

**INQUIRY INTO PERFORMANCE OF THE NSW  
ENVIRONMENT PROTECTION AUTHORITY**

**Name:** Name suppressed

**Date received:** 26/08/2014

---

Partially Confidential

## **Martins Creek Quarry**

This submission is tabled to this **Inquiry, General Purpose Standing Committee No 5, into the performance of the NSW Environment Protection Authority** under section 1(c) Any other related matters.

---

Currently we have a situation in the rural township of Paterson, Hunter Valley, which raises some questions about the operation of the EPA. I would like to outline the situation.

Specifically it relates to the manner in which the EPA has used its powers in approving large and excessive developments such as Martins Creek Quarry, with no regard to community impact. The areas of concern are twofold:

- the way in which the EPA usurped and dominated the planning process
- the way in which the EPA failed to consider or consult the communities that would be directly affected.

## **History**

There has been an extractive quarry at Martins Creek for many years that essentially provided product for the rail infrastructure. It was owned and operated by the NSW Government under several different identities, the last being Ralicorp. This NSW owned enterprise was sold in 2011 to private enterprise.

It operated under a Development Application approved by the Dungog Shire Council. That is until 2007. Dungog Shire Council has indicated that Railcorp broke usual protocol and bypassed council and applied directly to the EPA. The

EPA was a willing partner in assuming development consent when historically it was a responsibility of Dungog Council.

### **Operational Licence**

Reading the EPA website indicates that the Quarry operates under the Licence 1385. There have been several amendments to the licence. The two that are of particular interest are:

- 12345 in 2007
- 12345 in 2009

Again these amendments were approved solely by the EPA and involved no community input.

Amendment 1234 shows that the Quarry was granted an increase in production from 500 000 tonnes per annum to 2 000 000 tonnes per annum.

My research has failed to find any documentation that relates to an environmental impact study of the impacts of increasing output to this magnitude.

The 2009 Amendment Application changed the operating hours of the licence 1385. The citizens, and elected representatives of the residents, did not have a voice in the change to licence 1385 and were approved through Dungog Shire Council.

## **Current Operation**

At a recent public meeting on 31<sup>st</sup> July 2014 at Paterson, the current operators of the quarry, Daracon Ltd, stated openly that they had no knowledge of any EIS, did not refer to it in any of their operations and guessed the previous operators had submitted an EIS.

All this has resulted in a quadrupling of production: four times (4) as much blasting, four times (4) as much crushing and at least four times (4) as much heavy transport through a small historical rural village.

Up to six hundred (600) 50-tonne truck movements thundering through our community daily in convoy. This creates noise, dust and vibration pollution and at times resembles a mining site.

## **Concerns**

My concerns are that the EPA was able to approve such monumental changes without consultation with the community and secondly approve such changes without due consideration to the impact on surrounding communities. There are surely some issues with governance that allow an organisation to assume such power and apply it with very limited diligence.

- The EPA would have seen that the existing consenting authority, Dungog Shire Council, was being bypassed.
- The EPA would have realised that this was breaking protocol

- The EPA acted as sole arbitrator without considering the consequences nor taking responsibility for the consequences. Monitoring of conditions has been shown to be a very haphazard and ad hoc process
- Granting of the licence was carried out without any due consideration to the environmental aspects that would impact on local communities

### **Summation**

The EPA needs to be held accountable for the way in which it conducted its business and structural changes need to be made so such situations are not repeated in the future and communities do not have to endure the suffering that this community has endured. The current situation is a direct result of previous decisions of the EPA.

Correspondence addressing these issues has rarely been answered or it has received minimal attention at best.