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City of Newcastle

DATE
24 July 2024

SUBJECT
Response to PPSHCC-134 Record of Deferral (DA2022/00572)

REFERENCE
0583725.L.01

Dear Damien,

1. INTRODUCTION

The Hunter & Central Coast Regional Planning Panel (HCCRPP) issued a Record of Deferral dated 25 June 2024 in relation to PPSHCC-134-Newcastle-DA2022/00572 at 141 Minmi Road, Wallsend 2287 – Organics Processing Facility – Summerhill Waste Management Centre (the Project).

This letter is in response to HCCRPPs request for further information and clarification for four (4) matters:

1. A review of the NorthStar peer review by the applicant's odour consultant that includes specific answers to the issues raised;
2. An explanation of the interrelationship of the odour conditions applying to the subdivision approval under DA 2087/2018/REV;
3. Clarification of whether a concrete batching plant is or is not included in the application, for how long, and an assessment of the traffic and noise impacts arising from either its inclusion or exclusion; and
4. Specific answers and clarification of what consultation occurred in satisfaction of the SEARs requirements prior to lodgement of the DA as outlined in the submission received from Winten.

2. RESPONSE TO HCCRPP REQUEST FOR INFORMATION

2.1 A REVIEW OF THE NORTHSTAR PEER REVIEW BY THE APPLICANT'S ODOUR CONSULTANT THAT INCLUDES SPECIFIC ANSWERS TO THE ISSUES RAISED

Refer to **Table 2-1**.

2.2 AN EXPLANATION OF THE INTERRELATIONSHIP OF THE ODOUR CONDITIONS APPLYING TO THE SUBDIVISION APPROVAL UNDER DA 2087/2018/REV

DA 2087/2018/REV requires:

"No Subdivision Works Certificates shall be issued that creates residential lots within 430 metres of the active landfill cell operations of the Summerhill Waste Management Centre, unless it has been demonstrated, to the satisfaction of Lake Macquarie City Council, there are no ongoing risks of odour impacts as a result of activities within 430 metres of any residential lot within the development of the Summerhill Waste Management Centre"

The OPF biofilter is a treated odour source for which the odour character is distinctly different to that of municipal solid waste (MSW) and other untreated sources. In other words, a treated quality odour behaves and is perceived differently than an untreated quality odour. Furthermore, odours from the Project and these sources do not simply add together to create a cumulative effect; instead, each odour remains discernible even when inhaled simultaneously. Accordingly, under managed operation of the biofilter (for which inlet stream odour characteristics are removed), development of the OPF would not be expected to interact with this odour condition.

With regard to ongoing risks of odour impacts to land within DA 2087/2018/REV, it is noted that development of the OPF, and the associated removal of open-air greenwaste processing would produce a material reduction in the odour risk profile for the SWMC. The materiality of this reduction to odour risks at land within DA 2087/2018/REV would depend on the extent to which landfilling operations define ongoing odour risks, noting that the closest part of the DA 2087/2018/REV is in direct proximity of landfilling operations, and approximately 1 km from the OPF.

2.3 CLARIFICATION OF WHETHER A CONCRETE BATCHING PLANT IS OR IS NOT INCLUDED IN THE APPLICATION, FOR HOW LONG, AND AN ASSESSMENT OF THE TRAFFIC AND NOISE IMPACTS ARISING FROM EITHER ITS INCLUSION OR EXCLUSION

A concrete batching plant to support the mine grouting is considered as part of the site preparation works (also referred to as 'bulk earthworks phase') and is included in the application. The site preparation works phase, which includes concrete batching, was assumed for 30 weeks. The Organics Processing Facility (OPF) construction phase of 56 weeks does not consider a concrete batching plant and a concrete batching plant is not proposed during this phase. Section 3.5.4 of the Amended EIS identifies a temporary concrete batching plant as part of the equipment list during construction.

Construction Noise

Section 2.1 of Amended EIS Appendix G Noise and Vibration Impact Assessment identifies a Temporary Concrete Batching Plant as part of the equipment considered as part of the construction noise assessment. Section 7.2 of Amended EIS Appendix G considers that the site is predicted to comply with the construction noise management levels for standard hours with a recommendation that a Construction Noise Management Plan or Construction Environmental Management Plan be prepared prior to construction. As the construction noise assessment is based on a 'worst case' scenario, which includes operation of a Temporary Concrete Batching Plant, separate assessment of the site preparation works phase and the OPF construction phase was not considered necessary.

