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O/N H-1207470

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH PORT STEPHENS COUNCIL**

**RE: BRANDY HILL QUARRY**

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

**ASSISTING PANEL:** **HELEN MULCAHY**  
**CALLUM FIRTH**

**COUNCIL:** **KATE DRINAN**  
**LUKE MANNIX**  
**PAUL LE MOTTE**  
**JOHN NELL**  
**GIACOMO ARNOTT**  
**SARAH SMITH**

**LOCATION:** **VIDEO CONFERENCE**

**DATE:** **11.40 AM, FRIDAY, 29 MAY 2020**

MR P. DUNCAN: To start with, I'll go through a presentation and I'll ask Kate to introduce everybody. So formally, good morning. Before we begin I'd like to acknowledge the traditional custodians of the lands on which we meet and pay my respects to elders, past and present. Welcome to the meeting today. Hanson  
5 Construction Materials, 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. My name is Peter Duncan and I am 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  
10 Independent Planning Commission. Kate Drinan's representing Port Stephens Council, and, Kate, I'll – I'll get you to introduce everybody with you today.

MS K. DRINAN: Yes. Sure. So with us today we've got Councillor Giacomo Arnott, our councillor Paul Le Motte, and Councillor Sarah Smith. We also have  
15 Luke Mannix, who is the developer contributions planner here at council, and my role here is the development assessment and compliance section manager.

MR DUNCAN: Thank – thank you, Kate. In the interests of openness and transparency and to ensure the full capture of the information, today's meeting's  
20 being recorded and a full transcript will be provided and made available on the Commission website. This meeting's one part of the Commission's decision-making process and is being conducted via electronic means in line with current COVID-19 rules around social distancing and public gatherings. It's starting just at a preliminary stage of this determination process and will form one of several sources  
25 of information upon which the Commission will base its decision. We did mention earlier we have had a site inspection and we attended the site last Monday.

It is important for the Commissioners to ask questions of meeting attendees to clarify issues as we consider it appropriate. If you're asked a question and are not in a  
30 position to answer straightaway, please feel free to take the question on notice and provide any information – additional information in writing which we'll then put on the website. I – I'd ask if – if possible if participants here today could introduce themselves before speaking for the first time and please be mindful not to talk over others, obviously. It makes it easier. The other point that I'd like to outline is that if  
35 – if you can turn it off to mute unless you're speaking it actually helps with the performance of this process. We'll now work through the agenda. Kate, I'm – I'm not sure if we should go to the questions first, but Councillor Arnott has said that he needs to leave at 12, so should we start there? How – how should we proceed?

40 MS DRINAN: Well, I'm happy to provide a council officer response to some of those questions, but, Giacomo, did you need to speak before that council officer response or - - -

45 MR G. ARNOTT: It depends how long you'll be.

MS DRINAN: I'm – I'm always someone that is quite brief, so I'll – I'll – think I'll – I'll probably kick off and just respond to some of those questions and – and then that might, sort of, trigger some – some responses from the councillors. But in terms of, you know, the questions that have been forwarded through to council, in terms of  
5 the 1983 consent and the hours of operation of 6 am to 6 pm, in terms of whether council is – is comfortable with the approved or – sorry – the proposed conditions of consent, which have changed dramatically from 24/7 operation to the new times listed, we – we – we obviously are not the approval body. We're also not the person that's assessing it.

10 But if – if it has been demonstrated through the assessment that – that the hours of operation aren't going to detrimentally impact upon the amenity of the neighbouring properties or surrounding residents, then that wouldn't raise any objection from the council office perspective. As I said, we're – we're – we're pleased to see that the  
15 hours have been modified from the 24/7 operation. With respect to point 2 and the tonnage limits, again, as long as it can be demonstrated that it's not going to impact upon the surrounding traffic network and there is EPA support for the increase and – and they'll be able to achieve their EPL, then that, again, wouldn't raise any objection from council.

20 Any questions on those two points that I've made? No. Good. Then moving on to whether or not council wants the quarry dedicated to council as we did request in 1983, look, I wasn't around in 1983. I – I was born but I wasn't – I wasn't older than about five. Things have changed since then. We don't have a clear strategic need  
25 for the site. So from that perspective there is nothing from a council officer perspective that we can see the need to retain that particular site. In terms of the BPA side of things, Luke, are you comfortable in answering that particular question?

