



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: MARTINS CREEK QUARRY PROJECT (SSD-6612)

DUNGOG SHIRE COUNCIL MEETING

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

OFFICE OF THE IPC: CASEY JOSHUA
PHOEBE JARVIS

DUNGOG SHIRE COUNCIL: GARETH CURTIS
JOHN CONNORS
TREVOR RYAN
STEVE HITCHENS

LOCATION: VIA VIDEO CONFERENCE

DATE: 1.30PM, THURSDAY, 20 OCTOBER 2022

TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS

MR WILSON: Before we begin today, I would like to acknowledge the traditional owners of all the country from where we virtually meet today, and pay my respects to their 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 Proprietary Limited, 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 20-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 Casey Joshua 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.

As you may be aware, the Commission has undertaken a site inspection, which included meeting with community groups within their community context, and meeting with Daracon's representatives onsite. We're at the beginning of the process, where we've had meetings with the applicant yesterday and we're scheduled to have meetings with the department this afternoon and we're scheduled to meet with Maitland Council tomorrow.

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.

Now, I understand, Mr Mayor, that you've prepared a presentation and you'd like to present that to the Commission?

MR CONNORS: We have, Commissioner, and we'd like to work our way through that presentation, together with the oral comments and presentation from the members present in this room.

MR WILSON: That's fine. Do you have any problem with us asking questions as we go through the presentation?

MR CONNORS: Certainly.

10 MR WILSON: Okay. All right. Well, then I'll let you proceed. Do you want to introduce your team?

MR CURTIS: Good morning. Yes, I will. I'm Gareth Curtis. I'm the General Manager of Dungog Shire Council. You just met the Mayor, Councillor John Connors. To my right, on this side of the table, is the Director of Planning and Environment, Trevor Ryan. To my left here is the Executive Manager of Infrastructure and Assets, Mr Steve Hitchens. I would just quickly like to acknowledge the traditional owners of the land on which we meet today and pay respects to the Elders past, present and emerging. I will now hand over to Mayor
20 Connors to go through our presentation. Thank you.

MR CONNORS: Commissioners, I propose to speak generally rather than specifically, and the others, being the Executive Manager, Infrastructure and Assets, the Director of Planning, and the General Manager will deal more specifically with the issues as we go through the presentation.

Initially, Commissioners, I wish to highlight on behalf of council the fact that council, whilst it didn't oppose the development application, and the department make that point in their submission, that council did not oppose it, unlike Maitland, we have
30 consistently opposed the transport of material by road, and that doesn't get mentioned within the department's assessment.

MR WILSON: I've read your submission, Mr Mayor, and I think that comes through quite clearly.

MR CONNORS: Thank you. That then leads to the critical issues that we, as a council, see all relate predominantly to haulage and road use. The submission from the department highlights the fact that there's about 8 million tonnes of product in the Hunter Valley, and that the amount to be hauled from this project is about 500,000
40 tonnes. From our point of view, there is very little local economic benefit, and we would submit there is very little real benefit to the state, when it's only 500,000 tonnes

out of 8 million thousand tonnes that the - their impact, that are going by the road, which is the impact that we predominantly are concerned about on behalf of the community.

10 It's also of concern that the recommended conditions submitted by the department allow that or propose that the development commence without what are considered necessary intersection and infrastructure works being carried out, periods of 18 months and the like allowed for that to be carried out, and then the condition, as currently drafted, says it's to be done - if not done by the company, the company can then choose to agree an amount to council and have council do it. Well, we'd - we're a very small council, with more work at the moment than we can possibly cope with, and that's going to be the case in the future, so that's a condition that causes us significant concern, because that could result in a significant serious impact on the community for a number of years, if it were that the company took that course, and council, with its inability to be able to do with the work in a timely manner.

MR WILSON: So, Mr Mayor, you contended that work should be done upfront regardless of the level of road haulage. Is that right?

20 MR CONNORS: Yes, correct. The impact is significant, even with the reduced road haulage that's envisaged by the recommend conditions, because of the various intersections and, in particular, the intersection in the middle of the village of Paterson.

The last point that I wish to make before handing over to the others is the section 7.11 contributions. The recommended conditions don't provide that the 7.11 contribution, as determined by council's 7.11 contribution plan, which was created in accordance with the statutory requirements and put on exhibit and received no submissions, doesn't impose that charge. It provides a mechanism for determining a charge, which could be something far, far less and far less satisfactory to council.

30 In support of council's number, one only has to look at the relatively recent conditions of consent for the Brandy Hill Quarry, Paterson's application, which is very close to Martins Creek, where the 7.11 contributions that were imposed for the benefit of Port Stephens Council are very similar to ours, and we think it's not unreasonable that the contributions, as determined by our plan, created appropriately, should be imposed.

Commissioners, they're - I've only attempted to the highlight the more dominant issues as for as council is concerned, but I now hand over to - - -

40 MS SYKES: I just had one question, Mayor, on - - -

MR CONNORS: Certainly.

MS SYKES: Could I just clarify the figure, that you said 8 million tonnes per annum - was that Hunter Valley, mainly?

MR CONNORS: It is, and it appears in the department's report at page 8.

MS SYKES: Okay.

10 MR CONNORS: I rounded it - it's 7,949 and I rounded it to 8.

MS SYKES: There we go - I've found it. Yes, thank you.

MR WILSON: I think the applicant put a similar figure to us yesterday as well.

MS SYKES: Yes.

MR WILSON: Thank you. Sorry, Mr Mayor.

20 MS SYKES: Thank you.

MR CONNORS: Thank you, Commissioners. Well, that's it from me, for the moment at least, unless there are any other issues, and now to Mr Ryan, Director of Environment and Planning.

MR RYAN: Thank you, Mayor. Thank you, Commissioners and members of staff from the Independent Planning Commission for this opportunity to sit before you. Specifically from council planning, and I guess from a planning perspective, I just wanted to note that council, I guess, were not afforded the appropriate time in order to
30 review the extensive material. Equally, the draft conditions of consent that were put forward by the department in September - I believe we had ten days, which included an extension of time to review those comments.