Section 8 of Amended EIS Appendix G concluded additional traffic generated during construction is expected to have a negligible noise impact on traffic noise from the local or sub-arterial road network[1].

A revised Noise and Vibration Impact Assessment was provided as part of the Submissions Report as Appendix H. The assessment and conclusions in relation to impact from a concrete batching plant is consistent within both reports.

Construction Traffic

Section 2.2 of Amended EIS Appendix I.1 Traffic and Transport Impact Assessment identifies up to 8 heavy vehicles per day for the delivery of materials during the 'bulk earthworks phase', which includes the delivery of materials to support mine grouting works, including cement, sand, aggregate and/or concrete.

During the OPF construction phase a concrete batching facility is not considered and is not proposed, hence greater traffic volumes were considered during this phase to account for concrete pours. Amended EIS Appendix I.1 considered an average of 4-6 delivery trucks per day with up to 20 during major concrete pours during the 56-week facility construction phase. Section 7.5.5 of Amended EIS concluded that the proposed traffic, transport and access arrangements are suitable to accommodate the expected construction vehicle types and traffic volumes during construction of the Project.

2.4 SPECIFIC ANSWERS AND CLARIFICATION OF WHAT CONSULTATION OCCURRED IN SASTISFACTION OF THE SEARS REQUIREMENTS PRIOR TO LODGEMENT OF THE DA AS OUTLINED IN THE SUBMISSION RECEIVED FROM WINTEN

The Project SEARs state that:

During the preparation of the EIS, you must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult with the:

- *Environment Protection Authority*

[1] The construction traffic noise assessment considered heavy vehicle movements which exceeded heavy vehicle movements outlined in Appendix I.1 for either the site preparation works phase or the OPF construction phase, hence the conclusion of the construction noise traffic assessment of negligible impact is considered a worst-case scenario.

- *Office of Environment and Heritage*
- *Department of Primary Industries*
- *Roads and Maritime Services*
- *WaterNSW*
- *Rural Fire Service*
- *Newcastle City Council*
- *The surrounding landowners and occupiers that are likely to be impacted by the proposal.*

Details of the consultation carried out and issues raised must be included in the EIS.

The SEARs does not state that Winten **must** be engaged prior to lodgement of the DA, only that the Proponent **should** consult with '*The surrounding landowners and occupiers that are likely to be impacted by the proposal'.*

Chapter 6 of the EIS provides an overview of stakeholder engagement for the Project, including a description of the stakeholder engagement activities undertaken prior to exhibition and summary of the findings that have been incorporated into the EIS. A Community Engagement Report was prepared as part of the EIS and presented as Appendix E.1 of the EIS.

Community Engagement primarily occurred between 29 November to 17 December 2021. Table 6.1 of the EIS summarises the Activities which included:

- A dedicated project webpage within the CN Have your Say webpage;
- Postcards to ~1350 local residents generally within Fletcher;
- 5x corflute posters within Fletcher, Maryland and the Summerhill Waste Management Centre at Wallsend;
- In-person drop-in information session at Wallsend Pioneers Memorial Hall
- Online Community Information Session;
- Online survey on CN's 'Have your Say' webpage with responses from 69 people. 79.7% of people who completed the survey were from Newcastle, with representation across 24 different Newcastle suburbs. The remaining 20.3% did not disclose a location; and
- Submissions to the project email, which was advertised on Project material. Two submissions were received prior to public exhibition and considered in the EIS

Engagement Outcomes from engagement prior to the initial public exhibition were drawn primarily from the community survey. These outcomes are summarised in Section 6.3.3 of the EIS. Of 58 responses regarding level of support, 89.7% were moderately to extremely supportive of the proposal to build an organics processing facility at Summerhill Waste Management Centre.

Responses to the Winten Submission dated 16 February 2024 are provided in **Table 2-2**.