30 MR L. MANNIX: Yes. Certainly, Kate. Thank you. Luke Mannix here. As Kate mentioned, I – I work with developer contributions in council. So the question was in relation to timing of the pathway under the BPA. As was included in – in the – the conditions and the appendix, council undertake the works in accordance with an amended strategic asset management plan. We will need to review that – those  
35 works with council's other asset management responsibilities, and that's expected to be done later this year. However, without providing – well, without presuming any timeframes that might be put in it, the current stance does list the pathway under the – what's called the capital works plus plan which was to include any works that would be funded through the special rate variation, which ultimately failed. That lists the timing there as 2027/2028.

40 MR P. LE MOTTE: No.

MS DRINAN: I – I think Paul's got something to say on that one, but let's – let's just go through - - -

45 MR LE MOTTE: Yes.

MS DRINAN: - - - the conditions – the – the other questions and it – and I’m just cognisant of – of what other people want to say there – sorry. I should say Councillor Le Motte. Just to – to round out the questions that you – you’ve asked, in terms of the conditions of consent we’re generally supportive of those conditions of consent. We’re pleased to note that the hours of operation, again, aren’t the 24/7  
5 hours of operation, and it’s also good to see that the bus bays need to be in place prior to the increased tonnage. So – so there’s – there’s a couple of positives there. So from – from a council officer perspective, we’re generally comfortable with that, noting that there’s still a little bit of work that we need to do in terms of the –  
10 finalising the VPA.

But – but – but the offer on the table is generally acceptable from – from a council office perspective, but there is still obviously a pathway that we need to go through to – to completely ratify that agreement. Any questions from anyone?  
15

MR DUNCAN: No. Not at this stage. Welcome, John – is it John? So we’ve got somebody else online.

MS DRINAN: That’s – Councillor Nell has just joined us.  
20

MR DUNCAN: Okay. Thank you. Well, maybe – maybe we go straight to Councillor Arnott given that he has to leave at 12 o’clock.

MR ARNOTT: Good morning. Thank you for that. Sorry to, sort of, jump in like that. So I’m Giacomo Arnott, West Ward councillor on Port Stephens Council. My  
25 – the people I represent are the people who are directly impacted by their proposal and there are a number of concerns that they have that I just wanted to make sure I could put to you face to face and, sort of, express it a little bit differently to what a letter coming through might do, so on – on that – so some of the issues that the  
30 community would like to see really strong answers to or for you to consider in your decision-making process is the fact that trucking rates will be doubling under this proposal, which will mean huge impacts on the road networks, on road noise.

It will mean a lot of maintenance on those surrounding roads, and they’re already not  
35 fantastic roads and they’re – they were never built to sustain and – and cater for large trucks like are going to and from the quarry on such a frequent – frequent basis, and for that – those trucking rates to double is just going to cause major issues for people in their homes and for the road network more broadly. The operating hours – although, as – as Kate has mentioned, they are a little bit better than they could be.  
40 They’re still cause for concern for quite a lot of people. A 5 am start is quite an early start, and I’m not sure about other’s present but I certainly don’t make a habit of getting up that early.

But if I lived near this quarry that might just be a fact of life, and, you know, I think  
45 that’s a bit of a – bit of a problem. The extraction area being extended and the associated removal of koala habitat – this is one that’s been brought to me by a whole range of different people and organisations and interest groups and

considering the bushfires we had over this bushfire season and the loss of koala habitat and – and the loss of koalas themselves, I think this is one that should weigh quite heavily on the decision-makers' minds because there's not a lot of koala habitat left in New South Wales. So – so that one – that one is – is pretty important, and –  
5 and that's all without getting into – and I'm not going to into a huge amount of detail – the noise, air quality, water and biodiversity impacts of the expansion.

Obviously the – the full-time jobs that will come with this proposal is good and – and something that's needed in our community at a time like – like this in – in the  
10 COVID situation and recovering from that. But I suppose the question for – for you as the decision-makers is is that – does that, sort of, outweigh the concerns of the community. There's only a couple of other things. Apparently Planning was sent incorrect information regarding the number of houses directly affected along Brandy Hill Drive as far as truck movements are concerned, so apparently the number of  
15 houses is shown as 50 when it's about 83 and that difference in numbers of houses can make a pretty big difference on your assessment.