However, council's, I guess, issues and concerns raised primarily relate, as the Mayor outlined, infrastructure and contributions, and road upgrades, so this submission does not really go into a lot of detail around socioeconomic air and noise impacts. However, previous submissions do - apparently have highlighted the following planning concerns, and I thought it relevant to raise those here today.

40 The first point would be proximity of rural residential and local residential amenity to the proposed active pit. A road haulage route that transverses a 50-kilometre per hour

residential local road network, utilisation of a single-lane timber bridge, as per the primary haulage route identified, a concern around the haulage route that transverses the residential area of Martins Creek, particularly along Station Street - Station Road, and through the local villages of Paterson, which is actually a heritage conservation area, and previous submissions referred to availability of rail siding, which, from a planning perspective and review of the information, I guess it poses a question around the - just the location and rationale around increased quantum for rail transport, as opposed to road haulage transport.

10 In relation to the recommended conditions put forward to you, in particular, as previously mentioned, council does raise particular concern around contribution and planning, and community benefits, particularly conditions A23, A24, A26 and A27. In particular, council have followed the Environmental Planning and Assessment Act legislative framework, and went through a robust process in developing an evidence-based approach contribution plan, particularly around haulage rates per tonne per kilometre, and that that was put forward on its submission, affording the industry to put forward submissions. And those submissions were received during that process. And that is now a council-adopted contribution plan.

20 If we look at condition A23, for example, I guess the concern is that, in simple terms, it provides the applicant a bypass, if you like, of the condition that really should be worded, and we'll put forward recommended wording post this presentation, but it does put forward the sense that if a mum and dad, for example, were to develop a dwelling, they would be required to undertake certain works prior to the commencement or prior to the occupation certificate.

30 So in that sense, getting back to the infrastructure contribution, it should be applied, and the wording - sorry, I've confused you, but council will put forward recommended or suggested rewording of the condition, but my point being, and what I'm trying to say is that the wording should be that the applicant must apply for and accede to the contribution plan as adopted by council, and that part B and part C for the condition is therefore, in our view, inappropriate because it allows, I guess, a bypass of not complying with council's condition.

MR WILSON: Can I ask a question. In your view, what's the fundamental difference between the two contributions plans?

MR RYAN: Sorry, could you repeat, Commissioner?

MR WILSON: What is the fundamental difference between the SMEC methodology and the methodology adopted in your contributions plan? What makes them so different?

MR CURTIS: Yes. Just - the General Manager here, Commissioner. Our Executive Manager, Infrastructure and Assets, can address that as well during his speech, and he can actually - - -

MR WILSON: Okay. Yes, no problem. Thank you very much.

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MR CURTIS: If we just take it on notice, we can address it then.

MR WILSON: Yes, sure.

MR RYAN: Thank you, Commissioner.

MR WILSON: Just a general comment on the conditions - we're very happy to hear from you about these conditions, and you don't need to do it today, but we're - at the moment we're not that - while the conditions are very important in helping us make our decision one way or the other, I guess we're really trying to understand what the impacts are, and in that respect, those conditions or may be important, so that's the context of what we're hearing today.

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MR CURTIS: Yes, thank you.

MR WILSON: That makes sense. I guess we're just trying to understand what the real impacts are, and then whether or not these draft conditions are sufficient enough to offset those impacts.

MR RYAN: I guess, Commissioner, I guess keeping that at high level, then, I guess the concern around that condition is that council maintain the road network, and Steve Hitchens will relay that; however, there will be a significant impact on local road infrastructure, and from that perspective, however that particular condition is worded, I guess, provides a bit of an enabling for the applicant to move outside council's contribution plan. Equally, we've got a condition around the timing - for example, with condition A26 and A27, you know, 12 months from the date of commencement, you know, for contributions, that should be a lot sooner, and perhaps six months.

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The other - and I'll take this high level as well - is in relation to road infrastructure and upgrades, which our Executive Manager will go through that in a little bit more detail, is conditions B39 through to B42, and that is that the applicant, particularly around

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condition B40, requires the relevant road upgrades and intersections, which Steve will go through, but no later than 18 months from the date of commencement of development.

And I get back to my previous point around a mum and dad building their first home, and through council's standard conditions of consent, they will be required to undertake driveways, for example, in the public domain, and that that would be required prior to - to be completed prior to receiving an occupation certificate to live at the property. I don't believe a development of this scale and nature should be any
10 different, and the view would be that the infrastructure works that are required to support the development be done upfront.

And the concern there around that if after 18 months following the date of the commencement the applicant means they'd make a payment to council. Now, from a capacity perspective, as previously mentioned, council has a large significant traffics program ahead, and we would not be able to undertake those works. And I guess the risk is, how would council undertake such works, particularly where the truck movements and traffic management and impact on the community, it places council at a complete disadvantage, from our view.

20 That's probably it from myself, from a planning perspective, but I will pass you over to our Executive Manager, Steve Hitchens.

MR WILSON: Just on that, on that, on the conditions - I mean, we're more than happy for you, as council, to provide the Commission with a without prejudice suggestions in terms of the conditions, noting that you generally object to the level of haulage along the road. I have no problem with that. I don't think my fellow Commissioners have a problem with that, either - well, I'll leave it up to them to - they can nod or disagree, but I don't have a problem with that. If that suits council, then we
30 have no problem with that.

MR HITCHENS: Thank you. My name is Steve Hitchens. I am the Executive Manager, Infrastructure and Assets at Dungog Shire Council. I'll probably tread over a little bit of area we already have, but hopefully provide a bit of clarification, if I can.

The main areas of concern to myself, as the Mayor and previous council officers have stated, my main areas of concern are around the road safety issues that have been identified, and also the maintenance rehabilitation contributions.

