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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

MEETING WITH MAITLAND COUNCIL

RE: BRANDY HILL QUARRY

PANEL:

**PETER DUNCAN
ANNELISE TUOR
STEPHEN O'CONNOR**

ASSISTING PANEL:

**HELEN MULCAHY
CALLUM FIRTH**

COUNCIL:

**SCOTT HENDERSON
ANDREW NEIL
DONALD FERRIS**

LOCATION:

VIDEO CONFERENCE

DATE:

2.34 PM, FRIDAY, 29 MAY 2020

MR P. DUNCAN: Good afternoon, everybody. I just need to read an opening statement and we've already put some questions in a note so we can have a discussion and work through those questions. But if I go through this process, I'll stop in the middle of it and ask, Councillor, if you or Scott or Andrew would like to introduce yourselves. So, good afternoon. Before we begin I'd like to acknowledge the traditional custodians of the land on which we meet and pay my respects to their elders past and present. Welcome to the meeting today. Hanson Constructions Materials Pty Limited, the applicant, is proposing to expand and intensify operations at the Brandy Hill Quarry near Seaham within the Port Stephens local government area of New South Wales and, obviously, adjoining the Maitland Council area.

My name is Peter Duncan. I'm chair of this IPC panel. Joining me are my fellow commissioners, Annelise Tuor and Steve O'Connor as well as Helen Mulcahy and Callum Firth from the Office of the Independent Planning Commission. So I have here, representing Maitland Council, are Andrew Neil, Scott Henderson and Councillor Ferris. Would you like to introduce yourselves for the transcript?

MR S. HENDERSON: Well, I'm Scott Henderson, Maitland City Council. I work as coordinator of infrastructure planning at the Council, predominately traffic and transport.

MR DUNCAN: Thanks for that.

MR. A. NEIL: Hi. I'm Andrew Neil. I'm the manager of strategic planning at Maitland City Council.

MR DUNCAN: Thank you.

MR D. FERRIS: Hi. I'm Don Ferris and I'm a councillor and, yes, I was just offered this invitation and thought I'd come and have a listen.

MR DUNCAN: Thanks, Councillor. Appreciate it. In the interests of openness and transparency and to ensure the full capture of the information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's decision-making process and is being conducted via electronic means in line with the current COVID-19 rules around social distancing and public gatherings. It's taking place at a preliminary stage of this determination process and will form one of the several sources of information upon which the Commission will base its decision.

It's important for the commissioners to ask questions of meeting attendees to clarify issues as we consider appropriate. If you're asked a question and not in a position to answer straight away, please feel free to take the question on notice and provide any additional information in writing which we'll then put on the website. I'd ask that all participants here today introduce themselves before speaking the first time. Be mindful of maybe putting ourselves on mute unless we're talking so that we don't

confuse the accuracy of the transcript. So we'll now work through the agenda. We've had our introductions. We've got some questions. Maybe if we start with those three questions then we can have a Q and A at the end of that. So I'm not sure, Andrew or Scott, do you want to take the lead on the questions?

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MR NEIL: Yes. I'll start with question 1. Myself and Scott had a good conversation about how that's all going to work. We're quite happy to see that the traffic management plan and driver's code of conduct will be coming back to the Department and then for review by Council so we can have a good look through that. See how it will be implemented and how it will work. And, also, the wording of the condition relating to road maintenance contributions, which refers back directly to the relevant council infrastructure plan, is our preferred option rather than a different methodology.

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MR DUNCAN: Okay. Thank you. And the next one is about conditions. So your answer goes for one and two?

MR NEIL: My answer goes for one and two. It's a nice easy one from us.

MR DUNCAN: It is straight forward.

MR NEIL: Yes.

MR DUNCAN: Three?

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MR NEIL: I might let Scott deal with condition 3 directly as he's more involved in the engineering side of things so I'll just mute myself and pass over to Scott.

MR DUNCAN: Thank you.

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MR HENDERSON: Just in relation to question 3, I'll just read it out for myself again.

35

Does Council have any concerns about the potential impacts of traffic generated from the proposed development on properties adjoining main transport routes within the Maitland local government area.

Yes, we do have some concerns. In relation to the noise impact report that was submitted with the application, there was no noise monitoring within the Maitland local government area. So it was understood that the noise monitoring was around the quarry area and on Clarence Town Road and Brandy Hill Drive and the majority of traffic, heavy vehicle traffic, will be proposed on Brandy Hill Drive approximately 75 per cent according to the traffic report from the application.

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So we understand that there's 25 per cent of heavy vehicle traffic generated by the development coming through the Maitland local government area. In the Maitland local government area we do have a number of built up areas that are urban

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residential and these include Largs, Bolwarra Heights, Bolwarra and Lorn. So I'm not that familiar with the transport routes for Brandy Hill – sorry, through the Port Stephens local government area.

