

Independent Planning Commission

Paterson
NSW 2421

By email

20 January 2023

Dear Sir,

**Martins Creek Quarry Expansion – Application No SSD-6612
Submission of Objection to Development**

I am a resident of View Street, VACY and now provide a further submission to the Independent Planning Commission (IPC) in support of my **continued objection** to the above project proposed by Buttai Gravel Pty Ltd (Daracon), having considered the additional information provided to IPC from the DPE and Daracon as requested by IPC in their letter to DPE dated 23 November 2022.

As a general comment I consider that the DPE response over emphasises need and under emphasises impacts and lacks any critical assessment of the additional data provided. The response from Daracon can best be described as “mere tinkering at the edges” and a repeat of the same detail and arguments provided in the EIS.

I comment on the responses to the questions raised by IPC as follows:

Strategic Justification – Questions 1 and 2

As pointed out by Dungog Shire Council and others at the Public Hearing, Martins Creek Quarry (MCQ) provides neither a **strategic quantity nor unique quality** of material that cannot be sourced from other existing quarries in the Hunter region. Table 3.1 of the Daracon/Umwelt response indicates that the amount of material available from MCQ represents only 5.6% of the total amount of currently available material in the region, notwithstanding a considerable amount of prospective output from other sources being currently assessed, as noted in Table 2 of the DPE response, and the majority of which will have access to the arterial road network.

The response to the question on rail access; pathway and markets etc, provides no additional information to that described in the EIS. In effect “**its all too difficult**” and other than a limited supply, of railway ballast and of other product to the Sydney market, this is not shown by Daracon to be a viable (and one suspects financial) option for the transportation of a major proportion of the quarry output. Clearly, the rail option lacks credibility as a major component (600,000tpa) of the proposal.

Transport and haul route – Questions 3 to 9

In response to question 3 the legal response provided by Daracon to the court decision under the CEAL Limited v Minister for Planning case is not relevant. DPE has ignored the reasoning behind the judgement that, **as an assessment process**, it is very relevant to any development of this nature where traffic volumes, haulage route and community impacts

apply. As a matter of consistency DPE has failed to adequately apply this assessment process to the MCQ proposal.

In response to questions 4 and 5 comments by DPE and the additional information provided by Daracon/Umwelt do not address the Intergenerational impacts. The mitigation measures rely solely on management processes and procedures and offset payments that are low order actions which fail to address the real impacts of truck traffic on the social and amenity values of the community. Road upgrades, driver code of conduct procedures, time of day traffic limitations, monitoring, social impact management plans and other community consultative measures etc do not remove the physical impacts imposed. **There is no nexus between the impacts imposed and the measures to be adopted in mitigation.**

In response to question 6 DPE and Daracon/Umwelt misrepresent the views of local businesses in Paterson whose only relief from truck traffic impacts has been during the recent period of quarry closure and limited operations imposed by the Land and Environment Court. Recent discussion by the writer with local business operators has established that they will be seriously impacted by truck traffic/safety issues and restricted roadside parking facilities if the project should be approved.

In response to question 7 DPE and Daracon/Umwelt rely on a review of accident data and the proposed road geometry improvements as well as a driver code of conduct etc as the only means of providing an acceptable level of risk.

In response to question 8 DPE has no view on the matter and relies on the previously stated position adopted by Daracon concerning the provision of site and haulage route improvements within an initial period of operation. This is not acceptable. All site and haulage route improvements as well as the provision of driver code of conduct, Social Impact Management Plans etc should be provided and agreed in advance of any operation at the proposed level of development.

In response to question 9 DPE has no view on the matter and relies on the data provided by Daracon which is far from definitive. The response in effect indicates that any haulage route will be used to meet market demand.

Proposed Further Reduction in Road Haulage Rates

In section 2.3 of the response by Daracon/Umwelt, and specifically Table 2.1, further reductions are proposed in road haulage rates as indicated below:

- Annual tonnage reduced from 500,000 to 450,000 tpa
- Peak daily truck movements reduced from 280 to 160 trucks per day
- Peak hourly truck movements reduced from 40 to 24 trucks per hour

The justification for these reductions seems to be based on short term market conditions, previous (pre court case) historical levels of operation and during the more recent period of restricted operation resulting from the LEC case. There also seems to be a reliance on comments from members of the community as to acceptable levels of operation and lack of complaint at this level of operation. None of these parameters are relevant to the acceptability and sustainability of social and amenity impacts that will be imposed by a 32 tonne truck and

dog passing through Paterson every 90 seconds (as originally proposed) and every 150 seconds as now proposed.

The critical data that is missing in Table 2.1 is the maximum peak days per year at the new haulage rate (50 days per year in the original proposal). It is not difficult to compute that if annual tonnage is reduced by 10% (500 down to 450,000tpa) and that the peak daily truck movements are reduced by 43% (280 down to 160) then **the maximum peak days in the year will increase**. Consequently, the community will be subjected to a greater period in the year of truck movements at the peak and non-peak rates. This is not an improvement.

Conclusion

I conclude that the questions raised by IPC have not been answered satisfactorily and that the proposal to change annual tonnage and haulage rates is not an improvement and will lead to an extended period of impact on the social and amenity values of Paterson and other settlements on the haulage route. None of the additional data changes my view of the issues pertaining to this proposal as documented in my submission of 23 November 2022.

As I noted in my previous submission **failure to provide appropriate protective facilities in effect transfers the cost of not doing so to the community to absorb the environmental and social/amenity damage caused.**

Yours faithfully,

Owen D Coakes