40 So when we look at the road safety upgrade works, it's noted that the applicant has had traffic impact assessment undertaken by SECA. As part of their application

process, among the matters identified within those documents, they did identify issues such as the rail (not transcribable) station (not transcribable) Martins Creek, where they're currently - their current operation works. The one-way bridge operation at Gostwyck Bridge on Dungog Road, the lack of sheltered right-turn lane on Gresford Road, from Dungog Road onto Gresford Road, and the tight 90-degree bend on the corner of King and Duke Streets at Paterson.

10 It's noted by council and that it has been identified within the recommended conditions that the applicant is required to undertake those works. So in B39, the applicant must, as soon as reasonable and feasible, undertake no later two years from the date of commencement and development, construct a new quarry access, which takes away the issue with regards to Station Street.

It's noted in B40 that the applicant, must as soon as reasonable and feasible and no later than 18 months following the date of commencement of development, upgrade the approach to the Gostwyck Bridge, undertake works to the Dungog and Gresford intersection, and upgrade the King and Duke Street intersection near Paterson.

20 Council is supportive of those, but not necessarily with regard to the timing as such. So with regards to timing, it's noted that the applicant has been allowed from the quarry to go up to 250,000 tonnes per annum on road haulage, which allows for up to 140 heavy vehicle movements per day, prior to these safety works being undertaken. The 250,000 tonnes is approximately a 67 per cent increase over the current arrangements to the quarry, hence there is a similar increase in the allowable heavy vehicle movements.

30 Council's concern is that any increase will create extra movements at these intersections, and therefore increase the likelihood of a safety issue or an accident occurring. It's further noted that, for any development that council would normally undertake, where a road safety issue is identified, the developer would be required to undertake the necessary works under the conditions of consent prior to enacting the development. Council's position, as I've said, is therefore that all necessary safety works identified in B39 and B40 need to be undertaken prior to any increase in road transport being allowed.

40 As alluded to by Trevor as well, with regards to the default situation if the applicant does not undertake the works in accordance with B41 and B42, they provide the applicant the opportunity to delay the works identified in the condition of consent for up to 18 months, and then make a payment to council for any outstanding works.

Council opposes this condition based on this could give the applicant the opportunity to continue operating at the new 250,000-tonne per annum road haulage limit beyond the 18-month period while those negotiations occurred. The applicant is a well-known and well-respected road builder in the industry, and it has the means and necessary resources to undertake those works, and council's forecast operational plan and delivery program, especially our capable works road crews, are at full capacity for the next four years, and there is no room in council's means to actually undertake those external works.

- 10 Therefore I reiterate that council's position remains that all identified existing road upgrades in clause B40 and the new quarry access road in clause B39 must be completed in full prior to any increase in road haulage above the current arrangements.

With respect to the road haulage contributions, as discussed, council's current road contributions plan with the heavy haulage generated by the extractive industries went through the normal vigorous and open process in 2017, including public exhibition, prior to adoption by council in July 2017. Calculations were made based on the fatigue created by heavy vehicle transport on the road network, and the identified road construction costs and reconstruction costs for payments, which were always primarily
20 based on heavy vehicle movements.

The heavy vehicle movements that have been identified from the quarry, based on the 500,000-tonne submission, attribute to 62 per cent of all heavy vehicle movements by council's calculations on Dungog Road, 35 per cent of all heavy vehicle movements on Gresford Road, and 38 per cent on Tocal Road. We therefore believe they're a primary contributor to those road networks, as far as those fatigue issues, and those construction requirements.

30 Therefore, it's our position that they need to contribute to the necessary road maintenance rehabilitation works that are likely to need development. As such, council supports A23(a), which states that the applicant must make annual financial contributions to council, and Maitland Council in this instance, towards the maintenance of local roads used for heavy haulage of quarry products, and those contributions must be in accordance with the relevant council local infrastructure contributions plan, including any updated or revised versions of these plans, for local roads within the local government area.

40 However, subclauses (b) and (c), which provide a mechanism for review of these conditions to be undertaken, are not supportive, noting that council's contribution rates are consistent with neighbouring council, with respect to per cent per tonne per kilometre rates that we've identified. In fact, they're 75 per cent of Port Stephens

Council's current rates for our regional road network, and recent decisions of neighbouring quarries, as the Mayor has stated, in Brandy Hill neutralise the relevant council's identified rates. We therefore believe that it's reasonable that a similar condition apply in this instance.

10 So, in summary, council does not support any increase in transport by road prior to what we've identified in conditions, safety and upgrade works and before construction works being completed, and does not support any reduction in road haulage contributions that are identified in council's adopted contributions plan for heavy haulage generated by extractive industries.

MR WILSON: Can I just ask a question on that.

MR HITCHENS: Of course.

20 MR WILSON: Would those conditions - is it council's position that they would expect those upgrades to be done at 150,000 tonnes, like, before - because, obviously, they're permitted at the moment, I understand, to transport 150,000 tonnes - correct me if I'm wrong - would it simply be that prior to this consent being enacted, if it was proved that they have to do those works, or could they do those works prior to going above 150? I'm just trying to understand council's - - -

30 MR HITCHENS: Yes, it's council's position that 150,000 tonnes is what they've been allowed while various legal processes that have been undertaken to work at at this point in time. The report by SECA Solutions identified safety concerns going above those limits, and the increased heavy haulage that that presents. So how it was mentioned is, whilst (not transcribable) operating under their current arrangements, those issues are not - whilst they are there, it's identified that they are pre-existing conditions - they are not in a position where they're going to be made worse by increased heavy haulage vehicles through those areas. The major concern is stacking of heavy haulage trucks at intersections, the tight turning measurement in Paterson, the access onto the timber one-way bridge at Gostwyck Bridge. So our position is, we're reasonably comfortable while they're operating at 150,000 tonnes by road, that those situations are manageable; whenever we go above that, that's when it becomes a problem, and that's what's identified by their own studies.

40 MR WILSON: Okay. On the basis it's been recommended that the existing consent be surrendered, council would be comfortable with those works being done prior to going beyond 150,000 tonnes of production under the new consent. Is that - - -

MR HITCHENS: I have the learned gentleman to my right - I can't speak for council, but I - - -

MR WILSON: I'm just trying to work out what - how it would work, that's all. I'm not trying to (not transcribable) out, please - I'm just trying to understand how it would work, that's all.