TABLE 2-1 RESPONSE TO NORTHSTAR PEER REVIEW (NORTHSTAR, 2023)

Item # (Report Section)	Northstar Comment on ERM (2023a)		Updated Northstar review comment on ERM (2023b)	ERM Response
	Report Comment	Review Comment		
#1 (3.3)	Paragraph 4 states "For this assessment, all sources are volume sources and so the peak to mean ratio is 2.3 (NSW EPA, 2022)"	As identified in comments 5 and 6, none of the identified emissions sources at the site are modelled as volume sources, except for the biofilter in the sensitivity analysis presented in Appendix B.	This statement has been clarified in the updated report.	Item closed out.
#2 (5)	The year selected for assessment/ modelling was 2017, with reasons including that the average wind speed in 2017 at the DPE Wallsend AQMS was very similar to the five-year period 2016 to 2020. Selection of the appropriate modelling year has also considered general particulate matter conditions "in case a dust assessment is required at a later date".	Section 6.2 states "The routes into and around the facility will be sealed and any dust emissions generated will be low and would not be expected to contribute to off-site levels to any measurable extent." The assessment contains dispersion modelling results for odour only. The selection of an appropriate modelling year with primary consideration of odour, rather than particulate matter, would be more appropriate. Calm wind conditions, which may result in greater odour impacts at nearby receptor locations, are shown at Table 5-2 to be the lowest in 2017 (the selected modelling year) of all five-years 2016 to 2020. Due to the lower % calm frequency and the potential for odour impacts, the year 2017 may be regarded to be one of the least representative years for assessment.	No additional justification for the selection of the meteorological year of 2017 is provided in (ERM, 2023b). Dispersion modelling continues to be based on the year 2017, which represents one of the least representative years, in terms of calm wind conditions, when compared to the five-year period 2016 to 2020.	This submission was directly addressed in the RtS report. The associated response is reproduced here: *"The meteorological analysis shown in Section 5 of Appendix G shows that winds are consistent between the 5 years presented, with the proportion of calm periods ranging from 16.6% to 18.2%, and average wind speeds ranging from 1.79 to 1.94 m/s. It is also noted that 2017 is most closely aligned with the 5-year average wind speed. In this context, 2017 is considered a generally representative meteorological year for use in the assessment."*

Item # (Report Section)	Northstar Comment on ERM (2023a)		Updated Northstar review comment on ERM (2023b)	ERM Response
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#3 (6.11)	Specific odour emission rates (SOER) are provided in table 6-2 for the existing landfill, based on ERM odour sampling at the Jacks Gully landfill.	Review of a number of publicly available SOER adopted for the purposes of landfill odour impact assessment indicates that the adopted values may be low. SOER from landfill odour monitoring can be highly variable, and no discussion is provided regarding the range of potential SOER which might be applicable, nor why the adopted values are appropriate. For example, odour monitoring data for the Melbourne Regional Landfill, as reported in PAE (2016) indicates SOER for the active tip face[2] as 3.3 $OU \cdot m^{-3} \cdot m^{-2} \cdot s^{-1}$ (almost 8 times higher than modelled), and for interim covered cells as 0.16 $OU \cdot m^{-3} \cdot m^{-2} \cdot s^{-1}$ (2.3 times higher than modelled). It is suggested that additional discussion is provided to clarify why the selected SOER have been adopted.	The updated report states that: "*Based on the scale of odour predictions for the OPF, and the distinction between OPF and landfilling odour emissions, the potential for adverse cumulative impacts with the existing landfill is considered to be low. This finding applies irrespective of assumptions made in characterisation of landfilling emissions within the dispersion model*." This argument tends to suggest that impacts associated with landfill would be low, regardless of the assumptions adopted. No data is provided in the updated report to support this assertion. Furthermore, it seems to be suggested that the potential for cumulative impacts is low, as the character of landfill and OPF odour is sufficiently different. If this is the case, then it is questioned why a cumulative impact is presented in Section 6.	The inference that "*This argument tends to suggest that impacts associated with landfill would be low, regardless of the assumptions adopted*" is incorrect. As evident in the wording, the statement is referring to the scale of odour predictions for the OPF, and the distinction between OPF and landfilling odour sources. Put simply, the future performance of the OPF is not influenced by the existing landfill activities. Moreover, no approvals are being sought for the landfill in the context of the Project. Therefore, the net cumulative impact from odour by the OPF compared with the baseline for the existing landfill is low. Furthermore, the statement does not make reference to the scale of landfill odour predictions which will require ongoing management that is independent from the Project. It is also noted that this item was addressed in the RtS report, and the associated response is reproduced here: *"As noted in the assessment (Appendix G), the biofilter is a treated odour source for which the odour character is distinctly different to that of municipal solid waste (MSW), and as such odours from these sources are not purely additive in a cumulative context. For this reason, the assessment has focused on odour predictions for the OPF in isolation, whilst an estimate of cumulative concentrations was*

