



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

RE: EAGLETON QUARRY PROJECT (SSD-7332)

COUNCIL MEETING

PANEL: JULIET GRANT
ALISON MCCABE

OFFICE OF THE IPC: BRAD JAMES
KENDALL CLYDSDALE
TAHLIA HUTCHINSON

PORT STEPHENS
COUNCIL: DYLAN MITCHELL
RYAN FALKENMIRE
BRYN COTTERILL
EVERT GROBBELAAR

LOCATION: ZOOM VIDEO CONFERENCE

DATE: 12:30PM – 1:30PM
THURSDAY, 16 MAY 2024

<THE MEETING COMMENCED

MS GRANT: Well, good afternoon. And before we formally begin, I'd like to acknowledge that I'm speaking to you from Gadigal Land. And I acknowledge the traditional owners of all the country from which we virtually meet today and pay my respects to their elders, past and present. Welcome to the meeting today to discuss the Eagleton Quarry project. SSD-7332, currently before the Commission for determination. The Applicant, Eagleton Rock Syndicate Proprietary Limited is seeking approval to develop a new hard rock quarry to extract, process and transport up to 600,000 tonnes per annum of hard rock material over a 30-year period. My name is Juliet Grant. I'm the Acting Chair of this Commission Panel. I'm joined by my fellow commissioner, Alison McCabe. Adrian Pilton, the appointed chair for the panel, is unable to join us today, but Adrian will review the transcript of today's meeting and submit any further questions in writing that Alison and I don't cover between us. We're also joined by Brad James, Tahlia Hutchinson and Kendall Clydsdale 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 whenever it is considered appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. I requested all members here today introduce themselves before speaking for the first time, and for the members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We'll now begin. And I can see we've got another room that has joined us. Is that Ryan?

MR MITCHELL: Yeah. So, it looks like Ryan Falkenmire, the planning and development coordinator. And Evert Grobbelaar, the section manager for development and compliance from Council as well.

MR COTTERILL: Good afternoon panel.

MR GROBBELAAR: Good afternoon.

MS GRANT: Thank you okay, so not sure whether Council has a presentation that you'd like to run through or whether there's any specific points. Dylan, are you taking the charge from Council side?

MR MITCHELL: Yeah. Happy to lead off. We haven't prepared a formal presentation as such. I guess our attendance today is to assist the panel with any questions they might have about the submissions we've lodged to date. The first submission being lodged in 2017 from Council, which was quite comprehensive in a number of facets, particularly ecology and traffic related matters and the like. There

was then a period of hiatus where the assessment was probably - perhaps stalled, I guess, for some time. And Council became involved again. More recently in the past sort of year or so. So, the, the modification that was made to that application. I don't have the date in front of me, but I think last year whereby the. The private haul route
5 through the site to the public road system was amended and there was a development application assessed under part 4 by Council to facilitate that. So, following that amendment the application was again referred to Council for comment. The comments that have been made at that point will basically restricted to what - what amendments had been made to the application. So, in particular the biodiversity
10 comments that were offered specifically related to the amendments as they were made and as that related to the haulage route through the private land. I noticed looking back at Council's 2017 submission, it was quite lengthy and comprehensive. The matters that were raised there were not, I suppose, dealt with in that amendment and weren't commented on by Council so, I haven't brought with me today anyone
15 from our ecological department, from Council to assist specifically with those matters, given that they were raised by an officer that that no longer works in this section in 2017, and they haven't since - subsequently been any review holistically of the proposal. From that perspective by Council, only those specific amendments that were made to the application more recently. But I think to summarise the key issues
20 probably raised in Council's most recent 2 submissions. Specifically, they relate to traffic management and road safety at the intersection of Italia Road and Pacific Highway. Which has been the matter of numerous conversations over the years between Transport for New South Wales and Council. As it relates to this application and the other quarry applications in the area. As well as a section 4.55 modification
25 that is under assessment by Council currently to the Boral Seaham quarry. So, they are all interrelated. So, Council does have a pretty strong grasp on the road traffic and safety sort of issues around that intersection. So, the comments that Councils offered most recently in response to the draft conditions from the Department of Planning. Certainly, don't object to the development, but seek to ensure that those
30 traffic and road safety related matters are adequately addressed. The key point, or the most poignant sort of issue, I think is around. The intersection of Italia Road and the Pacific Highway and the proposed treatment to limit that to a left turn egress only. Which I understand the Applicant has agreed to by conditions of consent that was communicated through the response to submissions process. So, the
35 recommendations that Council has made to the conditions. Drafted by the Department of Planning essentially seek to include an enforceable physical means of preventing the right-hand turn movement out of Italia Road onto the Pacific Highway. In addition to operational management procedures. That would encourage quarry contractors, quarry truck operators to perform that left hand manoeuvre. I
40 think the concern that Council holds is whether or not it can be expected that the truck operators would always adhere to that without some sort of physical restriction. So, in I think all correspondence Councils provided on this application and other SSD proposals for quarries in the area over the last two years or so has indicated that as such. So, in reviewing those draft conditions, we see that that can be achieved.
45 And had recommended some changes to those conditions which ultimately, I see have not been adopted. In the Department's recommendations. So happy to provide