MR CONNORS: If I could answer that, Commissioner. I think council's position is, first prize, no haulage by road - - -

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MR WILSON: Yes.

MR CONNORS: - - - second prize, yes, what you put, that it be limited to 150,000 tonnes until the - what's considered necessary works are carried out.

MR WILSON: And there's no third prize.

MR CONNORS: And there is no third prize, yes, you're right.

20 PROF. BARLOW: Chris, Commissioner Barlow here. Can I ask a question around the single-lane Gostwyck Bridge - - -

MR WILSON: I think we're about to go through them all one by one, Snow. Is that right, council?

MR CONNORS: Yes.

PROF. BARLOW: Yes. Well, I left - - -

30 MR HITCHENS: What we can do, if you like, Commissioner, I'm happy to go through the slides - - -

MR WILSON: No, we'd like to go through them one by one, because the applicant has gone through them one by one, and I think you should do it as well.

PROF. BARLOW: Okay. I'll wait until we get there, okay?

40 MR HITCHENS: Okay, then. In front of us here, on the left of the screen, is Station Street. At present that's the primary haulage route used by the quarry. It's a very narrow urban street, which you can see. The houses are very, very close to a haul route. The road is basically, as you can tell by the features, in a very, very poor state

at this point in time, so, yes, hence why we have concerns with safety for those residents and the noise those residents need to put up with for heavy haulage vehicles utilising that road, hence another reason why we want them to move to their new haul road that's straight onto Dungog Road.

On the bottom of that picture, to the top of the - to the top of the picture is the haulage out of Martin Street, where it heads back to Paterson and into the Maitland area. To the right is the entrance into the quarry - you can see actually the - you can almost see the curved movement that the heavy vehicles are making over the railway line.

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Now, that railway line, I think in one of the submissions, we know that that railway line was identified as a safety concern by the ARTC back in 2012, as an issue with regards to the movements. What we can't quite see there, if you can see the stop line, just to the south of - or just at the bottom of that picture, there is another rail crossing, which is the siding utilised by the quarry, so there's a number of safety issues around that quarry. To the left of the picture is actually where you enter the rail station, so hence why we want any increase in truck (not transcribable) out of that particular safety area, by moving them into their haul range, they've identified themselves (not transcribable) that crossing becomes obsolete as far as heavy vehicle movements are concerned.

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MR WILSON: Just while you're on that, sorry, what was the nature of the upgrade works that were considered necessary?

MR HITCHENS: There's no upgrade works on that particular site itself. What they've identified is they're going to construct a new haulage road to the quarry.

MR WILSON: I understand that, but ARTC said it was a problematic - - -

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MR HITCHENS: So, ARTC, they looked at boom-gating the actual rail crossing, because the main rail crossing is the main rail crossing between Sydney and Brisbane.

MR WILSON: Okay. Yes.

MR HITCHENS: And they've looked at a boom gate situation there. It became very problematic with the angles that are associated with it and heavy vehicle movements coming out of Station Street - if we can scroll back on.

MR WILSON: Just go back one. Yes. So there's - - -

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MR HITCHENS: There, so heavy vehicle movements come from the right, and to the top of the page.

MR WILSON: Yes.

MR HITCHENS: So the boom gate out at an angle was very problematic - you know, the builders, they couldn't work out how to do it, I don't believe.

MR WILSON: And how many movements a day?

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MR HITCHENS: Sorry, Commissioner?

MR WILSON: How many movements a day? Train movements?

MR HITCHENS: It's variable. There's five - or there used to be five local rail movements, passenger train movements to and from Dungog. It's on the Sydney Rail Network. There's also, I believe, three XPT movements, which is passenger trains, again, from Sydney to Brisbane that go through there each day.

20 MR CONNORS: About six movements, three in each direction.

MR HITCHENS: Yes, and there's also train movements along the railway line - I don't know the quantum of, sorry - which also services a coalmine up at Gloucester, plus any heavy freight movements going from Brisbane to Sydney as well.

MR WILSON: Okay.

MR HITCHENS: So that's that intersection.

30 MR WILSON: And it's just a light system at the moment that indicates a train's coming, yes?

MR HITCHENS: There's a light system on the existing main rail crossing. The siding that goes into the quarry itself is actually - they operate a manual manned system when the siding is being used.

MR WILSON: All right. Thank you very much. It's very useful. Thanks.

40 MR HITCHENS: The next photo there, that's the intersection of Gresford Road, which is to the top of the page on the lefthand side, or to the left of the page on the righthand side picture. That's the road from the quarry, and then they generally turn

left out of that intersection and head - if you're looking at the picture on the right, head to the top of the page there towards Paterson.

As you can see, whilst there is a strip lane there to allow for one, maybe two trucks to be parked there and allow vehicles to go past, the increased traffic movements that they've identified, and they've identified in their own reports, require the channelised right-turn bay there, to allow vehicles to actually stack and turn right into Dungog Road, plus an extended acceleration lane on the lefthand side, heading up the page on the right picture, an extended acceleration lane there to allow those trucks to get up to speed prior to merging into existing traffic.

So the one on the left there is Gostwyck Bridge, which is actually between the quarry and the intersection we just looked at. The major concern on that bridge - that bridge, just for reference, is a Transport for New South Wales structure. It's not owned or managed by council, they own and manage and maintain that structure themselves. It does have load restrictions on it, on a fair low limit. The load restrictions, when you're get into there are NHVR-classed people.

Council's major concern, as you can see on the top of the page there, there's a give-way on that structure, and for people coming from the quarry side, which is the top of the page, heading towards the bridge, if there's vehicles waiting there, there's very, very little time to see a heavy vehicle or something waiting on that give-way line there, prior to coming across it in an 80-kilometre-an-hour a zone, so we're certainly supportive of any works that can be undertaken on that side of the bridge specifically to improve site distance and reduce speed issues, as far as access to that structure.