[2] http://www.dtpli.vic.gov.au/__data/assets/pdf_file/0005/297608/Melbourne-Regional-Landfill-Air-Quality-Assessment.pdf

Item # (Report Section)	Northstar Comment on ERM (2023a)		Updated Northstar review comment on ERM (2023b)	ERM Response
	Report Comment	Review Comment		
			The previous comment regarding the applicability of the odour sampling results to characterise landfill odour emission rates is considered to remain valid. Potential impacts associated with the landfill may be low due to the low values adopted. The updated report also states that: "ERM has previously undertaken odour sampling at Jacks Gully landfill which has similar emissions sources associated with the landfilling of putrescible waste (PEL, 2013)." Although the emissions sources may be similar, as identified previously, SOER from landfill odour monitoring can be highly variable, and no discussion is provided regarding the range of potential SOER which might be applicable, nor why the adopted values are appropriate.	*made through inclusion of generic landfilling operations based on reference data.* *The use of reference data is common practice for odour assessments conducted within NSW when the medium processed MSW is generic in nature. The adopted SOERs were based on odour measurements taken on a municipal solid waste landfill within NSW, and applied as a constant emission source within the model. In practice, odour emission rates will vary with a range of conditions, including the age and composition of the waste, as well as ambient conditions such as temperature, humidity and wind speed.* *In ongoing operation of the landfill, the presence of odorous waste (e.g. those which exhibit higher SOER's than that modelled) will need to be managed with existing management practices which include a range of odour mitigation measures as well as complaints handling and investigation procedures.* *Noting the difference in odour character of MSW and biofilter emissions, and that the development application is not seeking approval for existing landfilling operations, a landfill-focused assessment has not been undertaken. Given the uncertainties in dispersion modelling of odour, field ambient odour surveys would be considered a more robust pathway for a focused assessment of current operations of an existing source such as the landfill.* *Potential air quality constraints would warrant further investigation if it is sought to develop residential properties in direct proximity to the operating landfill."*

Item # (Report Section)	Northstar Comment on ERM (2023a)		Updated Northstar review comment on ERM (2023b)	ERM Response
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#4 (6.1.1)	Table 6-2 outlines four odour sources at the existing landfill: - Active tipping face - Freshly placed - Covered 6-12 months (approx.) - Covered 12 months (approx.)	It is unclear as to the difference in source characteristics between the sources "active tipping face" and "freshly placed". The SOER for "active tipping face" is presented in table 6-2 as exactly three times higher than for "freshly placed" and the area under "active tipping face" is 13.8 times smaller than for "freshly placed". Clarification as to the actual source characteristics, the area represented by each source, and full justification for adoption of each SOER should be provided to provide confidence that odour emissions from the landfill have not been underestimated.	No clarification is provided regarding this comment in the updated report. As noted by Winten, sources such as the sewage treatment plant, and the leachate ponds have not been included, and no justification for exclusion of these sources is provided.	This submission was directly addressed in the RtS report. The response is reproduced here: "*The active tip face source refers to areas of the tip face in which waste is being actively handled and moved into the face. 'Freshly placed' is representative of waste that has been in place for less than a day, but is not being actively processed.*" Noting the difference in odour character of MSW and biofilter emissions, and that the development application is not seeking approval for existing landfilling operations (performed under the site's Environment Protection Licence, No. 5897), further detail and analysis of landfilling sources is not warranted in assessment of the OPF. The same reasoning applies for potential odour sources such as leachate ponds and/or small-scale sewage treatment.
#5 (6.1.2)	Description of the operation of the biofilter is provided, and it is stated that "…dispersion modelling has been performed using a point source representation". Furthermore, table 6-3 outlines the adopted modelling parameters for the biofilter, including an	As the biofilter has been represented in dispersion modelling as a point source, the peak to mean ratio of 2.3 may not be applicable. A peak to mean ratio (variable by stability class) more applicable to point sources as outlined in table 10 of the Approved Methods (NSW EPA, 2022) should be adopted. Full discussion of when the point is wake free and wake affected should	With regards to the application of the peak to mean factors for the modelling of the biofilter as a wake-affected point, this has been clarified in the updated report.	Item closed out.

