

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	25 June 2024
DATE OF PANEL MEETING	19 June 2024
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, John Tate, Jason Dunn
APOLOGIES	Nil
DECLARATIONS OF INTEREST	John MacKenzie and Peta Winney-Baartz have made representations and decisions in relation to this Organics Facility.

Public meeting held by teleconference on 19 June 2024, opened at 2:00pm and closed at 4:00pm.

MATTER DEFERRED

PPSHCC-134 – Newcastle– DA2022/00572 at 141 Minmi Road, Wallsend 2287 – Organics Processing Facility - Summerhill Waste Management Centre (as described in Schedule 1)

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings observed at the site inspection listed at item 8 in Schedule 1. The Panel has had a number of briefings from the applicant and Council and has attended the site.

The application for the Organics Processing Facility is located on the existing Summerhill Waste Management Centre, an important facility to the Newcastle region. The site is adjoined to the north, south and east by zones that permit residential development. The Panel notes that the C4 Environmental Living zone to the southeast would not permit a significant amount of residential development because of the minimum allotment size of 40 hectares.

Over the course of this application a Development Application for subdivision has been approved on the lands to the southwest owned by Winten. The Panel also understands that there is a Planning Proposal being considered for the C4 Environmental Living zone.

One of the key issues with this application is the potential impact of odour on sensitive receivers. The location and built form matters associated with the development are adequately addressed given the size of the site and the setback of the building from boundaries.

The Council received a number of detailed submissions from the adjoining landowner Winten, to the southwest which raised a number of questions, particularly in respect to odour. This was also expanded upon in the presentation to the Panel. The Panel acknowledges the work the applicant has done and the approach to managing odour issues in the design of the odour system and enclosure of the building, and the detail the applicant provided at the public meeting.

The Panel in their deliberation requires the peer review document provided in the submission (from Winten) and the questions raised to be addressed by the applicant. The Panel also want to understand the interrelationship of the odour conditions imposed on the subdivision DA and the basis of those, and how they relate to the proposal – if at all.

The Panel also queried whether the traffic and noise impacts of the temporary concrete batching plant have been addressed. The applicant's response indicated that they may be moving away from the onsite

concrete batching plant. The Panel requires this to be clarified and a clear understanding of whether this action results in changes to the assessment for noise and traffic, particularly construction traffic.

The Panel acknowledges the benefit of this facility but requires further information and clarification of the following matters:

- (i) A review of the NorthStar peer review by the applicant's odour consultant that includes specific answers to the issues raised.
- (ii) An explanation of the interrelationship of the odour conditions applying to the subdivision approval under DA 2087/2018/REV.
- (iii) 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.
- (iv) 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.

The Panel expects a comprehensive answer to these issues so it can factually understand potential impacts and mitigation measures.




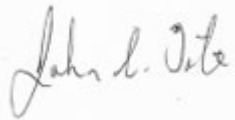

The Panel agreed to defer the determination for the above information to be provided.

The decision to defer was unanimous.

ACTIONS

The Panel agreed to defer the Development Application for:

1. The Applicant to provide a response to points (i) to (iv) above.
2. A formal written request to amend the application is required to be uploaded to Planning Portal within one (1) month of this decision outlining:
 - a. Particulars sufficient to indicate the nature of the change of the development, as required under section 37 of the Environmental Planning and Assessment Regulation 2021
 - b. updated technical reports relied on in the amended application.
3. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal within four (4) weeks of the upload of the Applicants required information to the Planning Portal.
4. When the updated assessment report is received the Panel will determine the application by way of electronic determination.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Tony McNamara
 Roberta Ryan	 John Tate
 Jason Dunn	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-134 – Newcastle – DA2022/00572
2	PROPOSED DEVELOPMENT	Organics Processing Facility - Summerhill Waste Management Centre
3	STREET ADDRESS	141 Minmi Road, Wallsend 2287
4	APPLICANT/OWNER	Cova Thinking Pty Ltd on behalf of Newcastle City Council
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Newcastle Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Newcastle Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: <ul style="list-style-type: none"> Section 58 – exhibition Section 60 – submissions Section 61 – Additional Matters Section 66A – Council related Das Section 173 – SEARs Section 178- Duration of Assessment requirements Section 190 – Form of EIS Section 192 – EIS Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 11 June 2024 Written submissions during public exhibition: 4 Verbal submissions during the public meeting: <ul style="list-style-type: none"> Christina Renner William Kerr Andrew Ball James Grieve Total number of unique submissions received by way of objection: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 6 July 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Stephen Leathley <u>Council assessment staff</u>: Gareth Simpson, Amy Ryan, Damian Jaeger, Ellise Redriff <u>DPE</u>: Carolyn Hunt, Lisa Foley

		<ul style="list-style-type: none"> • Site inspection: 21 June 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Tony McNamara, Roberta Ryan, John Tate ○ <u>Council assessment staff</u>: Damian Jaeger, Priscilla Emmett ○ <u>Applicant Representatives</u>: Andrew Ball, Elfie Blackburn • Applicant Briefing: 18 July 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, John Tate, Jason Dunn ○ <u>Council assessment staff</u>: Amy Ryan, Damian Jaeger ○ <u>Applicant Representatives</u>: Bridget McCall and Elfie Blackburn ○ <u>DPE</u>: Leanne Harris, Lisa Foley • Council Briefing: 25 October 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, John Tate, Jason Dunn ○ <u>Council assessment staff</u>: Amy Ryan, Damian Jaeger ○ <u>Applicant representatives</u>: Bridget McCall, Elfie Blackburn ○ <u>DPE</u>: Leanne Harris, Holly McCann • Final briefing to discuss council's recommendation: 19 June 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, John Tate, Jason Dunn ○ <u>Council assessment staff</u>: Amy Ryan, Damian Jaeger, Roland Payne, Geof Mansfield and William Wang ○ <u>DPE</u>: Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report