



27 June 2024

James McDonough
Team Leader, Resource Assessments
Department of Planning, Housing and Infrastructure

via email: [REDACTED]

Dear James,

Eagleton Quarry Project (SSD-7332)
Request for Comment – Recommended Conditions of Consent

I refer to the State significant development application for the Eagleton Quarry Project (SSD-7332) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

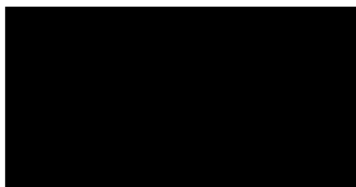
The Commission is considering the imposition of the attached conditions of consent for the Application (**Attachment A**) should it determine to approve the Application. The Commission seeks the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions.

Could you please provide the Department's advice on the conditions of consent at **Attachment A** and a response to the Commission's questions in **Attachment B** by 5pm on **Tuesday, 2 July 2024**.

This letter and your response will be made publicly available on the Commission's website immediately following the publication of the Commission's determination of this Application.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Tahlia Hutchinson, [REDACTED] or [REDACTED]

Yours sincerely,



Stephen Barry
Planning Director



ATTACHMENT B – QUESTIONS TO THE DEPARTMENT

1. In the Department's Assessment Report (AR), the Department references the following conditions which are not reflected in the Department's recommended conditions of consent. Can the Department please provide the following recommended conditions:
 - a. Blast Management Plan (referred to in AR Table 6-6);
 - b. requirement for the weighing of haul trucks entering and leaving the quarry (referred to in AR para 110); and
 - c. requirement relating to Historic Heritage for appropriate procedures to be implemented if unexpected historic relics are discovered (referred to in AR Table 6-6).
2. Should the references throughout the consent to the Building Code of Australia (BCA) be amended to the National Construction Code (NCC)?
3. The Commission is considering the imposition of minor reference amendments (see **Attachment C**). Please confirm the amendments are correct and acceptable to the Department:
 - a. Condition A9 – Note amended to refer to Condition A11;
 - b. Condition B26 (now B27) – Amended to refer to Condition B30
 - c. Condition B43 (now B45) – Note amended to refer to Appendix 5; and
 - d. Condition B44 (now B46) – Amended to refer to Condition B45.
4. AR para 92 notes that the Department has recommended a condition of consent requiring the Pacific Highway/Italia Road intersection to be upgraded to the satisfaction of TfNSW *and Council*, whereas only TfNSW is referred to at recommended condition B33(a) (now B35(a)) – Can the Department confirm if this condition should be amended to also include Council, noting Council's correspondence to the Department dated 23 April 2024 infers Council does not wish to be included?
5. The Commission is concerned that condition A18 as recommended (now A19) allows for changes to plans, strategies or programs without any consultation. Can the Department provide advice as to how this condition works in practice?
6. Recommended condition B9 (now B10) requiring property inspections and recommended condition B11 (now B12) requiring property investigations have differing catchment distances, with B9 nominating 1km and B11 nominating 2km. Can the Department provide comment on the intent of having different distances for each condition? The Commission is considering an amendment to condition B9 (now B10) to require a 2km radius.
7. Can the Department clarify if an amendment to condition B43 (now B45) is required to set a timeframe for the establishment of the Biodiversity Stewardship Site. Also does the intent for the Biodiversity Stewardship Site to be maintained in perpetuity need to be included in this condition or is it covered elsewhere through the biodiversity legislation?
8. Condition B48 (now B50) states that the Applicant must rehabilitate the site consistent with the rehabilitation strategy set out in the EIS and the conceptual rehabilitation plan in Appendix 6 of the consent. Noting that these plans have already been prepared, can



the Department provide comment on how the rehabilitation objectives set out in those documents would be applied and enforced?