Item # (Report Section)	Northstar Comment on ERM (2023a)		Updated Northstar review comment on ERM (2023b)	ERM Response
	Report Comment	Review Comment		
	adopted peak to mean ratio of 2.3.	be provided, as per the Approved Methods. For clarity, a tall wake-free point under stability class F requires a peak to mean ratio of 35 to be applied. Clarification as to whether the peak to mean factor of 2.3 associated with a wake affected point, or 2.3 associated with a volume source has been adopted (as per comment 1) should be provided.		
#6 (6.1.2)	Table 6-4 outlines the adopted modelling parameters for landfill sources. No peak to mean ratio is provided.	Clarification is required that the peak to mean ratio of 2.3 (in stability class A, B, C and D) and 2.5 (in stability class E and F) has been adopted (as per table 10 of the Approved Methods (NSW EPA, 2022). As per comment 1, it is assumed (but not stated) that a constant peak to mean ratio of 2.3 has been adopted (appropriate for volume sources), which would underestimate odour impacts in stable conditions.	Section 3.3 of (ERM, 2023b) states that: "For this assessment, a peak to mean ratio is 2.3 has been applied for all sources (NSW EPA, 2022). As applied to landfill area sources, this is a moderately conservative approach under stable conditions (Stability Class E and F), for which a far-field peak to mean ratio of 1.9 would apply." The near-field peak to mean factor applicable to area sources under stability classes A to D is 2.5, and the assessment may not therefore be conservative, and may under predict odour impacts in the nearfield.	This submission was addressed through updating of the odour assessment (ERM, 2023b), and is directly addressed in the RtS report. The response is reproduced here: *"A peak to mean ratio of 2.3 has been applied for all sources inclusive of area sources associated with the landfill. This approach is slightly conservative when applied to far-field area sources, for which peak to mean ratios of 2.3 (stability class A, B, C and D) and 1.9 (stability class E and F) apply.* *The submission appears to be referencing the near-field peak to mean ratios for area sources, which are 2.5 for stability classes A,B,C and D, and 2.3 for stable conditions (E, F).* *The near-field peak to mean ratio for stable conditions is equal to that applied in the assessment. Given the separation distance between the modelled location of the landfill*

Item # (Report Section)	Northstar Comment on ERM (2023a)		Updated Northstar review comment on ERM (2023b)	ERM Response
	Report Comment	Review Comment		
			The application of near-field and/or far-field peak to mean factors requires assessment of the size of the emissions source (as per the Approved Methods), and this information relating to the landfill is not provided to allow detailed review. :Additional description of the modelling of odour from the landfill has been provided in (ERM, 2023b), which states: "*These sources have been applied at a generic location within the landfill area (Refer Figure 2-2), for the purpose of estimating cumulative odour concentrations under the assumption that landfill and biofilter odours are additive in nature. It is noted that a detailed analysis of landfilling operations has not been undertaken, as this assessment is focused on the odour performance of the Project.*" Although it is recognised that the report is focussed on the assessment of odour associated with the Project, the provision of a potential cumulative impact might have been best served by providing a detailed assessment of	*face and the nearest receptors (>10 times the largest source dimension), far-field factors have been applied.* *Noting that the Winten development proposes to establish residential properties in close proximity to ongoing landfilling operations, it is expected that the use of a near-field peak to mean ratios would be appropriate if assessing future landfilling operations at or near to the Winten boundary. The current assessment has located landfill operations at a generic location further to the east, that is closer to peak OPF predictions, and thus more conservative in generating cumulative predictions at peak receptors to the north-east.* *Potential air quality constraints would warrant a specific investigation if it is sought to develop residential properties in direct proximity to the operating landfill."* Whilst Northstar note "*the source of all odour is related to the activities of the applicant*", the requirement to manage odour emissions from landfilling operations is independent of the Project. Given that the odour character is distinctly different to that of municipal solid waste (MSW), and odours from these sources are not purely additive in a cumulative context, the assessment has focused on odour predictions for the OPF in isolation. This analysis also does not consider the benefits of diverting organics from landfill and its potential impact on reducing the risk of odour emissions from landfill activities. The diversion of organics to the OPF has the potential to reduce the amount of organic waste content flowing to

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			landfilling activities, with potential source locations reflective of a wide range of scenarios associated with the landfill life, especially those where landfilling activities may be closest to sensitive receptors. Although the character of odour may be different between the Project and the landfill, the source of all odour is related to the activities of the applicant.	the landfill, thereby further mitigating the operational odour emissions profile from the landfill activities and contributing to an overall improved air quality in the local air shed.
#7 (6.1.3, 7)	Modelling has been performed across a gridded modelling domain and at 13 selected sensitive receptors.	No specific discrete receptor(s) is presented which represents potential odour impacts at the Winten Property Group Minmi Development. Given that these residences are likely to be closest to the existing landfill, and taking into consideration the potential underestimation in odour emissions from the landfill discussed above, it is recommended that additional receptor(s) are included across the Minmi development.	The updated assessment (ERM, 2023b) now includes an additional receptor (R14) to address the identified issue. (ERM, 2023b) also states that: *Landfill emission modelling is generic in nature does not consider worst case landfilling operations in close proximity to R14." The comments provided in [6] should be considered.	Refer Item #6 response.