There's no mention of other residents in Brandy Hill where residents have to use Brandy Hill Drive to leave the area, so it's not just houses and residents along  
20 Brandy Hill Drive that are affected. It's – it's those roads that are attached to it or people that need to use that road, and there are also concerns about the VPA. I know it's – it's actually a proposal that council has had a role in helping to shape and helping to negotiate and that was something that I valued, but members of the community are rightly pointing out that Hanson is a – an extremely wealthy company  
25 and – and what they're throwing Port Stephens and the local community and the council is peanuts.

It's – it's really not a lot in the grand scheme of things compared to the impact they're going to have for the life of this – this quarry. And there's also concern  
30 about the timing of the – the bus shelter portion of the VPA. I know that the VPA hasn't actually been prepared yet and it's just – it's waiting. It's pending movement on the proposal itself, but a – a lot more work could be done and a lot more could be proposed by Hanson to bring the community on board and to bring the council on board and to bring the councillors on board in terms of providing for the community  
35 they operate in. I know that as far as your assessment goes you – you've probably only got what's in front of you, which is a negotiated VPA and – and that just forms – forms part of your view.

But in terms of the community it's – they're really questioning whether it's enough  
40 and whether the proponent is really doing everything they can to – to look out for their community and to manage the impacts of their proposal on that local community. So they're about all the specific issues that I – that I had to raise. Thank you for giving me that opportunity. My – my community will, I have no doubt, contact you through letters and – and use of the public meeting, I think, is scheduled  
45 for a – a week or two to put these concerns to you yourselves, but as their representative I just wanted to make sure that I had the opportunity to put that to you personally on their behalf.

MR DUNCAN: Thank you.

MR ARNOTT: Thank you. And – and – sorry. I’ll probably just leave in a couple  
5 of minutes, so thank you for the opportunity and thank you for working with council  
in this way.

MR DUNCAN: Thanks, Councillor. Kate, do you – do you wish to say anything  
more at the moment? I mean, we’ll go round the room and – virtual room.

10 MS DRINAN: Yes. Look, I – I think every councillor may have differing views on  
– on the – the situation - - -

MR DUNCAN: Yes.

15 MS DRINAN: - - - and it would be good to hear from – from each of those  
councillors.

MR DUNCAN: Yes.

20 MS DRINAN: Just with respect to the bus bays, I just – just thought I saw a  
condition on there requiring the bus bays to be built prior to them increasing their  
tonnage limits, so what – what’s said in the BPA probably is overwritten in part by  
that bus bay condition, but I’m – I’m happy to be stood corrected on that.

25 MR DUNCAN: All right. We’ll – we’ll check that.

MS DRINAN: Yes.

MR DUNCAN: Okay. Steve or Annelise, do you have any questions at this stage?  
30 No.

MR S. O’CONNOR: I – it’s Steve O’Connor here. I’ve got a few questions but I  
think it’s probably appropriate to hear from the other councillors first, Peter.

35 MR DUNCAN: All right. And I think, Councillor Nell, you may have made a  
comment – do you wish to speak at this stage?

MS DRINAN: Councillor Le Motte, I think that was.

40 MR DUNCAN: Oh, was it?

MS DRINAN: Yes.

MR DUNCAN: Okay.

45

MS DRINAN: Paul.

MR LE MOTTE: Yes. Absolutely. I'm happy to speak now if you'd like to hear from me this morning.

MR DUNCAN: Yes, please.

5

MR LE MOTTE: There's been a lot of work gone into this. I've actually sat on the community consultative committee as – as well, and there's been a lot of negotiations, and I think the – the end point that's been arrived at, should the Commission be of a mind to approve it, is probably a reasonable compromise in everything bar one, and the one thing, unfortunately, where in my mind would represent a massive failing if it's not corrected, and that is when you drive along that road regularly between 6 o'clock in the morning and 8 or 9 o'clock in the morning, as I do every day because I drive along there to go to and from work, there is no pathway. It is a residential zoning in there. It's R5.