MR WILSON: Snow, are you wanting to ask a question on the bridge?

PROF. BARLOW: Yes, I am. I was just unmuting. My question is more - you know, it's a single-lane bridge, particularly, with haulage trucks of that size, and has any consideration been given to a light system? I don't know whether that would help - you know, you're the experts in that area - but it seems to me that, you know, a light at the bridge, but also further back, you know, might alleviate some of that problem, because otherwise it seems to me there's potential for an accident on the bridge.

MR HITCHENS: Thank you, Commissioner. I one hundred per cent agree with what you're saying. Unfortunately, as the structure isn't ours, Transport for New South Wales provided comment on that bridge more so than what Dungog Shire Council did. However, we are very supportive of anything that can be done on that structure with respect to reducing that risk of opposing traffic - whether that's a matter of traffic lights, as you suggested, and also, as you see in a lot of busy areas around the cities,

the warning lights to say that the light that you're coming to is red, or things along those lines, I think, need to be more adequately reviewed and investigated prior to the works being undertaken at that site, because it's problematic in its current form, and as if we increase the traffic to what we're looking at, I think it's going to create more problems longer term.

MS SYKES: Could you also - - -

PROF. BARLOW: Yes.

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MS SYKES: Sorry, Snow.

PROF. BARLOW: Yes, go ahead, Clare.

MS SYKES: Could you also just point out for me again, with the pointer, the - you mentioned the give way signs. Could you - - -

MR HITCHENS: So just in front of that car.

20 MS SYKES: Just in front of the car. And then could you point out the road that sort of sits above, that's a small - that's a driveway, is it?

MR HITCHENS: Yes. To the right, that's a driveway to a house.

MS SYKES: Driveway to a house. Right, okay.

MR HITCHENS: Yes, and the road sweeps around to the left, and it's a steep drop onto that bridge, which may not be noticeable in that photo, and it's also a very blind corner, heading in either direction.

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MR WILSON: So my understanding is the applicant has agreed to upgrade the sight lines on that corner, is that correct?

MR HITCHENS: They have identified sight-line works as part of their application. Whether they prove to be adequate longer term is to be determined. We only - - -

MR WILSON: Right. And they would - those works would have to be submitted to council.

40 MR HITCHENS: (not transcribable) yes, they would have to be submitted to council. It's a council-owned road, so they would need to go through the normal 138 process.

MR WILSON: Yes, okay. I noted in your submission you didn't have any concerns - because, I guess, when you go out and look at the site, like we did, we sort of looked at the bridge and thought, "Oh" - but I think (not transcribable) council have agreed that there's no engineering reasons why, like weight issues, or physical issues or construction, engineering issues with the weight?

10 MR HITCHENS: With regard to the Transport for New South Wales, I said they - at a normal - the traffic movements they're anticipating, with regards to their haulage, the bridge isn't a concern. With regards to load capacity, there's obviously - there's always the concern of opposing traffic on a single-lane bridge. What isn't actually detailed very well in any submission is, they can't bring any of their heavy machinery into their quarry through that bridge. Anything in the area of the large loaders, the crushers, the offroad haulage vehicles and things they use in the quarry itself, actually come up through Clarence Town and nearly to Dungog, and then come back down that way, because they cannot get across that structure.

MR WILSON: Right, okay.

20 MR HITCHENS: And, like, that's identified in their submission. I'm sure we made comment in one of our submissions with regards to such, that they certainly can't bring that larger equipment over that bridge.

MS SYKES: Okay.

MR WILSON: But once the new access point is in - - -

MR HITCHENS: Yes, they still can't bring it over that bridge. They still have to come up through Clarence Town, up towards Dungog, and back down.

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MR WILSON: Okay. All right. Thank you very much.

MR HITCHENS: On the righthand side of that slide that we're looking at at the moment is the rail crossing in Paterson. Again - - -

MR WILSON: Are we looking at - so we're looking - where's the corner? The corner is on our right.

MR CURTIS: We're about to get there, to the next slide.

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MR HITCHENS: Unfortunately we haven't got the corner in our photos. So the corner, as you would have noticed when you were onsite the other day, is rather blind. We'll go to that corner next, if we go back to where we were.

MR WILSON: Yes. The corner I was referring to is the one that, when you're heading south, and you turn the - do the left-hand turn into town, before you make the crossing.

MR HITCHENS: Yes, the church - unfortunately we don't have that slide here today.

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MR WILSON: Okay. No, that's okay.

MR HITCHENS: We can certainly - but, yes, our concern there is, again, we've got a church that provides an obstruction to sight lines, and then we have a rail crossing within a hundred metres of that corner. We have an intersection off towards the primary school on that same corner. Council would actually prefer, and I think we have measured this in previous images, some sort of light setup which identifies that the rail crossing is actually occupied, so when the lights are flashing, the rail crossing is actually pretty advanced warning lights further back down Gresford Road, letting traffic know that they're coming across that, because if there's one or two cars there, there is adequate room to break, but once you've got that three or four cars there, there's certainly issues coming into the 50-kay zone, which only happens just before the village, a possible nose-to-tail conflict.

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MR WILSON: So - - -

PROF. BARLOW: What - sorry, it's Commissioner Barlow here again. Is there also a noise issue when you come around that corner into Paterson, if there's a block-up of cars, a queue of cars? There would be significant noise from the air brakes of fully laden trucks. Is that correct?

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MR HITCHENS: Thank you, Commissioner. Yes, we actually do have signage asking people to reduce air braking in that area, but you're correct - there is a lot of air braking occurs on that corner, because you're coming out of the 80 zone in the 50, and coming to what could be a closed rail crossing. In addition, cars are actually banked up there. You have obviously the trucks going through the gears, trying to get up over that crest and back into town, anyway, so if there's a double whammy if there's a stoppage at that site.

40 PROF. BARLOW: Yes. Is it possible - what is the speed limit over that at present?

MR HITCHENS: You're in a 50-kilometre-an-hour zone within Paterson at that point.

PROF. BARLOW: Is it possible to go below that?

