow for all heavy vehicle movements via the new access;
  - (b) improvements at the Dungog Road and Gresford Road intersection;
  - (c) improvements to the King and Duke Street intersection (within the village of Paterson); and
  - (d) upgrades to the approach to Gostwyck Bridge.
- 19 This means that, contrary to the circumstances applicable to the CEAL Decision, the acceptability of such upgrade works and their associated impacts have been properly considered and assessed by the proponent and the Department. The upgrade works will also have negligible environmental impact as they are generally proposed to be undertaken within the existing road corridors. Importantly, the IPC has the power to impose appropriate conditions to require such works to be undertaken, such as those recommended by the Department that require Buttai Gravel to prepare a Traffic Management Plan and undertake road upgrades prior to the commencement of full-scale road haulage activities under the recommended consent.

#### Road Noise

- 20 Another feature of the CEAL Decision that undermines its relevance with respect to the Project relates to the projected road noise impacts.
- 21 In the CEAL Decision it is evident that road noise was a key amenity issue that influenced the Court's decision, particularly with respect to King Street (the primary road through the village of Bungonia). The Court considered that the maintenance of the amenity of King Street was important, making the following observations:

*"The quarry vehicles, by reason of their size, frequency and routine presence through the village, would be likely to adversely affect the relationship between the main residential area and the available community facilities. The pleasant ambience of those public places also would be dramatically altered for all but the most fleeting visitor. So too would the pleasant ambience of the outdoor areas of the properties fronting King Street, which I am satisfied makes an important contribution to the enjoyment of life of the people residing there. Becoming part of a dedicated haul route to the Hume Highway would fundamentally alter the character of the village, visually, acoustically and by reference to the less tangible qualities that contribute to that character – the quiet ambience, the pleasant pedestrian environment absent formal and defined pedestrian paths, the easy and free flowing relationship between the main area of residential development and the park, and the capacity to fully use and enjoy outdoor spaces. Compliance with the ECRTN, the 200 vehicles per hour environmental goal referred to by Mr Hallam and vibration criteria does not remove these real and direct impacts of the quarry on the village of Bungonia."*

- 22 As noted above, in the context of a greenfield development such as that which was the subject of the CEAL Decision, the impact of truck noises despite their compliance with the Environmental Criteria for Road Traffic Noise (ECRTN), was a key amenity issue. This was so in circumstances where the anticipated truck noise levels would be entirely new and disruptive to the 'quiet ambience' and overall character of the existing Bungonia village. It followed that in this context, the proposed haul route and truck levels were considered unacceptable.



- 23 As stated above, the Martins Creek Quarry is a well-established quarry and we understand, having regard to the assessment undertaken to date by experts engaged by Buttai Gravel and the Department's own assessment, that the Project will not result in unacceptable impacts because of the additional traffic volumes that it will generate.

#### Support for Project

- 24 As a final observation, it is also relevant to note that the CEAL Decision arose following the Minister for Planning having refused CEAL Limited's development application and the applicant unsuccessfully appealing this decision to the Court.
- 25 On the other hand, the Project has the support of the Department who has undertaken its own assessment of the Application and recommended its approval by the IPC.
- 26 In summary, in response to the IPC's Request we are of the opinion that it would be erroneous for the IPC to give any weight to the CEAL Decision in its determination of the Application. Nonetheless, if the IPC is still minded to consider the CEAL Decision, then we emphasize that there are material differences between the two developments which means that the Project is clearly distinguishable from the development that was the subject of the CEAL Decision.

#### Comparative Case Studies

- 27 In addition to the above comparison between the development the subject of the CEAL Decision and the Project and despite the conclusions reached by the Court in the Woolcott Decision, we note that if the IPC is still minded to draw comparisons with other developments, then the following case studies demonstrate where development consent has been granted for quarry projects that involve substantial truck haulage on local roads.
- 28 There are a number of quarries throughout NSW that transport product on local road networks through rural villages, rural residential areas, and/or lower density fringe urban areas, for example Brandy Hill Quarry and Teralba Quarry in the Hunter Region. In considering the context of these quarries, it can be demonstrated that Martins Creek Quarry is not unique and in some instances has less potential for impact than other approved quarries with comparatively recent development approval updates.
- 29 Specifically, these quarries utilise local road networks, rather than Regional Roads, to access State Roads or Highways. For example:
- (a) Teralba Quarry uses a number of local roads, including Rhondda Road and York Street, Teralba. Approximately 4 km of Rhondda Road used by Teralba Quarry includes steep winding sections of local road; and
  - (b) Brandy Hill Quarry has two primary haul routes that traverse the rural residential areas, using a number of local roads, including Brandy Hill Road and Clarencetown Road, in addition to sharing a portion of haul route with Martins Creek Quarry. Brandy Hill Quarry travels between 11 km (Clarencetown Road) and 15 km (Brandy Hill Road) on local roads before reaching a State Road or Highway. The Brandy Hill Road route passes through rural residential precincts of Brandy Hill and Nelsons Plains, which would be more akin to Bungonia than Paterson Village.
- 30 Unlike the Martins Creek Quarry commitment, these two other quarries are permitted to haul product via road on Saturdays, including on local roads through rural residential and smaller rural or urban fringe settlements. For example:
- (a) Teralba Quarry is approved under its most recent approval modification in 2018 (MP10\_0183-Mod 1) to dispatch up to 85 laden trucks per day eastwards through Teralba (York Street) Monday to Saturday. The main street of Teralba includes residential areas, cafes, and creative art and antique spaces, attracting visitors, particularly on weekends; and

- (b) Brandy Hill Quarry is approved to dispatch up to 600 movements per day Monday to Saturday, including 24 movements between 6:00 am and 7:00 am, 60 movements per hour between 7:00 am and 6:00 pm and 10 movements per hour between 6:00 pm and 10:00 pm, on up to 20 evenings per calendar year.

31 While the Martins Creek Quarry haul route traverses through two Heritage Conservation Areas (HCAs), similarly Brandy Hill Quarry currently transports through one of the same HCAs and the Teralba Quarry approval allows road haulage through the historical village of Teralba which is a proposed HCA (adopted by Council on 8 August 2022).

Further changes proposed to address concerns

32 The above case studies in relation to Brandy Hill Quarry and Teralba Quarry demonstrate that it is not uncommon for quarry developments to be located in close proximity to rural villages and communities and consequently it is inevitable that these quarry developments will need to haul product on the local road network through these villages and rural residential areas. In this regard, whilst the haul route for Martins Creek Quarry has been utilised for many decades, road haulage from Martins Creek Quarry is not a new impact to communities located along the haul route. Nonetheless, we are instructed that Buttai Gravel has recognised that the amenity impacts on Paterson village is of key concern, and has therefore proposed to further reduce haulage rates as follows:

- (a) further limit road transportation to 450,000 tpa, including a reduction in the daily road haulage limit to no more than 80 laden trucks per day (160 movements), Monday to Friday;
- (b) further limit the hourly truck movements to:
  - (i) 12 laden trucks per hour (24 movements), Monday to Friday between 7.00 am and 3.00pm; and
  - (ii) 9 laden trucks per hour (18 movements), Monday to Friday between 3.00 pm and 6.00pm.

33 The proposed further changes are in addition to previous commitments, including:

- (a) no road haulage of quarry product on Saturday;
- (b) no road haulage between 24 December and 1 January, inclusive; and
- (c) no trucks through Paterson Village before 6.45am.

Yours sincerely



**Kate Swain**  
Partner

