



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: MARTINS CREEK QUARRY PROJECT (SSD-6612)

MAITLAND CITY COUNCIL MEETING

COMMISSION PANEL: MR CHRIS WILSON (Chair)
PROFESSOR SNOW BARLOW
MS CLARE SYKES

OFFICE OF THE IPC: STEPHEN BARRY
PHOEBE JARVIS

MAITLAND CITY COUNCIL: CR PHILIP PENFOLD
CR ROBERT AITCHISON
MATT PRENDERGAST
KRISTY COUSINS
ADAM OVENDEN
GARY HAMER

LOCATION: VIA VIDEO CONFERENCE

DATE: 9.00AM, FRIDAY, 21 OCTOBER 2022

TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS

MR WILSON: Thank you, gentlemen, for joining. Before we begin, I would like to acknowledge the traditional owners of all the country from which we virtually meet today, and pay my respects to Elders past and present.

Welcome to the meeting today to discuss the Martins Creek Quarry Project currently before the Commission for determination. Martins Creek Quarry is an existing hard-rock quarry located in the Upper Hunter Region of New South Wales. The applicant, Buttai Gravel, part of the Daracon Group, is seeking approval for expansion to extract, process and transport up to 1.1 million tonnes per annum of quarry material from the quarry over a 25-year period.

My name is Chris Wilson. I am the Chair of this Commission Panel. I am joined by my fellow Commissioners, Professor Snow Barlow and Clare Sykes. We're also joined by Steve Barry and Phoebe Jarvis from the Office of the Independent Planning Commission.

In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination.

It is important for the Commissioners to ask questions of attendees and to clarify issues wherever it is considered appropriate. If you are asked a question and are not in a position to answer it, please feel free to take the question on notice and provide any additional information in writing, which we will then put on our website.

The Commissioners have undertaken a site inspection, which included meetings with community representatives and inspecting sites that are of concern to those respective groups. This included the corner - is it Bolwarra? What's the intersection? Bolwarra - Bolwarra - Bolwarra Heights, and where the other main haul road meets - meets the main road. We also inspected the entrance to Tocal Agricultural College, and visited the other sites and the quarry itself.

On Wednesday and yesterday, the Commissioners met with representatives of the applicant, Dungog Council, and the Department of Planning. A public meeting will also be held on the 7th and 8th of November. Registrations to present that meeting are now open.

Regarding today's meeting, I request that all members here today just introduce themselves before speaking for the first time, and for all members to ensure they do

not speak over the top of each other to ensure accuracy of the transcript. We will now begin.

Mayor Penfold, who is going to take the running in terms of doing the talking today?

MR PENFOLD: Thank you, Commissioner. I'm here to largely listen to the proceedings, but Mr Prendergast will represent the council's view and his staff. I don't have any intention of contributing further to Mr Prendergast's presentation.

10 MR WILSON: Thank you. So it's over to you, Matt.

MR PRENDERGAST: I just note that I do have staff in attendance. I think we've got Adam Ovenden and Kristy Cousins. Is that it? There's someone else on the screen I can't see. And Gary Hamer. So we have council's Strategic and Development Assessment staff in attendance as well.

MR WILSON: They were on our list, Matt. That's fine, thank you.

20 MR PRENDERGAST: Excellent. In terms of our submission to the Commission, effectively we're just relying on the written submissions we provided to the Commission back in - I'm going to say - - -

MR WILSON: It was on the 29th of July 2021.

30 MR PRENDERGAST: '21. And effectively we presented this proposal to the elected council, and the resolution of the council of that meeting in July 2021 was to make a formal submission. As outlined in our written submission, our concerns relate to heavy vehicle movements, traffic noise, and effectively these are concerns raised by the proposed expansion of the quarry in comparison to what its current operation appears to be, and obviously those concerns relate to the noise, the truck movements along our road network through the Maitland LGA, and the impacts that's had on residents historically in the area, and obviously any proposed increase in truck movements is of a concern to council. So can I - from my staff's point of view, would that be a reasonable summary, or is there anything I've missed?

MR OVENDEN: Yes, that's a good summary, Matt.

40 MR WILSON: Okay. All right. So that - we were trying to get a grip on - I presume you've looked at the figures for Brandy Hill and this together, have you?

MR PRENDERGAST: In terms of the truck movements?

MR WILSON: In terms of queue and impacts of truck movements, yes.

MR PRENDERGAST: Yes.

MR WILSON: Right. And is - we've yet to do the figures and look at those figures. Do you have anything in - off the top of your head, in terms of increase of heavy vehicle movements, on a section of road in your area?