TABLE 2-2 RESPONSE TO WINTEN ENGAGEMENT SUBMISSION QUERIES

Ref.		ERM Response
3.1	We disagree that the original development application was properly notified in accordance with the Community Participation Plan, as specific notification to Winten should have occurred. However, this is no longer relevant as we have now been notified of the amended DA	ERM note Winten's disagreement with the response provided in Section 4.8 of the Submissions Report. The Proponent welcomes Winten's acknowledgement both in this letter and during the Panel Meeting that Winten were notified of the amended DA.
3.2	However, we remain concerned that Winten was not consulted prior to the preparation of the EIS	Noted. Although specific notice was not provided to Winten prior to public exhibition of the original EIS, Winten have subsequently reviewed and provided a submission to each of the EIS, Amended EIS and Submissions Report public exhibitions
3.3	The Secretary's Environmental Assessment Requirements (SEAR) for the preparation of this DA require the Applicant to undertaken consultation during the preparation of the EIS. This includes the relevant local, State and Commonwealth government authorities, service providers and community groups. In particular, the SEARs state that the Applicant should consult with *'the surrounding landowners and occupiers that are likely to be impacted by the proposal.'*	Refer to **Section 2.4**.
3.4	Reference is also made to CN Pre-DA Minutes in which CN, as the assessing body, states: *'It is recommended that consultation with adjoining property owners and occupiers and other potential affected properties be undertaken prior to submission of a DA. Major development proposals should be discussed with the affected community in a formal manner before design finalisation and the lodgement of a development application.'*	Refer to **Section 2.4**.
3.5	A Community Engagement Report (CER) was submitted with the EIS. The report, prepared by ERM, identified that CN conducted community and stakeholder engagement over a three-week period during November and December 2021. The CER stated that the objective of the engagement process was to 'gain an understanding of sentiment	As outlined in **Section 2.4**, various engagement activities were undertaken prior to EIS submission. These activities included an online survey which was completed by 69 people with at least 79.7% located within Newcastle suburbs and the remaining 20.3% did not disclose a location. Of 58 responses regarding level of support, 89.7% of responses were moderately

Ref.		ERM Response
	towards the proposed development of the OPF, as well as any current concerns regarding the SWMC'.	to extremely supportive of the proposal. Only 10.3% of responses were not supportive at all of the proposal. The survey allowed for perceived benefits and concerns to be identified, which is outlined in Sections 5.3-5.6 of EIS Appendix E.1.
3.6	CN has not made any attempt to consult with Winten, as an adjoining landowner that is likely to be impacted by the proposal, as required by the SEARs.	Winten has been provided opportunity to provide submissions to the Original EIS, Amended EIS and Submissions Report through public exhibition periods. Letters received from Winten in July 2022 and June 2023 have been considered in preparation of the Amended EIS and Submissions Report. Following renotification of Amended Documentation in January – February 2024, Winten provided a submission in February 2024. The Proponent was not requested by City of Newcastle planning assessment team to provide a response to this letter.
3.7	It is noted that a letterbox drop was undertaken, encompassing 1,351 properties in the Fletcher and Maryland area, as reflected in Appendix I of the CER. However, no attempt was made to consult with Winten despite being the largest residentially zoned landowner in the locality, and being a site that directly adjoins the SWMC.	Whilst it is acknowledged that Winten owns a substantial R2 zoned landholding adjacent to Summerhill Waste Management Centre, an objective of the letterbox drop was to raise awareness within the local community of the project, invite the community to attend information sessions and further drive participation in the online survey. Other methods of raising awareness of the project are referenced in **Section 2.4**. Overall, prior to EIS lodgement, the project issued 1350 postcards, received over 300 views of the project Have Your Say webpage and hosted 2 community information sessions. In addition, the project received 69 responses to the online survey designed to help measure project awareness and support and to understand perceived benefits and concerns. Whilst unfortunate that Winten were not directly engaged or receive a postcard or survey request from the project team, the information gathered to inform the EIS remained sufficient to meet the requirements of the SEARs which included engagement with stakeholders likely to be impacted by the project, including the local community, and perceived issues identified by stakeholders.
3.8	Noting that CN undertook the consultation itself, and is well-aware of Winten's significant interest in the locality, it is surprising and	Various engagement activities were undertaken prior to EIS lodgement (refer to **Section 2.4**) in order to gain an understanding of sentiment towards the