5 MR DUNCAN: Yes.

MR HENDERSON: But, certainly, in the Maitland local government area the transport routes do go through some urban residential areas. So the typical setbacks might only be up to 15 metres and I guess that's something that Andrew might be
10 able to qualify me on as a typical setback in an urban residential area. What I understand in the noise report was there was one noise receptor or monitor placed on the Brandy Hill Drive at a rural residential property 31 metres from the Brandy Hill Drive trafficable route. So, essentially, that was the main reporting mechanism to determine the impacts for heavy vehicles that are generated by the Brandy Hill
15 Quarry expansion. So there is some concern as to what the impact might be within the Maitland local government area.

So what I understand from reading the report, we have – and this, I understand, is in response to submissions, page 196 as a reference, 150 laden vehicles per day through
20 the Maitland LGA. That's quarry deliveries but then that's equivalent to 300 trips. That's, in effect, double because you've got the outbound trip and you've got the return trip. There is another area of the report, I believe, that might need to be double checked but my references here are page 3 or page 25 as references in response to submissions of laden vehicles day time and laden vehicles of a night
25 time. So the equivalent for Maitland LGA at 25 per cent would be 75 in the day time or 15 in the night time and a total of 90 over a 24 hour period. So, again, that's deliveries and I suspect you would double that for trips. So that would be 180 trips which would be the outbound and the return trip. So - - -

30 MR DUNCAN: Yes. I think – just on that Scott.

MR HENDERSON: Yes.

MR DUNCAN: I think the total per day that the Department's suggesting is 600
35 and that's both laden and unladen. So it would be 25 per cent of that which – this is very round terms – so it would be 150 not 300 per day.

MR HENDERSON: That's 600 - - -

40 MR DUNCAN: Total. Total heavy vehicle trips from - - -

MR S. O'CONNOR: That's movements. Not - - -

MR DUNCAN: Yes.
45

MR HENDERSON: Okay. If it's movements, yes. As long as we understand if it's the outbound and the inbound.

MR DUNCAN: That's the way the Department's presenting it.

MR HENDERSON: Right. Well, whether there's a need for clarification after the meeting I'm happy to help or assist.

5

MR DUNCAN: We can arrange something on that for you through the Department. Yes.

MR HENDERSON: Sure. So, generally, these are just some notes. So there are some night time movements, possibly, and I think there was a condition which did say - - -

MR DUNCAN:

MR HENDERSON: Sorry, I was looking at the transport management plan condition that I had at B41 to avoid trucks travelling on the prior to 5.00 am. So I'm not quite sure what that really means. You know, is it really a period from, you know, midnight to 5.00 am or is it the night time period, which they talk about which is, you know – because they'd like to do a certain number of movements over the night time. You know, which probably needs some clarification again but, essentially, from 10.00 pm through to 7.00 am. So, you know, whether that really then may require more of those movements to happen between 5.00 am and 7.00 am or from, I don't know, 10.00 pm to midnight. I'm not sure because there's no – it just says avoid truck travelling on the prior to 5.00 am. So I'm not sure when they should stop - - -

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25

MR DUNCAN: Okay.

MR HENDERSON: - - - of a night time. So that was probably a little thing there that I just had a question over which was one thing.

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MR DUNCAN: So the draft conditions that are on the website are probably the best guidance at the moment. So there's draft condition A12, I think, at page 6. So that outlines the hours and total movements.

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MR HENDERSON: Yes. Look, I apologise.

MR DUNCAN:

MR HENDERSON: The conditions that I had I was working off from a draft sent through to me from the Department but it, essentially – well, I've got it here listed as B41. Unless the numbering has changed.

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MR DUNCAN: we'll make sure that you have that so that – before at least public meeting stage - - -

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MR HENDERSON: Yes.

MR DUNCAN: - - - you've got the most up to date information. B41 at the moment is the traffic management plan. You're quite right. But there - - -

5 MR HENDERSON: And it was really just that dot point regarding, you know, avoid trucks travelling on the routes prior to 5.00 am. I think the intent of that is good, certainly. But, you know, I don't know. What does that mean? What time do they stop of a night time, you know? I mean, they're saying that their trucks operate in the night time period from 10.00 pm to 7.00 am. So, anyhow, that was just - - -

10 MR DUNCAN: Right.

MR HENDERSON: - - - something that I thought was worthwhile just picking up there.

15 MR DUNCAN: Righto. I understand your concerns and we'll get some up to date information for you. Okay.

MR HENDERSON: Yes.

20 MR NEIL: I guess a key point that comes from that is making sure that that condition that makes sure that Council has an input into the traffic management plan is a really key important one.

MR DUNCAN: Yes.

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MR NEIL: Which is in B41 there. Because we haven't seen that transport management plan yet. Obviously, it hasn't been prepared as yet but we do need to have that ongoing input and discussion and dialogue into it for these reasons.

30 MR DUNCAN: And, likewise, the drivers code of conduct the same thing. Yes.

MR NEIL: Absolutely. Absolutely.

35 MR DUNCAN: Just a question, then, Andrew, do you know if you've got a position on the CCC? On the community consultative committee?

40 MR NEIL: Scott, are you aware if we've got a position on the CCC? Apologies. I've only recently started – well, 18 months or so with Council and I came after the first round on this so I'm playing a bit of catch up on some of the background information.