10 MR PRENDERGAST: For some reason 600 vehicle movements a day comes to mind. I would have to take the actual number on notice.

MR WILSON: Yes. I think that's the number of movements that was under the original 1.5 million tonne per annum proposal for Martin Creek Quarry. But, anyway, we'll look at that, because that's been raised as a significant issue by the community, we understand that.

MR PRENDERGAST: Yes.

20 MR WILSON: In terms of the Tocal Agricultural College, it's been put to us, both by the college itself and by community representatives, that that intersection - that's in Maitland, isn't it?

MR PRENDERGAST: The intersection at Tocal? Yes.

MR WILSON: Yes, the turn-off into the college is of concern. Do you have any comment on that?

MR PRENDERGAST: No, I've got no comment on the concern on that intersection.

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MR WILSON: Okay. It's not part of - council hasn't got that as part of its upgrade works, or - - -

MR PRENDERGAST: No.

MR WILSON: No? Okay.

MR PRENDERGAST: Not that I'm aware of.

MR WILSON: Okay. No, that's fine. So I'm just thinking of some other questions, and in relation to the contributions plan, is that applicable to Brandy - the contributions plan that you have in place, is that applicable to Brandy Hill?

MR PRENDERGAST: I'd have to refer to Adam. Do you have any advice on that one?

MR OVENDEN: So Brandy Hill is not within the Maitland LGA.

10 MR PRENDERGAST: But we do collect under one of the plans for road upgrade works, don't we?

MR OVENDEN: Yeah.

MR WILSON: But they'll be utilising roads in your LGA, so what you're saying is, there's no conditions on Brandy Hill that - I understood that you were able to - so there's no VPA that enables you to levy contributions or any other mechanism that enables you to levy contributions on those trucks coming down from Brandy Hill? If you could be put on notice, no need to answer now. It's just that there's so much
20 information we're trying to ascertain, is that I'm just wondering if there is contributions being paid, what is the nature of those contributions - is it consistent with your contributions plan?

MR OVENDEN: Sorry, we'll have to take that question on notice.

MR PRENDERGAST: Yes.

MR OVENDEN: I'm not (not transcribable) VPA, but we'll have to check with our staff.
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MR WILSON: The only reason I ask is that you - I think you request in your submission that if this proposal proceeds, that contributions are paid in relation to haulage over your roads, consistent with your contributions plan, is that correct?

MR OVENDEN: Yes, that is correct.

MR PRENDERGAST: Yes.

MR OVENDEN: And we have received a draft letter of offer and VPA from the
40 proponent.

MR WILSON: Okay. All right. And is that consistent with your contributions plan or thereabouts?

MR OVENDEN: It's currently under assessment, but the first read is, yes, it is consistent.

MR WILSON: Okay. All right. That's fine. Thank you very much. Snow or Clare, have you got any questions at this stage?

10 MS SYKES: No, I didn't have any sort of further questions. I was just wondering whether it's worth touching on sort of each of the key aspects, if there's any key points.

MR WILSON: It's good to go through them, Clare. It's a good idea.

MS SYKES: Yes. So I think that we're sort of under subheadings of "Traffic volumes", "Traffic noise", "The noise of the road pavement". I just think it's worth maybe touching on each of those points so we can understand the - you know, the mitigating impacts and any other aspects.

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MR WILSON: Yes, that's a good idea. The first one - look, I was in, there was some monitoring undertaken at a number of points in Maitland along the route, and you've had a chance to consider that. What's your view? It says "Average of 2dBA". Does that mean that there's an increase over 2dBA in certain places? Again, I'm happy for you to take it on notice. It's just in your first part of your submissions.

PROF. BARLOW: Yes. Do you still have the noise monitors in that region?

MR OVENDEN: We'll have to take that on notice.

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MR WILSON: Maybe it was just attended noise monitoring, I don't know. It'd just be - it'd be good for us to understand, because my understanding is that the submission from the applicant is that along the route, the haulage route, the full length of the haulage route, we have to confirm this, is that - and it's in the department's report, that it meets that barely perceptible definition of nought to 2dBA, and I guess that's important for us to understand. So if you can get back to us on that one, we'd really appreciate it.

40 MR PRENDERGAST: It is, from my perspective - the noise assessment is obviously undertaken by the proponent. Isn't the concern about the increased haulage numbers

and that cumulative impact of just general noise impacts over extended periods of time?