MR HITCHENS: There'd be a possibility to put in - and it would be - we'd have to go through the permissions with Transport for New South Wales to put in a 40-kilometre-an-hour shared zone. It'd have to go through certain processes, and council doesn't have control over the outcome of those applications.

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PROF. BARLOW: Thank you.

MR WILSON: I think, Snow, I think the applicant has committed - I mean, whether it can be regulated, I guess it's something we need to consider, but they've committed to reducing their speed limits - correct me if I'm wrong, council, but to 25 through the township of Paterson?

MR CONNORS: In their driver management plan?

20 MR WILSON: In their driver conduct.

MR CONNORS: (not transcribable)

MR WILSON: Well, we'll check that, and - - -

PROF. BARLOW: Yes, that was mentioned yesterday, Chris, but I guess the issue that remains while, you know, the council haul trucks apparently adhere to the rules pretty well, but there's a lot of contractors involved who don't necessarily do that. So the driver protocol may not be entirely - - -

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MR WILSON: Yes, sure, I appreciate that.

PROF. BARLOW: Yes.

MR WILSON: And just while we're talking about Paterson - I know we're going to go Paterson in - what's the percentage of heavy vehicle related quarry trucks, based on your analysis - I know that there's probably other analyses - through Paterson?

40 MR HITCHENS: Our estimates, based on our analysis, on the 500,000 tonnes would they would contribute between 35 and 40 per cent of all heavy vehicle movements, and that's all heavy vehicle movements from small heavy vehicles to large heavy

vehicles. I could take that onboard, if you would like, Commissioner, and actually provide what our analysis says on class 9 heavy vehicles, which is the truck-and-dog type vehicles.

MR WILSON: Yes - that's what I'm interested in. I mean, I think that's - but I think you've already got it. So I read your submission, I think your previous submission, a submission to the - - -

10 MR HITCHENS: I believe it's in there, but as I said, I can't do those figures just off the top of my head, I'm sorry.

MR WILSON: Okay. That's okay. I'm very interested in what those percentages are, and particularly in the type of trucks as well.

MS SYKES: Do you also have a similar photograph that you mentioned sort of further back where it shows the church and the intersection?

MR WILSON: No.

20 MR RYAN: Not on the presentation. We may - - -

MR HITCHENS: We can certainly provide it.

MS SYKES: Yes.

MR CONNORS: We've got some drone footage that may, I think, go back that far. If we don't, we can certainly provide it.

30 MR WILSON: Thank you, we appreciate that. Sorry to interrupt, but I think we're now - we now go to the centre of Paterson.

MR HITCHENS: So this is the last of the intersections that have been identified as safety concerns, which I'm sure you're familiar with. It's a 90-degree bend. As you can see, there's heritage buildings there, and there's a reasonable accident history, unfortunately, at that location as well. The intersection itself only allows at present for heavy vehicle truck movement of those sizes at about 15 kilometres per hour, to actually make that turn without encroaching on opposing lanes. They've identified within their submission to widen the inside of that corner to create more space and to take the sharpness out of that turn. So that would certainly help for that location. It's
40 a site that would be problematic for them because there is (not transcribable) and other

things immediately adjacent to that side in the footpath which they'd need to deal with as part of their design, which we would review.

I must note at this point, the quarry has identified previously they were looking at pedestrian crossings at that site, to assist with those movements of pedestrians to and from the café, the service station, the post office, those sorts of areas in that location. Again, council doesn't have control over the location of pedestrian crossings - that's a process that's dealt with by Transport of New South Wales.

- 10 The premise of those commissions for pedestrian crossings are generally based on hourly reviews of traffic movements and pedestrian traffic movements at three different times during the day, and meeting certain criteria. Whilst an in-depth review has not been undertaken, it would be our position that it would be unlikely to have the quantum of pedestrian movements to warrant the location of pedestrian crossings at that site, hence why we didn't want those actually put in as conditions of consent, because we have no control over them, and we don't know if it would meet that warrant, and we don't know if it would get Transport for New South Wales's approval. But council is certainly very supportive, when the time comes, to actually undertake the works to that intersection, that those studies be undertaken, and
20 whatever safety works are required by part of those works that are identified.

PROF. BARLOW: Commissioner Barlow again. Does council have a view on, while clearly pedestrian crossings would increase safety, but presumably it would also increase the noise, because of both the deceleration and acceleration for vehicles that had to stop at the pedestrian crossing. Has that been a consideration from you?

- MR HITCHENS: The safety considerations, certainly, they would provide a safer environment. Many considerations have been taken into account. As soon as we bring in pedestrian crossings at a location, we lose parking. Generally for a pedestrian
30 crossing, you lose 20 metres of parking on the approach and 10 metres on the departure of any pedestrian crossing, so that would restrict access to those businesses by anyone who wants to park there - as you can see, there's parking there at the moment. Certainly, again, you've got the - more or less a blind left-hand corner coming from the Maitland side, so from the top right of the picture, so if there was a pedestrian crossing there, you would certainly have heavy braking and heavy noise from acceleration and deceleration of trucks as well. So there are many considerations to take onboard with regards to that intersection.

- MR RYAN: To add, Commissioner, I think I would agree with your statement
40 regarding noise. If there was a crossing there, from a noise impact for residents, there would be an increase in noise as a result of having to accelerate and decelerate as a

result of a crossing, and probably gets to the considerations for noise in a heritage conservation zone, amenity - residential amenity, and back to the point of haulage by road perhaps not being appropriate.

MR CONNORS: Commissioners, whilst that photograph is on the screen, if I may also add, at the very top right of that photograph is where, on either side of the road, there are currently bus stops utilised by school children in particular. Whilst there is a condition in the recommended conditions where money is to be paid to enhance bus stops and that sort of infrastructure, again, that's post the development taking place,
10 not before the development takes place. So the danger, the risk continues for a period of time until that money is paid and those works are carried out.