MR DUNCAN: Well

45 MR O'CONNOR: I've seen – I've seen the list of all the members and Maitland Council isn't included.

MR DUNCAN: It might worth getting on that - - -

MR NEIL: Yes.

MR DUNCAN: - - - going forward.

5 MR NEIL: Absolutely.

MR HENDERSON: Again, because, actually, I was looking for that terminology in the condition, however, I noticed – I picked up in that same condition on the traffic management plan, which was the next dot point, again, it was a good one; to
10 participate in transport management investigations initiated by Council or Maitland City Council. So I felt the Department allowed for Council to raise issues. I wasn't quite sure of the mechanism though. Yes.

MR DUNCAN: Okay. All right. Thank you. Councillor, would you like to make
15 any comments at this stage?

MR FERRIS: No. No – yes. Just very interested. It seems to be a good process.

MR DUNCAN: That's good. Well, I hope it continues that way.
20

MR HENDERSON: So I did – yes, I think there were just a few extra things that I did want to raise on this point 3.

MR DUNCAN: Yes.
25

MR HENDERSON: So, again, I can only speak for Maitland local government area but, again, one of the issues, of course, where whilst the traffic is less, obviously, through Maitland LGA than through Port Stephens, the Paterson line, traffic or transport route does have the accumulative effects of heavy vehicles where we do
30 have heavy vehicles coming from the Dungog Shire Council with similar quarry type developments. So the heavy vehicle traffic on these transport routes can fluctuate. But I think, in that sense, that's where the concern lies is that ability for Council to have the mechanism where if there are resident complaints that we can get those addressed. So, as you said, if it's through a consultative committee I think that
35 would be very helpful - - -

MR DUNCAN:

MR HENDERSON: - - - for Council.
40

MR DUNCAN: We'll look into that. Yes.

MR HENDERSON: The other thing, which the noise impact statement of the application made was that a noise compliance management strategy should be
45 considered. So, again, and included in that noise monitoring. So, again, Council can raise complaints, however, how they would be sort of managed in some systematic

way. It's really unknown to me for complaints that would arise, well, in the Maitland local government area. So - - -

5 MR DUNCAN: Okay. I think again, the community consultative committee and possibly the EPA under the circumstances.

MR HENDERSON: Yes.

10 MR DUNCAN: So – all right. Annalise or Steve, any questions?

MS A. TUOR: Not from me. Steve?

15 MR O'CONNOR: Yes. I've got a question. I don't know whether Andrew or Scott might be best to answer it. It relates to that condition or the proposed condition that talks about the company having to pay the road maintenance contributions as per Maitland City Council's contribution plan. We know, having talked to Port Stephens Council, they've got a contributions plan that requires, I think it's 8 cents per tonne per kilometre is the rate that has to be paid. Can you give us an idea of what Council's rate is under your contribution plan?

20 MR NEIL: Yes. We had a bit of conversation about that just in the past week or so. We actually have a formula which I don't have right in front of me which is based on basically the cubic metres shifted across the LGA and then looking at the baseline traffic and the increase in traffic. So there is quite a complex way that we do calculate it but it was based on best practice at the time the contributions plan was written and the way in which that condition is worded referencing back to contributions plans does allow us to review that if it's not appropriate and make the necessary changes as part of our overall review of our contributions plans

30 MR O'CONNOR: Can I ask, then, if you wouldn't mind taking on notice - - -

MR NEIL: Yes.

35 MR O'CONNOR: - - - that you could do that calculation for us?

MR NEIL: Yes. Absolutely.

40 MR O'CONNOR: It's in the current contributions plan and give us an idea of what you'd be expecting given the rates in the traffic study of the volumes they expect to transport - - -

MR NEIL: Yes.

45 MR O'CONNOR: - - - for your local government area. That was my only question, Peter.

MR DUNCAN: Thank you.

MR NEIL: Yes. No, we can take that on notice and get back to you on that one. Absolutely.

5 MR DUNCAN: All right. Well, Andrew, is there anything more that you or the Councillor would like to say at this stage?

10 MR NEIL: My like I said at the very start, the conditions that apply to Maitland Council given that we are a council that is transported through rather than having the development in our LGA and we do thank – are thankful to get involved in this process. The way in which those conditions are worded if they are implemented as such are really important ways in which Council can have an ongoing role in this process which is why we tend to support the way in which the Department has worded those conditions.

15 MR DUNCAN: Good. No, we will certainly note that.

MR NEIL: Yes.

20 MR DUNCAN: Could I finally say, then, we're having the public meeting in about two weeks' time. Similar scenario to this. It will be a virtual meeting but slightly different technology so people will be registering in that and we'll get on with our determination process as promptly as we can.

25 MR NEIL: Excellent.

MR DUNCAN: So I'd also like to thank the three of you. Particularly Councillor for spending Friday afternoon with us for half an hour or so. So thanks again and best wishes with it all.

30 MR HENDERSON: Thanks.

MR FERRIS: Thank you.

35 MR NEIL: Thank you very much.

MR DUNCAN: Thanks, everybody.

MR HENDERSON: Okay. Bye.

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[2.56 pm]