MR WILSON: Yes, that is obviously an issue. We need to understand - obviously, you know, there's methodologies and guidelines that have been produced that you need to consider these things against, and we need to consider that as well - - -

MR PRENDERGAST: Yes.

10 MR WILSON: - - - and at this stage, my understanding is, between nought and 2, then those guidelines deem it acceptable, but if it's beyond 2, it's considered as, you know, an increase, so - and a perceptible increase. So we're just trying to - - -

MR PRENDERGAST: Yes. And I thought, based on the information provided by the proponent in the worst-case scenario, they were in exceedance of recommended noise levels, and then was going to increase that by a further 2dBA.

MR WILSON: Okay. Well, we'll - - -

20 MR PRENDERGAST: Which was the result of council concern, yes, in exceedance now, based on worst-case scenario, and it's very hard to control worst-case scenario, based on, you know, haulage and increased operations.

PROF. BARLOW: Commissioner Barlow here. Are there any measures that - you know, we're talking about two measures here. There is the peak noise level, but because it's haulage trucks, they can't all be there at the same time, so there's presumably a peak noise level for a laden truck and an unladen truck, but is it the constancy of the noise and the hours that the noise are there, and the question that our chairman put to you a moment ago about the cumulative impacts of increased traffic
30 from Martins Creek on top of what will be increased traffic from Brandy Hill as well. So are you - you know, have you interest in the accumulative effects of those two quarries on your roads, but also on your residents?

MR PRENDERGAST: Yes, correct. It's the cumulative impact, but also, I suppose it's more a question for the proponents and how they operate. I can't imagine it's just a consistent flow. I expect that the operation of a quarry would have peak times where trucks are more likely to be on our road networks, and therefore that issue of dealing with as a truck-by-truck basis, in theory, would be not a big impact, but if you're
40 looking at multiple trucks on the road network at the same time, at peak periods, which I assume is their worst-case scenario, that's when it causes an impact to residents.

MR WILSON: Yes. I think what - this has been raised, and I think has been raised in submissions quite regularly, is that they do it on a - well, they've been known to do it on a campaign basis, which tends to have high-volume peaks. Now, they've responded to that - well, in writing - to say that they will stagger those deliveries, but what I'm hearing is, the concern still stands that, you know, that it's likely to be high peak, high volume for a certain amount of time and then a drop-off and so forth. That's what you're saying, basically, isn't it?

10 MR PRENDERGAST: Yes, and the ability - we're not going to be able to regulate that. We're not going to be able to say - we're not going to be out there monitoring trucks on the road at a certain point in time, it's more about the operation should factor in worst-case scenario as part of the assessment rather than spreading that load across an extended period of time.

MS SYKES: I had a question, Matt, just on that point around sort of the peak loadings, et cetera, and, you know, a lot of our conversation has been around the haulage, but you raised also in the submission the piece around congestion and stacking, sort of particularly impacts to, you know, the East Maitland area. Could you
20 expand on that a little bit and, you know, what has been - you know, has there been, you know, evidence or lived experience with that, with the increased - some increased volumes over previous years, in terms of stacking?

MR PRENDERGAST: I'm not a traffic engineer by degree, but I'd say that the concern is, as you come into the East Maitland area, you're definitely coming into more of our urban setting, so large numbers of trucks in those peak periods obviously puts an impact on our road network and the ability of that road network to operate as efficiently as it should, which obviously puts impact on our - you know, our commuter traffic, and then obviously creating commuter - you know, obviously that commuter
30 traffic, then, you've got the impacts on the intersections, particularly probably around Melbourne Street and - would be of concern.

So it's that issue of coming from a rural setting, coming from the quarry, and then coming into one of our high urban environments, and East Maitland over time will become further urbanised as the LGA grows. So it's that cumulative impact, peak periods, large numbers of trucks putting impact on the road network and the ability of that road network as efficiently as it should. I'll refer to my planners if that is a reasonably accurate statement.

40 MR OVENDEN: It is.

MR WILSON: I understand that there's a couple of intersections around East Maitland that are operating at a level of service of F, and I guess that's problematic, is it?

MR PRENDERGAST: Look, yes - again, in (not transcribable) if any of the intersections are operating at F, which could be very possible - you know, we've also got to recognise that, you know, times of, you know, peak periods, the road network, particularly around Melbourne Street, does have a lot of queuing, so obviously an operation with large trucks on that, that would need to really consider the operation of, you know, those peak periods for our commuter traffic, for our local residents, in terms of school periods.

MR WILSON: Are those standard peaks, Matt?