15

There are people walking and exercising and pushing prams to bus stops and you name it, and they're on the edge of the road in that little half a metre between the white line and the edge of the bitumen with those 100 tonne trucks – sorry – 50 tonne trucks doing 80 kilometres an hour if they stick to the speed limit. So the failing is I had always believed that the pathway – it was going to be a requirement that it be constructed prior to them being able to increase their traffic movements, but the way the VPA and the draft conditions are sitting at the moment there is no requirement. In fact, we just heard Luke Mannix from planning – not from engineering – say that it's not set down to be done until about 2027.

25

That would be a massive failing on behalf of the council and of the State Government, in my opinion, if this consent were granted without a requirement that that pathway be done very, very quickly, if not before commencement, because that has been the big ticket item for the residents from start to finish. Yes. There's been issues about koalas. There's been issues about hours. There's been issues about all sorts of things. And as I said at the start, I think most people believe that in respect to most of those things a reasonable compromise has been achieved, a liveable compromise, but the lack of that pathway and the increase in those trucks is a deadly combination in the eyes of most of those residents. And I – as I said, I think it would be a massive failing if we can't fix that up before any approval was granted.

35

MR DUNCAN: Councillor, thanks. Is – is there an agreed location for the pathway or a design at this stage, does anybody know?

40

MR LE MOTTE: There's no formal design. There's a bit of a preliminary design but, yes, no – no formal design has been completed.

MR DUNCAN: Okay. However, the point is that it's similar to the bus bays issue, in – in your mind and – and the community's mind about having it done early.

45

MR LE MOTTE: It – it is. It's – it's exactly that. I mean, you know, any other major project in the LGA if council were granting it, like the – the recent one, the

Catholic school at Medowie, they – they tried to get some reprieve on building traffic lights or planning their section 94s or whatever but, you know, council said, “No. Sorry. Look, you know, it’s dangerous from the day 1 that school opens. You need this extra traffic control”. And it’s the same with any other DA that council would  
5 ever issue. The – the developer is required to address the upgrades of any roads or pathways or bridges or whatever it – it needs to be done to make it safe before they start, not at some undetermined period in the future. So I don’t see why this is any different.

10 The – in my book, this pathway needs to be built prior to them commencing operations or prior to them increasing traffic volumes anyway. And if council’s going to build that then, you know, they – Hanson will just have to put the heat on council, otherwise they might have to consider funding it and – and building it themselves if they want it done more expeditiously. I don’t know how – quite how  
15 to achieve it but I just don’t think it should be allowed to increase without that being in place.

MR DUNCAN: All right. And we note your comments. Thank you. Other – other  
20 councillors like to raise - - -

MS S. SMITH: Thank you. Councillor Sarah Smith. I’m a Central Ward  
councillor, so obviously representing my local area and the whole of – area of Port  
Stephens and I’d really just like to echo, I guess, what Councillor Le Motte has said  
25 that this Brandy Hill pathway is a very, very important issue to a lot of people. The special rate variation was mentioned briefly earlier, and one of the things we did during that process was engage in a lot of community consultation, and I would say that this pathway is certainly something that was always raised, along with other projects in the area, and it just comes down to safety. I think we have to put that as  
30 the number 1 priority, as Paul said.

Anyone else would be required to do it, so I wouldn’t be happy seeing any, sort of, exceptions, certainly in this case where it’s involving large trucks, and I think if we can come to some sort of arrangement where that could happen it – it would work very well for everyone. So, yes, I would really like to see that happen. Thank you.  
35

MR DUNCAN: Thanks, Councillor. Another - - -

MR J. NELL: Yes, Peter. I’d like to support the – Paul and Sarah on getting this  
40 footpath cycleway done. I know it’s a little bit ironic. I think Brandy Hill Drive was originally constructed to give access to the quarry, but there’s been a massive – will be a massive increase in traffic and I think it’s only fair now the residents have been living there for a couple of decades that they actually can go and have a normal life in safety and having pedestrians and cyclists mixing with heavy traffic on a busy road is just not – is not the go. It’s not on. So, yes, the position needs to be resolved  
45 and, I guess, along with Giacomo, I think the company can probably afford to pay for it. It won’t send them broke.