Other consents have required those sorts of work - bus stops and the like - to be done upfront, before the development is acted on, and you can see that, I'm sure from your visit to the site, and from that photograph, you'd appreciate the risk to users of those bus stops with the traffic at the rate of at least one every ten minutes - a heavy vehicle at least one of every ten minutes.

MR WILSON: There's a - where is the school - the school is on the right-hand side as
20 you're heading south, is that right?

MR CONNORS: No, the school is out - - -

MR WILSON: The left-hand side.

MR CONNORS: It's out this way, back over the rail line and up. The school buses collect, as I'm told by the locals, collect and drop children who travel to school in Maitland, or in Dungog, that's the pick-up and drop-off point.

30 MR HITCHENS: If I may, Mayor, and excuse me for interrupting, Commissioner, yes, Paterson only has a primary school, so there's a number of pick-up points within Paterson with regards to high school type children.

MR WILSON: I've got you. Excellent, thanks. There were a number of other pinch points that have been - well, alleged pinch points along the road south of here, like, I think Tocal - is it the entrance to the agricultural college has been identified as an issue by the community? Does council have a view on that?

MR CONNORS: That's Maitland Shire.
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MR HITCHENS: There's two - there's another location immediately south of the intersection there, which you may have noticed, where there's a slight S in the road.

MR WILSON: That's near the rectory?

MR HITCHENS: Yes. Correct. That's also a problem with regards to the site distance and that type movement through that area - there's not a lot of scope there to do much, because you've got very, very close buildings at that intersection to make many upgrades in that location, plus you have the Prince Street intersection immediately off that as well.

One of the issues that council has raised is the dip where the park is, so just past that intersection we were just talking about at the rectory, often floods. It's - Paterson is well known as an area that floods through that bottom section. I'd suggest that floods at least once per annum, through that area, which requires heavy vehicles to make detours which then have to go through the village itself. So we - I think we proposed originally that some conditions be placed that when the road was flooded at that location, that no haulage units were actually allowed to transport through the site, because they had to go on actually worse streets than what we've seen so far, as far as tight turning, narrow streets, and adjacent housing.

MR WILSON: I think the - - -

MR HITCHENS: The area you're talking about down at Tocal, I'm assuming is the area immediately south of the bridge where the road sweeps to the left, if you're heading south, and you've got the entrance to the Tocal Homestead.

MS SYKES: Yes.

MR WILSON: Yes. And just beyond that at the agricultural college?

MR HITCHENS: The agricultural college itself, that's in Maitland Shire Council, so - -

MR WILSON: Okay, I'm sorry. Okay.

MR HITCHENS: So if you're talking about that one itself, then Maitland Council will be able to provide you further advice on that.

MR CONNORS: The boundary is about 400, 500 metres back from the property entrance to the college itself.

MR WILSON: Thank you very much. That's why it's not part of your submission.

PROF. BARLOW: Yes - just a question on that is, while the Tocal is in Maitland, the Tocal Homestead and the turn-off to Tocal Homestead, is that in Dungog?

MR CURTIS: Yes, Commissioner.

MR CONNORS: Yes, it is, Commissioner.

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PROF. BARLOW: Okay. Thank you.

MR WILSON: Okay. Is that - is there any more that you'd like to - more, yes. We need - - -

MR HITCHENS: I will - I think we've been over this, but if you would like to go through it.

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MR WILSON: I would, actually, because I'm trying to understand the fundamental difference between the contributions plans.

MR HITCHENS: Okay. So we've looked at the - at council's policy in this regard, with regards to the two alternatives. One is obviously utilising Station Street, which we saw it in very poor condition, and Grace Avenue, before they get onto Dungog Road, which is a regional road that council maintains, that's in council's ownership, so the local road equation at the top is utilising those two local roads, being Grace Avenue and Station Street, which is a much, much higher rate, because at the end of the day, the truck and heavy vehicle movements on Station Street are 100 per cent Martins Creek Quarry. There are no other heavy vehicle movements on that road.

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Grace Avenue itself, it's somewhere in around the 95 per cent of all heavy vehicle movements on that road, are all based on Martins Creek Quarry, so that the haulage contribution rates for those two roads - and admittedly we're only talking 400 metres and 800 metres, so we're not talking a considerable length of road, as far as the contribution rate is based on that. When they get onto the regional road network, which councils obviously own - we don't have state roads within Dungog Shire, so this is all regional roads that were transferred to council's ownership back in 1995 - so the 11.3 kilometres of that road is at a much lower rate, it's at 6.3 cents per tonne per kilometre, which I'm happy to provide a copy of council's haulage plan, which

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identifies how that's calculated.

So that equates to a dollar a tonne (not transcribable), not one cent per tonne, whilst ever they're utilising those two local roads. Post construction of the internal haul road, as you can see, there's a slight lengthening of the regional road length, because they're going a bit further along that, but taking off the other two. We get down to 74 cents per tonne once they've created their haul road. So there's probably some interest in the quarry in actually constructing that road, because it's much reduced rate, because they're only utilising, once they get out of the quarry, those regional road networks that actually also have considerable amounts of other heavy vehicles, hence the reduced.

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And I note on the bottom of that page that Port Stephens' current contribution rate is 8 and a half cents per tonne, per kilometre, where ours is 6.3, and it's my understanding that we're utilising the Brandy Hill State Significant Development 5899.

MR WILSON: When was their contributions plan established or adopted, do you remember?

MR HITCHENS: I know it's recently been reviewed. I'm happy to take that onboard, and I - - -

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MR WILSON: That's okay, I don't expect you to do that, because we can do that ourselves. We - I just thought if you knew at the time, that's all. I don't expect you to do that. Okay. So fundamentally, there's a significant difference between the SMEC recommendations and what you would - what is expected from your contributions plan, and the department has taken a two-way bet, and said basically it needs to be somewhere in-between. Is that your understanding?

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MR HITCHENS: That's our understanding of what's been put into the conditions in this point in time. We obviously certainly don't support that. What I don't believe SMEC has taken into consideration, a considerable amount of that road network is rather narrow - - -

MR WILSON: Yes.

