



MARTINS CREEK QUARRY PROJECT APPEAL

Buttai Gravel Pty Ltd v Independent Planning Commission & Ors (Land and Environment Court proceedings 2023/252084)

Monday, 10 March 2025

On 8 August 2023, Buttai Gravel Pty Ltd filed a Class 1 Application in the Land and Environment Court of NSW, appealing to the Court against the Commission's 13 February 2023 decision to refuse State significant development application SSD-6612 for the Martins Creek Quarry Project. Maitland City Council and Dungog Shire Council are also parties to the Court proceedings opposing the grant of consent to the Project.

The Application sought consent to extract, process and transport by road and rail up to 1.1 million tonnes per annum of quarry materials over a 25-year period from Martins Creek Quarry.

On 30 January 2025, the Commission issued a statement informing the public of the two-week hearing commencing 17 March 2025. A copy of the Commission's 30 January 2025 Statement can be found [here](#).

Expressions of interest to give evidence at the hearing closed on 28 February 2025.

Officers of the Crown Solicitor, as the Commission's legal representatives, will now directly contact those objectors who have been selected to give evidence at the hearing. Please note that the Court's policies limit the number of people that can be heard, and that the Court is unable to accommodate all people who expressed an interest in being heard.

The Commission also notes the following changes to the on-site hearing on 17 March 2025 (the onsite component):

The hearing will now commence at an earlier time of 9:00AM (and not 10:00AM as previously advised).

The hearing commence at the EA Hunt Hall at 815 Tocal Rd, Paterson NSW 2421.

The first day of the hearing will have two sessions. The morning session will commence at 9am at EA Hunt Hall with resident objectors giving evidence. Members of the public may attend and observe the morning session. The afternoon session will involve the Court and the parties inspecting the haulage route and the quarry. The afternoon session is for the Court and the parties' representatives only.

Following the first day of the hearing on 17 March 2025, the rest of the two-week hearing will resume at the Land and Environment Court at 225 Macquarie Street, Sydney. Members of the public may attend and observe the proceedings at the Land and Environment Court. Members of the public may also observe the proceedings online by clicking on a link accessed via the Land and Environment Court website linked [here](#). Please check the Daily Court list (linked [here](#)) on the day to check which courtroom the hearing will take place in.

Written submissions previously provided to the Independent Planning Commission as part of the determination of the application will be provided to the Court.

In the appeal, the Court will stand in the place of the Independent Planning Commission as the consent authority.