



23 November 2022

Ms Jessie Evans
Director Resource Assessments
Department of Planning and Environment

via email: jessie.evans@dpie.nsw.gov.au

Dear Ms Evans,

**Martins Creek Quarry Project (SSD-6612)
Request for Information**

I refer to the State significant development application for the Martins Creek Quarry Project (SSD-6612) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

The Commission is seeking information from the Department of Planning and Environment (**Department**) and the Applicant on matters that have been identified by the Commission Panel in Attachment A to assist their ongoing deliberations.

The Commission will consider any written response provided before 9 December 2022 unless an extension to this timeframe is requested and agreed to by the Commission. Should the Department wish to express a view in writing on the Applicant's component of the response before it is provided to the Commission, the Commission would welcome that assistance.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Phoebe Jarvis via phoebe.jarvis@ipcn.nsw.gov.au or 8837 6094.

Yours sincerely,

Stephen Barry
Planning Director

ATTACHMENT A – Questions for the Department (in consultation with the Applicant as required)

Strategic justification

1. Table 3-2 of the Department's Assessment Report identifies six other approved hard rock quarries within the Hunter Region that could provide significant volumes of quarry material to the regional market and which also have more direct access to the State Road network. Given the impacts of increased truck movements associated with the proposed Martins Creek Quarry project along the local road network why is this project essential to meet regional market demand?
2. If the Commission grants consent to the Application, and considering the proposed works to be undertaken to the rail siding, are there reasons why it should not impose a condition requiring a greater portion of product (recommended condition A15) to be transported by rail? If so, what are these reasons?

Transport and haul route

3. The Commission notes the judgment of CEAL Limited v Minister for Planning & Ors [2007] NSWLEC 302¹, in which the Court refused consent to a proposed sand and hard rock quarry at Ardmore Park. The Commission appreciates that all development applications should be treated on their merits. However, the Commission notes the reasoning adopted by the Court in that judgment with reference to the number of truck movements, the haulage route and people living along the haulage route. What is the Applicant's view as to whether the Commission should or should not adopt the reasoning adopted by the Court in that judgment – and why?
4. Submissions presented to the Commission note that given the predicted frequency of truck movements and the characteristics of the towns and residential development along the proposed haul route, the development could result in long-term adverse impacts on the amenity and character of these communities. Noting the 25-year life of the proposal, how have intergenerational factors been measured and what are the probable outcomes of these impacts over the life of the project?
5. How do the recommended conditions ensure that those most directly impacted by road transport are targeted by the proposed mitigation measures, including but not limited to social impact mitigation measures? What measures are in place for continuous improvement of mitigation measures over the life of the project?
6. Submissions to the Commission identified a risk that the ongoing haulage of quarry products by road could affect the commercial viability of businesses along the primary haulage route including in and around Paterson. What evidence is there that this will not occur?
7. In reference to paragraph 94 of the Department's Assessment Report, how was the conclusion reached that the impacts of the increased road haulage associated with the Application on road users, including cyclists, school bus passengers, and pedestrians, present an acceptable level of risk?
8. If the Commission grants consent to the Application, are there reasons why it should not impose a condition requiring the proposed road upgrades and transport mitigation

¹ <https://www.caselaw.nsw.gov.au/decision/549f92943004262463af4d4e>

measures to be in place prior to the commencement of any increase in road haulage of quarry product?

9. When servicing local projects, trucks will utilise other local roads outside the primary haul route. How are local projects defined? What portion of total proposed product hauled by road would this comprise, and how will this be monitored and reported?