or answer any questions or provide any clarification regarding the submissions Council has previously made.

5 MS GRANT: Thank you. Do we have to have a copy of -

MS McCABE: The last letter?

MS HUTCHINSON: We have the letter from November 2023.

10 MS GRANT: Is that your comments on the conditions would have been post November 2023, I presume.

MR MITCHELL: Yeah. So, I've got the dates. So, the comments on the conditions are dated 23rd of April 2024. So very recently.

15 MS GRANT: Okay.

MR MITCHELL: The response before that from Council was dated 1st of February 2024. And that was. A letter in response to the Applicant's response to submissions that - so, Council's prior submission's earlier than that.

MS GRANT: So just for our benefits then that that letter of the 23rd of April this year. Which are the other conditions, or which are the other matters that are raised, then. So, the enforceable physical means to prevent the right turn lane. Are there 25 other matters that you've listed just to make sure we're fully up to speed?

MR MITCHELL: Yeah, sure. So, that's the first condition we listed. So, condition B 33 and amendment to that. We recommended a change to condition B 35, which 30 relates to the operational traffic management plan. There was a suggestion of inclusion of GPS tracking to assist in compliance with that left turn movement out of Italia Road. There's also some minor recommendations made relating to biodiversity conditions. So, including condition B29, B42, and B50. And Council noted its support for condition A1(4), which was relating to development contributions or haulage fees.

35 MS GRANT: That's a good segue. The Applicant - we met with the Applicant earlier today, and they have requested an amendment to that condition to seek an exemption for, I think, first five years, given that they're funding the construction of that work. What would Council's response to that concept be, or is that something you need to 40 take on notice?

MR MITCHELL: Or we would need to take it on notice to speak with the contributions officer who gave that advice. But is the works that they're referring to is that the works proposed that the Italia Road and Pacific highway intersection or 45 are they referring to other work.

MS GRANT: Sorry, that was the works that to the right of way upgrade.

MR MITCHELL: Yes, I'm not familiar with that scope of work, so we would have to take that on notice.

5 MS GRANT: And just for my benefit as well. So, there's - am I right in thinking there's two associated DA's? There's a DA for that right of way that's been approved, and there's another DA that's currently - Council is currently assessing that is for the intersection and works on Italia and -

10 MR MITCHELL: That's right, yes so, the DA for the right of carriageway through private land was approved some time ago. But Council is currently assessing an application to upgrade the Italia Road and Pacific Highway intersection, including the lengthening of an acceleration lane and deceleration lane.

15 MS GRANT: And is there a time frame for assessment of that application?

MR MITCHELL: It's hard to put an exact time on it at the moment. We've requested additional information. Probably three, three weeks ago or so. Relating to a number of matters, including biodiversity and some comments raised by Transport for New
20 South Wales specifically regarding that intersection design. So, hard to put a timeline on it. I'd expect at least another say, approximately three months.

MS McCABE: Do you have? Maybe just with that intersection in Councils' consideration of this application. We did - we asked the Applicant how they thought they would police this left turn movement. And there were definitely codes of
25 conduct and operational aspects that they have control on, I note. And we will get a copy. I'm sure we'll ask for a copy of your latest letter. You've recommended some GPS tracking suggestions. Was there any thought or was there any discussion about Transport for New South Wales putting a - just an overall restriction on that
30 intersection for all trucks over a particular size to go left in Councils' discussions and consideration of the matter is that come up at all?

MR MITCHELL: We've been advocating for a means of - like, a physical means that would restrict a right hand turn from quarry trucks or heavy vehicles. But ideally
35 enable light vehicles to still perform that manoeuvre. So, there has been some discussion with Transport for New South Wales about that. My understanding is that they don't share the same view as Council in that regard, and they don't see that as being necessary.