MR DUNCAN: Thanks, Councillor. Any – any other comments at this stage prior to going to some questions? Okay. Annelise, do you have any comments – questions?

5 MS A. TUOR: Yes. It was mentioned before that, Kate, you said that provided that there's no adverse impacts then you're – you're, sort of, happy with the noise and the truck limits, etcetera, etcetera. The company does want 24 hour operations, so potentially it – I just wanted to – but you've said that you're pleased that there aren't  
10 any 24 hour operations. The assessment that's in front of us, sort of, which we haven't obviously reviewed in any detail at the moment, indicates that in theory there would be acceptable impacts from those 24 hour operations, so given your preamble saying, well, as long as there's acceptable impacts then, yes, you're happy with it, can you just explain in more detail your concerns about 24 hour operations, particularly in relation to truck movements overnight?

15 MS DRINAN: Well, I – I just want to caveat this to say that we aren't the assessing body so we – we're – we're not – we haven't reviewed all the – the documentation to the level that the – that DPI have. I, as a development assessment and compliance  
20 officer, field a lot of concerns from the community about the operations at Brandy Hill, and a lot of those do relate to noise and truck movements outside of what you would expect standard business hours. So from a compliance and – and, sort of, long term perspective, keeping those hours to more reasonable times when people may not be at home as much is – is obviously going to be a positive for us long term in terms of that – that long term management. So that's where I'm coming from, noting that  
25 we do get community concerns. A – a lot of those concerns are dealt with through the EPA rather than us, but they – they do obviously keep us in the loop with – with – with those concerns.

MS TUOR: So are you aware of community concerns about the current noise  
30 generated from trucks and the operation of the plant?

MS DRINAN: Yes, I am; yes.

MR DUNCAN: So the operation of the plant as different to the trucks, if extended  
35 hours for operation of the plant has been mentioned as well up until 10 pm, as a - - -

MS DRINAN: Only on up to 20 days a year, I believe.

MR DUNCAN: That's right.  
40

MS DRINAN: Yes.

MR DUNCAN: And – and that meets appropriate noise and any impact issues, is that appropriate?  
45

MS DRINAN: Look, again, I'm – I'm not the person that's assessing it and – and – and really those decisions, sort of – sort of, sit more with those guys. What I can say

is that managing it from a compliance perspective is improved in that, you know, we're not going to be dealing with those extended hours 365 days a year. We – we – we know that it's only going to be for 20 calendar days, so that – that is an easier position for us to be in and it – I think it's – it's probably – I can't speak for the  
5 community, but more comforting for the community to know it's not going to be every night.

MR DUNCAN: Okay. Annelise, did you have more questions?

10 MS TUOR: Maybe just a bit more explanation probably from Luke just about this issue about the provision of the – of the footpath and the – the impediments to doing that earlier on in more – in more detail.

MR DUNCAN: Yes. Luke.

15

MR MANNIX: So – so just to be clear, is that more around the timing of the pathway in particular?

MS TUOR: Yes.

20

MR MANNIX: Yes. So one of the issues that we had in negotiating the VPA was the timeframes. We – we felt that we didn't have enough time to consider any amendments to the SAMP as council would be undertaking the footpath. We felt that if there was a – a need for the footpath to be provided at a certain time then  
25 hopefully the assessment would – that would come through in – in the – the assessment and – and maybe provide a bit more – a bit more of a – a guide for council. So we – we felt that the – the amendment of the SAMP would be a better means and if it – if it is something that – or – or, rather, if it comes out further through the – through the – through the finalisation of the draft planning agreement  
30 then – then we could take that into consideration as well.

I think it would just need to be a bit – bit more considered with – with some of the other engineering matters or engineering assets required. As Paul said, I'm – I'm only in the planning role and – and happy to take onboard any – any more issues  
35 around – or any more questions as to when the timing of any updates will be provided or if they – they wanted to – or if there is any specific timing they had in – in mind.

MS TUOR: So given the - - -

40

MR LE MOTTE: May – sorry to – sorry to jump in here, but, Luke, I – I spent 15 minutes on the phone to Steve Peart just before this meeting commenced, and what you just said was fairly inconsistent with my discussions with Steve. Now, that internal differences in council, I suppose, aren't really to be discussed here, but I just  
45 wanted to say that that really was inconsistent with what I heard from Steve. But, anyway, go ahead. Sorry to interrupt.