Ref.		ERM Response
	disappointing that CN did not engage with Winten as part of the pre-lodgement consultation process	Project from community members. The engagement program was far reaching including ~1350 postcards, an online survey with 69 respondents including representation across 24 Newcastle suburbs, over 300 visits to the Have Your Say webpage, online and in-person information sessions, and posters in nearby areas.
3.9	Further, it is unclear why the letterbox drop stopped short of residences within Winten Property Group's Minmi East Precinct (Waterside Drive, Wakun Street, Warea Street and Wirrinti Street), some 1.5km from the proposed OPF, but included residences in excess of 1.8km from proposed facility.	The focus of the letterbox drop was likely to be generally focused for existing residences within 1 km of the project. To get to these areas within 1km to the north of the project, the letterbox distribution would have to access along Britannia Boulevarde, Churnwood Drive and Bottlebrush Boulevarde. In order to reach a large distribution (1000+ residences) it was likely decided to expand the distribution to include the streets off Britannia Boulevarde, Churnwood Drive and Bottlebrush Boulevarde and bounded by Minmi Rd, which included likely resulted in distribution to some areas slightly further than residences located within the referenced Minmi East Precinct. It is noted that although the referenced Minmi East Precinct is generally within the same area as that selected for letterbox distribution, it is located 1.5km from the project and is partially isolated from the area likely targeted for letterbox distribution and the main thoroughfares connecting to this area. Although not included as part of the letterbox distribution, the referenced Minmi East Precinct is most directly accessed via Britannia Boulevard, Fletcher. Britannia Boulevarde was one of six locations where corflute signage for the project was placed in December 2021.
3.10	We also note that the SEARs require consultation during the preparation of the EIS with the relevant local and State government authorities. Given the scale of the proposal, it would have been logical for CN (as the Applicant) to have engaged with NSW NPWS as land manager of Blue Gum Hills Regional Park (BGHRP) which shares a significant boundary with SWMC to the west	The SEARs does not specifically request consultation with NSW NPWS. Although BGHRP shares a border with SWMC, it is located a significant distance from the Project and the project considered reasonable to assume that impact was not likely. No submission was received from NPWS during any of the public exhibitions.
3.11	Similarly, it would have been logical to engage with Lake Macquarie City Council (LMCC) given SWMC is positioned in close proximity to its LGA boundary and LMCC has recently approved Winten's DA for the Link Road North Precinct.	LMCC were not specifically identified list of stakeholders for which the project should consult with. Although SWMC is in close proximity to the Lake Macquarie LGA boundary, the project is ~700 metres from this boundary. The information gathered to inform the EIS remained sufficient to meet the requirements of the SEARs which included engagement with stakeholders

Ref.		ERM Response
		likely to be impacted by the project, including the local community, and perceived issues identified by stakeholders. LMCC provided a submission to the original EIS exhibition in July 2022. LMCC did not provide a submission following the 2nd public exhibition. Following the 3rd public exhibition, LMCC provided a submission noting '*that previously identified issues… has now been resolved*'.
3.12	Noting the above, we do not believe that the DA has adequately addressed the SEAR relating to consultation	The SEARs request consultation occurs in order to understand issues which are to be addressed in the EIS. The SEARs states "*Details of the consultation and issues raised must be included in the EIS"*. Section 6.3.2 of the EIS outlines Engagement Activities undertaken. Section 6.3.3.4 and 6.3.3.5 of the EIS outlines perceived concerns and aspects to consider with the Project design. Many of the perceived impacts identified during consultation are similar to concerns raised by Winten during public exhibition, including odour, noise and traffic. The EIS, as well as supplementary reports including the Amended EIS and Submissions Report, have addressed these concerns.

Regards,

Lucy Baker

Partner, CPEng, FIEAust, RPIA

Environmental Resources Management Australia Pty Limited