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MR HITCHENS: - - - and by increasing heavy vehicle haulage on it, we need to widen it, not only to create the pavement strength we need to create, because of that lateral movement, you're getting heavy vehicles, there's an increase in pavement depth and an increase in the construction of the pavement due to the increase in heavy vehicles, and also the need to allow for our other users of the road, so our cyclists and things, which we seem to get a lot of up here. With that increased amount of heavy

vehicles, we'd want to create a wider pavement through those areas where we don't have it at this point in time, because of this increase in heavy vehicle traffic.

So I don't believe SMEC has taken those factors into consideration, in my opinion. I think they've looked at the pavement deterioration the way it is, and looked at more of a maintenance regime rather than the rehabilitation and widening regime, which I think is actually required to most of that - and pavement strengthening, which is required through those parts of the network.

10 MR WILSON: Are there any other quarries within your shire that this applies to?

MR HITCHENS: We don't have any substantial quarries such as this one within the shire.

MR WILSON: Okay.

MR HITCHENS: Council themselves did. We don't, at the moment, operate a small quarry, which was probably producing somewhere between five and 10,000 tonnes per annum, and then there's a couple of other small ones, which are utilising local areas,
20 not used for extensive haulage outside of the shire.

MR WILSON: Sure, okay. I presume Daracon made a submission to the establishment of a contributions plan?

MR HITCHENS: There were no submissions at all received (not transcribable) - - -

MR WILSON: No submissions?

MR HITCHENS: - - - with regards to that plan when it was developed back in 2017.
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MR WILSON: Okay. All right. Well, that's interesting. All right. So, look, is there - I guess another question is, firstly, do you think that - of all the work that's been done in relation to, I guess, the road network, and particularly safety aspects of the road network, are there any parts of the network which have been missed? I guess - you know, I think - because I think other parts of the community have identified maybe there are areas that need to be looked at. I mean, from your perspective, from an engineering perspective, do you think there's anything that's been missed? I just want to make sure that if, should this thing - should this development proceed, that all, I guess, compromised areas of the network have been considered. Is that - - -

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MR HITCHENS: I suppose, from my perspective, the one area that hasn't really been considered to any great degree is Station Street in Martins Creek, which is adjacent to the quarry, and the one in the first photo, is the detriment that's going to be caused to that road whilst they're even operating at the lower rates, isn't really picked up with - in any - the contributions that may - we may or may not object to that section of road over that period of time, I don't think will be sufficient for that section of road to be rehabilitated and reconstructed - - -

MR WILSON: Okay.

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MR HITCHENS: - - - given the damage that they have actually caused. So I think a small focus on the requirement to do - it's a 400-metre section of road. I'm certainly not saying Grace Avenue. Grace Avenue is in good condition, but Station Street itself is in a very, very poor state, and it's only going to deteriorate further with any quarry movements, prior to this being enacted, so that's one area I would suggest needs some sort of focus, and if it's okay with you, Commissioner, I'd be happy to take that onboard and provide any further advice in our response later this week.

MR WILSON: Yes. I guess we're just trying to ensure that we covered the full
20 network. I mean, I presume there was a safety audit done as part of the transport work by the applicant. I presume council has reviewed that.

MR HITCHENS: Yes, Commissioner. There was certainly a traffic impact - an assessment undertaken by Daracon as part of their submission, which council has reviewed and provided feedback on in the past.

MR WILSON: Okay.

MR HITCHENS: So I'll provide that document, with your permission, and provide
30 any further feedback.

MR WILSON: Yes. No, I appreciate that. Just over to my colleagues, if they have any further questions?

PROF. BARLOW: None from me, Chris. It's been an excellent session, thank you.

MS SYKES: No. No more further questions from me. I agree it's been excellent and very informative.

40 PROF. BARLOW: I thank the council.

MR WILSON: Yes, thank you, Mr Mayor, and thank you, council representatives. I thank you very much for what was a very informative submission. We're at the start of this process, so as you can imagine, we've got a lot of information to absorb, so there's likely to be some questions that will come out in the future. We're having a public meeting early in November. There's likely to be questions come out of that, so we may send through requests for further information, if you'd be so kind to respond to those, we appreciate it. And also, as I said, we're more than happy to receive and consider any changes you think are necessary to the draft conditions as part of our determination.

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MR CURTIS: Thank you, Commissioner. If I may, the Mayor just has a couple of words he wants to say before I sum up, if that's okay.

MR WILSON: Okay, sure.

MR CONNORS: Just - thank you, Commissioners. One item I didn't highlight specifically earlier, and I apologise, this quarry is unique in that Hunter in that it has a rail loop, it has a rail siding, and none of the other quarries that are - and they're all listed in the submissions by the department - have that facility. It has had, of course, because of its history as a rail ballast quarry, but because it has that - I think that gives a justification for looking at it in a different way. By rejecting road haulage isn't rejecting the proposal in its entirety. There's still the facility for product to go out via rail. Some consideration was given to that by the company in its application, and it's given - some consideration is given by the department in its analysis, but I think it's critical to note, it doesn't have to go by road and cause the impacts that we've spent a significant period of time this morning discussing, this afternoon discussing. That's - there are other options, and it's unique in that regard in the Hunter.

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MR WILSON: Yes. Point well made. Thank you very much. I think that wraps up our meeting today. Again, thank you very much for your time and sorry to keep you waiting at the beginning, and I presume we will see some of you at the public meeting, is that correct?

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MR CURTIS: Thank you, Commissioner. Yes, we intend to come to the public meeting and register.

MR WILSON: Excellent. Okay. So thank you very much. Thank you to my fellow Commissioners, and thank you from the IPC staff, and we will see you soon.

40 MR CONNORS: Thank you.

MR WILSON: Sorry, just one last thing, Council - we will put a copy of this submission, presentation, up on our website for everyone to say. That's part of our procedures. I just thought I'd like you know, so you don't get a surprise when you see it, but every presentation that is made to us, we put on our website. I just thought I'd let you know.

MR CONNORS: Thank you.

MEETING CONCLUDED

[2.48pm]