MS TUOR: Yes. So my understanding is that at the moment the – the condition would – or the BPA requires that the money for the footpath be provided over a few year period, and the current conditions don't limit or don't – the current conditions in relation to the bus shelter – bus layovers say that you can't increase production above  
5 the seven hundred – 700,000 tonnes until you constructed those bus layovers, but the current conditions don't link the increase in production to the construction of the footpath. So if you don't get the money for two years then potentially the earliest you're going to get the footpath is in two and a half years; is that – is that correct? Is that my - - -

10 MR MANNIX: What - - -

MS DRINAN: It depends on – on – on council's priorities too, because there's potential for forward funding, I would – I would imagine, in order to deliver it earlier  
15 if – if – if we needed to, but the – the issue there is – is, sort of, making sure that the – Hanson are onboard with the – the timing of our delivery of that pathway and – and ensuring that – that, you know, one doesn't, sort of, impact upon the other.

MS TUOR: So if – if – is it feasible for the pathway and the bus shelter in terms of  
20 council's funding arrangements to be brought forward significantly? So if – if it's – if the panel were to accept that the safety issues were something that should be addressed before any increase in tonnage, obviously Hanson wants to get that done as quickly as possible so they could increase their tonnage. So what – what are the impediments to council doing the work earlier, or how do we, as a Commission, if  
25 we considered it to be an important thing, condition that given that it's your spending of your money and your works program?

MS DRINAN: I think that's – that's the – the – the tricky dilemma, but in terms of that, I don't think any of us around the Zoom here today can – can say that there –  
30 can say, "Yes. That's fine. We can bring that – that forward". That – that would be the decision of full council and it would mean a modification to the SAMP; is that right, Luke?

MR MANNIX: That – that's my understanding, although I'm not – yes – in – in  
35 that – in that team to provide a full comment.

MS DRINAN: Yes. We don't have an engineer here or our engineering team to properly answer it.

40 MS TUOR: And as I understand it, the Hanson – correct me if I'm wrong – is providing 75 per cent of the funding towards the pathway?

MR MANNIX: It – it – based on our concept design, it – as was mentioned earlier, we haven't got a full design completed, so we don't know the full costs, but based on  
45 a concept design with some contingencies obviously included but certainly not all, then it's around – that's its – roughly the figure. Yes.

MS TUOR: Okay.

MR DUNCAN: Annabel – Annelise, sorry, have you got - - -

5 MS TUOR: No. That's fine. Thank you.

MR DUNCAN: Sorry.

10 MR LE MOTTE: But I – I'm sorry. I just have to add a bit more. I think what's being overlooked here is the order of things. The bus stops are important and the pathway's important, but if you don't have this pathway that means people have to walk along the road to get to these bus stops. So as far as I'm concerned, the pathway is actually the far greater safety thing that could be done as opposed to the bus stops. They should be done first. They should be done together, in my opinion,  
15 but if you had to choose I would always go for the bus stop, and the other thing I can say is – and you get - - -

MS TUOR: Would you go for the pathway? Sorry. You just said, "I'd go for the bus stop". You were saying it's pathway.  
20

MR LE MOTTE: Sorry. I meant pathway first, yes.

MS TUOR: Yes. Okay.

25 MR LE MOTTE: If you had to go one or the other I'd go for the pathway first, and I was about to say when the community consultative committee has its Zoom meeting next week with the IPC, I can guarantee you there will be rock solid belief amongst them all that the inclusion of the – or the construction of this pathway prior to the increase in traffic volume was the sole expectation and it's – it's become a  
30 great disappointment that the way the VPA and the draft conditions of consent are written that that's not the case. So it's – it's the single biggest issue, as far as I'm concerned, with the community.

MR DUNCAN: Okay. Thank you, Councillor. We – we might – Steve, would you  
35 like to ask some questions now?

MR O'CONNOR: Yes. Just to finish off on that issue of the pathways, if it is going to cost in the order of \$2 million and there's only a \$1.5 million contribution coming from Hanson, then presumably the timing of that is entirely up to council, when  
40 they're going to allocate additional funds, and there presumably is no certainty to when that would happen unless there's already a council resolution that they have got the funds and they're happy to see those works proceed ASAP.