MR PRENDERGAST: Yes, standard peaks would be the high queuing periods, and obviously in terms of when we're having natural disasters, those impacts are further exacerbated in around Melbourne Street, to that sort of East Maitland road network, but, yes, the peak periods - the normal traditional peak periods is where Melbourne Street would fail. I can - I'd have to refer to one of our traffic engineers of what level of service those intersections provide, but I'll take your advice as it is.

MR WILSON: That's okay It's been identified as F, and you can't get much worse than that, so - - -

MR PRENDERGAST: Yes.

MR WILSON: I don't think you can, can you? I'm not - - -

MR PRENDERGAST: No, I don't think there is one worse than F.

MR WILSON: Clare? Sorry, I interrupted.

MS SYKES: Yes - no, thanks. Thanks, Chris, that's fine.

MR WILSON: So - and you raised concerns about road pavement. Is that covered by contributions or not? If they were - if this was to proceed and there were contributions paid, does that cover the deterioration of road pavement?

MR PRENDERGAST: I'd have to refer to the planners. We can, under a - one of the plans, we can collect for upgrade of certain roads.

MR WILSON: 7.12, is it?

MR PRENDERGAST: Yes, 7.12 would be for roads which relate to similar types of operations, such as this. I would suggest that the ongoing cost to continue maintain roads probably does reflect how much we collect. Would that be reasonable statements to the planners?

MR OVENDEN: Yes - no, that would be correct. The draft EPA offer includes 15.7 kilometres worth of roads that would be subject to a haulage levy.

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MR WILSON: Okay. All right. And that's from the - that's from probably around about the college down to Maitland, is it?

MR OVENDEN: Yes, that would be correct.

MR WILSON: Yes, okay. Road safety - we stood - what's the - can one of my colleagues help me, what was that intersection we stood at?

MS SYKES: I can't remember the name of it. Snow?

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MS JARVIS: It's the intersection of Paterson Road and - - -

MR PENFOLD: Maitland?

MS JARVIS: - - - Tocal Road. But there's a BP petrol station on the corner.

MS SYKES: Yes.

MR WILSON: And I guess that comes to your next point - I mean, that was raised to us as an issue of concern, and I think you've raised in your submission about, it's been a residential area with residences close to the kerb, 15, 20-metre setbacks, and school pick-ups and drop-offs along that way. Is this - - -

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MR PRENDERGAST: Which intersection? Paterson and Tocal?

MR WILSON: Yes - is that right?

MR PENFOLD: That's where the service station is, yes.

MR WILSON: BP service station. I think we stood there - I think part of the reason was that it was, it's been shown to us the speeds and the residential nature of the area,

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and where the Brandy Hill - or some of the Brandy Hill quarry trucks would be coming into the system. Is that an area of - I noticed in one of your submissions you raised the issue about the proximity of housing to the road. Is this - this is something else that you're concerned about?

MR PRENDERGAST: I'd have to defer that one - I'd have to take that one on notice. I don't know if that's to do with pedestrians or that's just to do with the narrow section of Tocal Road, near Paterson Road.

10 MR WILSON: Okay.

MR PRENDERGAST: I don't know if it's to do with pedestrians, not in that environment, but I can take advice from the councillors or the planners on that. I would have thought it's more to do with heavy vehicles and speeds in around Tocal Road, and how it narrows, just past the Paterson Road intersection, so - - -

MR WILSON: Okay. That is - that does - - -

20 MR PRENDERGAST: It's more of a traffic concern than a pedestrian safety concern, but once again, I will ask the planners if - - -

MR PENFOLD: I can comment, perhaps, Commissioner.

MR WILSON: Yes, please.

30 MR PENFOLD: There are very many driveways - that is, I guess, the point where it's probably perhaps the narrowest, most impactful on residents that live on that site. There are very many driveways that access that point, and there's an access point - I think it's Hunterglenn Drive, that takes a newer estate onto that road at that point. The council, in the last two or three years, added two pedestrian refuges in that vicinity within 150 metres or so of that, such is the concern of the safety for pedestrians to safely access the public school, which is only another hundred or so metres down the road. So as far as the residential impact, as they come into the built-up area of Maitland, that is perhaps an area that's most impacted.

MR WILSON: Is there a drop-off area near Penfold for the children?

40 MR PENFOLD: There is a bus stop on that road near the intersection that you stood at.

MR WILSON: There's a bus able to exit the carriageway, or it remains in the carriageway?

MR PENFOLD: There is somewhat of an area that it can pull off to the road without impeding the traffic flow, yes, but I regularly hear concern from the community about the safety of that drop-off point.