40 MS McCABE: And the development application that's been approved for the right of way, is that a document we can get our hands on? Presumably that's a public document on - is it on Council's website?

MR MITCHELL: Yeah. So, you'd be able to find the consent on Council's DA
45 tracker. The assessment information and information submitted with that application isn't available on the tracker. But could be made available through appropriate channels. Yeah.

MS GRANT: Do you have any other?

5 MS McCABE: I probably just had a general one. Dylan, you mentioned I've got your 2017 report and there's a little bit on biodiversity in that report. Do I understand that Council's comfortable with the biodiversity outcomes of the proposal or it's a matter that has yet to be closed off from Council's point of view?

10 MR MITCHELL: So, looking back through the correspondence, obviously the officers involved in 2017, they aren't at Council anymore. So, I'm trying to piece that together myself, but from what I can see that there was comments raised at that point in time, and I can't see any further submission made by Council between 2017 and the submission that was made in 6th of November 2023. So only late last year so, I'm
15 unaware of what has happened whilst - over that quite substantial period of time, what if anything has changed in the application. When we were presented with an amended application in November 2023, the scope of the amendments strictly related to that right of carriageway and that was the focus of Council's assessment. So, there was no revisiting of the extensive submission made in 2017 and how that had been
20 addressed because we understood the reason for the Department seeking Council's comments was specifically on that modification to the right of carriageway. So, I would say that Council hasn't had an opportunity to review biodiversity impacts holistically again. From what I can see on Council's records here, I can't see record of a referral to Council in that time period to assess it holistically again.

25 MS McCABE: Okay. That's understood. We've asked some questions of the Applicant as well. So, we'll just take that on notice, I think.

MS GRANT: Brad or Kendall, do you have any other questions of Council that we should be raising?

30 MR JAMES: Yes, Juliet just - and Dylan, just that letter you referenced, I've had a look at the package of information made available to that, and I can't see that letter in there. Would you be okay in sending us a copy of that after this meeting?

35 MR MITCHELL: Yeah, I can so, which letter was that? Which date? Or.

MR JAMES: I think it was April this year was -

40 MS GRANT: 23rd of April.

MR MITCHELL: 23rd of April. Yeah, I can send that through. That's fine.

MR JAMES: Yes, Great. You've got Tahlia's email address, I think. Yeah. Send it through. That'd be great.

45 MR MITCHELL: Okay. We'll do.

MR JAMES: Nothing else from me. Juliet.

MS GRANT: Thank you.

5 MS GRANT: Is there anything else from Council's point of view that you'd like to raise?

MR MITCHELL: No. Nothing comes to mind for me. I'll just hand over to the team in the office.

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MR COTTERILL: Now there's Bryn Cotterill. Sorry, panel senior development engineer. There's nothing further from engineering services perspective at this point.

15 MR FALKENMIRE: Ryan Falkenmire, Planning coordinator, just for the panel next steps from this meeting and potential time frame just so we can keep our organisation informed.

20 MS GRANT: Yes, so we have a public meeting and site inspection and locality tour scheduled for 30th of May. And so, we'll be up in the area and doing a tour of the site and understanding all those intersection and other surrounding land uses. And then after that it will then be for the Commission to formulate that determination.

25 MR JAMES: And Juliet, just on that. So, we've got the public meeting the morning of Friday, the 31st. And we've got submissions open until close of business by the 7th of June. 5 pm. So yeah. So, the public have until that deadline to make submissions on the project to us through our website.

30 MS GRANT: And obviously Council will be very welcome. If there was something additional that you did want to contribute if you wanted to take that opportunity for your current environment team to take a look, that would be the perfect opportunity.

35 MR FALKENMIRE: Yeah, that was my next question. In terms of, I guess, the response to the 2017 submission, will we receive any other correspondence or referrals from the Department assessment team?

MS GRANT: Not unless there was questions that the Commission directed to the Department that they needed to then pass on to Council, no.

40 MR FALKENMIRE: Okay.

MS GRANT: So that public - that submission period till the 7th of June is your opportunity.

45 MS GRANT: Anything? Thank you so much for your time. We've given you given you half an hour back in your day. So, thank you so much for making the time this afternoon to meet with us. And yeah, appreciate it very much.

MR MITCHELL: Thank you.

MR FALKENMIRE: Okay. Thanks, everyone.

5 <THE MEETING CONCLUDED