MR LE MOTTE: Again, if I can jump in, if you built 75 per cent of the length of  
45 that pathway starting from the southern end you would actually be providing the – the footpath to probably 90 per cent of the – the dwellings along there. So 75 per cent of the cost of it would give frontage to 90 per cent of the dwellings, so that

would be a huge thing, and I feel sure that were it not for COVID that council would have been able to find that funding and – who knows, they still might be able to. But 75 per cent of the funding starting from the southern end will go a very big way to dealing with the majority of properties that have frontage to it and would utilise it.

5

MR O'CONNOR: Thank you for those comments. I've got a question for Luke about the road maintenance condition and contributions required. We've heard from Hanson that council's recently adopted a new contributions plan with increased requirement for contribution for extractive industries; however, there's a provision in the contributions plan that says individual negotiation can take place with specific studies and Hanson have advised us that you – they've had discussions with council about getting a lesser contribution or having – being required to pay a lesser contribution than the contributions plan requires. Can you update us where council stands on that?

15

MR MANNIX: Sure. So you're correct, we have recently approved a contribution plan that outlines road haulage at 8 cents per tonne per kilometre. That's what we intend to charge. Currently we haven't got any information that we agree with to – to show us a lesser amount. I know that through this VPA process there were some traffic studies submitted, but certainly were not agreed to, and there are a lot of outstanding issues in that matter so I haven't heard any further from Hanson about how they wish to proceed on that matter.

20

MR O'CONNOR: Good. Thanks for that answer. And just a question around the contributions that they're looking to pay. There – there's also a recommendation in the department's report that Maitland Council receive contributions. Do you – have you been involved in those discussions at all or are they purely between council – Maitland Council and the – Hanson?

25

MR MANNIX: Yes. That was interesting to me. I – I wasn't involved at all. I wasn't even aware that the haulage route went through Maitland Council so, yes, I imagine if – if it does then it would be something for Maitland Council to consider.

30

MR O'CONNOR: Okay. Thank you. That's my questions.

35

MR DUNCAN: Okay. Is there any further questions from the Commission at this stage?

MS TUOR: So just on that, Luke, presumably though there would be – if – if Maitland Council's also going to get some contributions then the – there'd be an apportionment of the traffic going that, you know – what – what went your way and what went Maitland's way, there'd be an apportionment as to what you could levy and what they could levy. So you haven't put – you're not aware of that or you haven't put your mind to it, or - - -

40

45

MR MANNIX: Yes. I wasn't aware. I mean, our – our – our contribution plan is per – per cent per tonne per kilometre, so it would apply to the section of the road

haulage that would – they – they would travel within our LGA. Yes. I'd have to look in a bit more detail as to what the actual road haulage route is to determine – and how they intend to pay. It obviously would be based on weighbridge, but if they – it – we'd have to – have to work that a bit – bit further. As I said, I wasn't – I  
5 wasn't aware.

MR DUNCAN: All right. Anything further at this stage from the Commission?

10 MS TUOR: I've just got a question on a totally different topic just in relation to the comments about koalas. Can you just update me on – you've got a koala plan and maybe you can't answer this at this point in time, but given the recent fires have the, sort of, assumptions in that koala plan about existing habitat, etcetera – have they changed?

15 MS DRINAN: No. Our – we've got the koala plan of management. I think it was created in around 2003 and it hasn't been updated, but we do obviously have the – the new koala SEPP and that would reflect any changes that – that have been made through the changes to the BC Act. So that would – that would possibly capture  
20 some of that in terms of understanding the greater catchment area. And – and, look, I'm not an expert ecologist, but the question would be at what time do – if – if they did their – if they did their studies back before the fires, do they need to go back now and – and check that information, having regard to the impact of the fires? I don't have an answer to that, but it is – it is probably a question.

25 MR DUNCAN: Anything further? And I'll - - -

MR LE MOTTE: Oh, I'll just add a little bit to that. I don't know why, but Port Stephens somehow escaped much damage in the recent bushfire travesty that affected the east coast of this country. But that's just one occasion. There's been  
30 other times when bushfires in Port Stephens have been so bad that they've made international news just by themselves without the rest of the country being on fire. So bushfire and koala habitat is always an issue and a problem, but in this particular instance in – sorry – in – in the particular bushfire catastrophe that we've just experienced, we got let off the hook. I don't know why, grace of God, but we didn't  
35 suffer too much this time.

