

MARTINS CREEK QUARRY WATCH

An information sheet by Martins Creek Quarry Action Group for impacted residents



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Welcome

Welcome to the first newsletter from Martins Creek Quarry Action Group (MCQAG). This newsletter has been written to keep impacted residents abreast with the proposed developments at Martins Creek Railway Ballast Quarry.

As some of you may be aware Daracon has re-launched its State Significant Development Application (SSDA) where it is seeking a state government approval to transform Martins Creek Railway Ballast Quarry into a large scale “mega” aggregate quarry to supply construction materials into the Hunter and Sydney markets by truck and rail.

The transformation if approved will see a return of the trucking madness and industrial impacts from the site that were experienced by residents between 2007 and 2019 when the quarry was operated by both Railcorp and Daracon illegally.

Unlike Daracon and Umwelt newsletters, this information sheet has been written by residents for residents. It contains just the facts and no spin.

Martins Creek Railway Ballast Quarry History

The ballast quarry had co-existed within the community for many years (in fact since the early 1900's). In around 1991 Dungog Shire Council granted approval to State Rail Authority to commence quarrying operations within Lot 5 adjacent to the existing Lot 1 processing area for railway ballast. The 1991 railway ballast quarry approval limited the scale of the operation to 300,000 tonne per annum, 12 truck loads per day and required 70% of the product to be transported by rail. The limitation on scale, transport and operations at the site were made to preserve the rural and village amenity of local residents.

From the late 1990's whilst being operated by Railcorp, unlawful aggregate production and sales increased from the site and after years of attempted interventions including in 2010 with Court proceedings that commenced against Railcorp by Dungog Shire Council the quarrying operations were abandoned by Railcorp.

In 2012 Railcorp sold the land to Noel Mitchell a local concrete identity from Cessnock. A Daracon related company purchased the fixed crushing plant located at the site from Railcorp. Prior to the transaction Daracon obtained legal advice that confirmed approvals for operations previously conducted by Railcorp at the site were doubtful.

Contrary to the lawful approvals that existed over the land and against Dungog Shire Council's directives Daracon commenced quarrying at the site in December 2012, paying under a licence agreement royalties of \$1.85 per tonne to Noel Mitchell and \$0.5 per tonne to a Daracon family trust for every tonne of material moved from the site. In 2015 Dungog Shire Council commenced court proceedings against Daracon as they continued ramping up unlawful extraction and sales from the site.

The court proceedings ran in the Land & Environment Court until 2019 and the decision was upheld on appeal in the NSW Supreme Court that Daracon's operations at the site were by in large unlawful. The Court heard that Daracon had grossed some \$100 million dollars of revenue from unlawful operations at the site. The Court also noted that Daracon decided to push the bounds of what was possible at the Quarry, continuing on, accepting the commercial risk, which [the Judge] observed was at their peril, in the expectation that they might not be stopped by a small rural Council.

The scale of unlawful operations resulted in dozens upon dozens of trucks moving every hour through rural villages of Martins Creek and Paterson and urban areas of Bolwarra Heights, Lorn and East Maitland. The unlawful operations caused great impacts to many resident's lives and households who reside around the site and along the haulage routes. Present day; operations at the site are restrained by the Land & Environment Court orders and residents now have the pleasure of their rural and village amenity restored in line with the 1991 approvals.

Daracon & Umwelt's State Significant Development Application

In spite of the lived experiences being communicated to Daracon management throughout their unlawful operations by impacted residents, Daracon are still pushing ahead with a State Significant Development Application (SSDA) to expand the facility and transform it from a small rail ballast operation into a “mega quarry” selling construction aggregates to the Hunter and Sydney markets. The SSDA process is independent of the current operations and previous Court proceedings. For those of you who have lived in this area for a number of years, Daracon is attempting to gain approvals to have the quarry operate at the



same or larger scale (on an hourly and daily basis) than occurred during the illegal operations between 1998 and 2019. The revised parameters being sought approval are as follows;

- **1.1 million tonne per annum annual extraction**
- **0.5 million tonne per annum transported by road**
- **0.6 million tonne per annum transported by rail**
- **50 truck movements per hour**
- **280 truck movements per day**
- **Monday to Friday sales with truck movements between 7am and 7pm**
- **Operating term of 25 years**

We will discuss the impacts and lived experiences in our next newsletter update. But don't be fooled by Daracon and Umwelt's spin that these proposed parameters will only be occasional or project dependent. If Daracon get an approval their Managing Director has previously confirmed that they will run at maximum capacity. That means residents will be required to put up with untenable impacts that have already been experienced for a further 25 years.

What can you do?

1. Don't believe the Daracon and Umwelt spin. If you are a resident that was impacted from Daracon's previously unlawful operations, we strongly urge you to contact Daracon and Umwelt (social-team@umwelt.com.au and louise.neville@daracon.com.au) and communicate the impacts that you have already experienced and your objection to the expansion plans.
2. Contact your state elected member and communicate to them your issues and concerns
3. Be prepared to make written submissions to the NSW Department of Planning and the IPC when the proposal is re exhibited
4. Stick together do not let Daracon and Umwelt divide and conquer our beautiful communities