MR WILSON: Children. Yes, okay, all right. And that is - is that just north of that intersection, or where - - -

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MR PENFOLD: That is south of the intersection you're stood at. It is closer to the CBD of Maitland.

MR WILSON: Okay. All right. If you could provide us with a map or something showing that, it would be really useful, if that's okay, from council. And then the other issue was obviously speed - speed limits and so forth. Is it 50 or 60 there, through Bolwarra Heights?

MS COUSINS: It's 60, I believe.

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MR WILSON: 60.

MS COUSINS: Past Tocal Road, where it turns into Paterson Road, it's 60 kilometres.

MR WILSON: And drops down to 50, does it?

MS COUSINS: Sorry, I'm just not sure where - it turns into 80 on Tocal Road, as you're heading north, but I'm not sure where that location is.

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MR WILSON: Okay. We can look at that. I mean, they have committed to speed limits in certain other areas of the route, so - - -

MR PENFOLD: Yes.

MR WILSON: I mean, whether or not that - should this proceed, whether or not that's applicable here. Okay. I think - I don't have any other questions. Clare? Snow?

MS SYKES: I didn't have any further questions, thanks, Commissioner.

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MR WILSON: I think the only other thing that I would ask, and a general response is fine, is, during - I mean, we're getting a lot of submissions based on legacy levels of transport. I'm just trying to understand from your community's perspective, in terms of complaints during those legacy periods, and while they're not necessarily relevant in the sense that we're not looking at those levels, did you get levels of complaints during those periods?

MR PENFOLD: I might be able to answer that for you a little, Commissioner. The amount of - and I'm sure Councillor Aitchison can confirm, though, Council
10 Aitchison's area he predominantly looks after is a little different, but the level of complaint we get about these trucks from this site and the impact that they have, from a legacy standpoint, is significant. The level of concern about this proposal is probably one of the most prominent issues in the community today. And I guess, Commissioner, we're coming from a point where here in Maitland, in the past five years alone, the population growth has been 17 per cent in five years. The impacts that the community are feeling as far as traffic goes is significant as it stands. The concerns, obviously, are exacerbated by the prospect of such an increase in traffic
20 movements for a city that's growing at such a fast pace, and with the pressure that we are being applied - being applied to us by the State Government for that growth, and to make our land available for residential expansions, the impacts are already significant, and to answer your question finally, but the views on the impact of the operation, as it stands, are already notable. Understandably, therefore, the concerns about this proposal succeeding and that increased flow through our city is a major issue for the community at present.

MR WILSON: Okay.

PROF. BARLOW: Mayor, it's Commissioner Barlow again. With regards to those complaints, you know, there was that - well, of course, with the court case, the quarry
30 essentially got closed down in '19, but prior to that, there was a very high peak in probably about '15 or '14, '15 in truck movements. Now, I'm not quite sure whether they all went through our LGA, but is there any pattern to the complaints you're receiving, or have they been rather consistent? You said they were significant, but have - you know, is there a pattern there?

MR PENFOLD: It's hard to say. I guess my comments are anecdotal. I have only been the mayor for a year, but I've been on the council since 2008, and my focus area of the city has not always been that central part. The complaint, I guess, has - and views have somewhat ebbed and flowed, but I got the impression it's perhaps more to
40 do with the increased - the raising of the issue of this potential application and how that's ebbed and flowed throughout its planning process. So I guess I got the

impression it was more related to what they were feeling on the ground, but it was also exacerbated by their fears of this application as it progressed through the channels.

PROF. BARLOW: Thank you. No, that's useful.

MR WILSON: Okay. Well, I think that's been very useful for us, and that's it. Clare, do you have anything else to ask?

MS SYKES: No further questions, thanks.

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MR WILSON: No?

PROF. BARLOW: No further questions from me.

MR WILSON: Mayor Penfold, I'd like to thank you and your staff for taking the time today.

MR PENFOLD: Thank you.

20 MR WILSON: Just remember, we're having a public meeting up at Tocal Ag College, and when - and the registrations to present are open. When do they finish, Phoebe? When does it close, those registrations?

MS JARVIS: The 2nd of November.

MR WILSON: The 2nd of November. So I presume we will see you there, and we look forward to hearing from you again then, and thank you very much for today.

MR PRENDERGAST: Thank you, Commissioners.

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MR PENFOLD: Thank you, all.

PROF. BARLOW: Thank you.

MR WILSON: Thank you.

MEETING CONCLUDED

[9.34am]