MR DUNCAN: Thank you. All right. That sounds like we've exhausted all of our questions, and, Kate, thank you for – for going through the list at the start. Is there  
40 anything further that council wishes to – to let us know? We'll be talking to Maitland Council as well, but we've also got the public meeting, so we've got a few more steps to go at this stage. Anything - - -

MS DRINAN: I think - - -

45 MR DUNCAN: Yes.

MS DRINAN: - - - from my perspective the only thing that – that I would be keen to understand is if you were proposing any modifications to conditions we’d probably want to understand what those modifications were because it may have implications – even – even the condition which requires the bus bays to be built prior  
5 to the increased tonnage, that does have implications on – on the timing from our perspective to some degree, and – and – and that will impact upon the negotiations with – with Hanson in terms of our VPA. So – so – yes. We would be keen to understand any proposed changes that – that you were considering to conditions of consent.

10 MR DUNCAN: Okay. That’s – that’s a bit down the track, but we’ll be talking to – to the department about anything in that area if we’re going there, so we’d be – we’d be – we’re happy to pass that on.

15 MS DRINAN: Great.

MR DUNCAN: Thanks. Thanks, Kate. Anything more at this stage?

MR LE MOTTE: Yes. I’ve just got one procedural question. You just made  
20 reference to a public meeting. Is that in addition to the video meeting that we’re having with – sorry – the meeting at the bowling club with the CCC, is it?

MR DUNCAN: The – the – the meeting is – is a – is a virtual public meeting, so this is – this is using technology on this occasion, and the date for that meeting is –  
25 can you confirm that? It’s the 12<sup>th</sup>; is that right?

MS DRINAN: 12<sup>th</sup> of – 12<sup>th</sup> of June is what we’ve got.

MR DUNCAN: Of June.

30 MS DRINAN: Yes.

MR DUNCAN: Okay. So that - - -

35 MR LE MOTTE: Right. But we’re – but we’re still having a face to face meeting at Raymond Terrace Bowling Club with the CCC; is that correct?

MR DUNCAN: That’s your – CCC, in – your community consultative committee?

40 MR LE MOTTE: Yes.

MR DUNCAN: That’s – that’s your meeting, I think. That’s not our meeting; is that correct?

45 MR LE MOTTE: That might be where I was going wrong.

MR DUNCAN: I think - - -

MR LE MOTTE: So the IPC is not actually having a – a – a meeting of any sort directly with the CCC?

5 MR DUNCAN: At – at the moment under the – the Health guidelines we're – we're not having any face to face meetings, so we're doing them all this way.

10 MR LE MOTTE: Okay. But that's not my point. My point is there's – the only – the only other video meeting you've got set down is the public meeting. You don't have a video meeting set down with the CCC alone?

MR DUNCAN: That's as I understand it unless one of the secretariat can advise me otherwise.

15 MR C. FIRTH: No. That's - - -

MS H. MULCAHY: No.

MR LE MOTTE: Right.

20 MR FIRTH: That's correct, I think, and, therefore, the CCC can always address us at the public meeting if – if - - -

MR DUNCAN: Yes.

25 MR FIRTH: - - - they want to make their views known.

MR DUNCAN: That's right. So that - - -

30 MR LE MOTTE: Well, that makes sense because they kept telling – telling me that if I wanted to speak I had to somehow register, and I was thinking but if it's – if it was a CCC and you'd spent two years on a CCC surely you'd be entitled to speak, but there's no specific meeting for that. It's part of the public meeting. So now I understand. Okay.

35 MR DUNCAN: That's correct. That's where the registration is. Okay, Councillor. Thank you.

MR LE MOTTE: Yes. Okay.

40 MR DUNCAN: Okay. Any other questions at this stage or comments? I – I'd just like to thank everybody, and apologies for the – for the later start and the technology issues, but hopefully everybody's felt that they've had – had their say and we'll look forward to going to the next round of meetings. Thank you.

45

**RECORDING CONCLUDED**

**[11.40 am]**