

DATE OF DETERMINATION	16 September 2024
DATE OF PANEL DECISION	16 September 2024
DATE OF PANEL BRIEFING	11 September 2024
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, John Tate, Jason Dunn
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Sandra Hutton, John MacKenzie, Peta Winney-Baartz, Elizabeth Adamczyk, Juliet Grant, Carol Duncan - have all made representations and decisions in relation to this Organics Facility.

Papers circulated electronically on 5 September 2024.

Public meeting held by teleconference on 19 June 2024, opened at 2.00pm and closed at 4.00pm.

MATTER DETERMINED

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

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at briefings and meetings and the matters observed at the site inspection listed at item 8 in Schedule 1.

Following a public determination in June 2024 the Panel deferred the determination of this application to seek 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.

In response to this deferral the applicant provided additional information. Council prepared a supplementary report dated 4 September 2024 for the Panel's consideration. The Panel has considered this report and Council's previous report.

The Panel is satisfied that the Organic Processing Facility will not result in unreasonable impacts on adjoining sensitive land uses because of the enclosed nature of the facility, the measures proposed to treat odour (biofilter systems) and separation distances.

The Panel considers that the application has merit and warrants approval.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

1. The facility will remove organic waste that would otherwise be destined for landfill
2. The impacts of the development can be managed and mitigated on a site suitable for the proposed use
3. The development is consistent with the statutory and policy framework applying to the site.

CONDITIONS




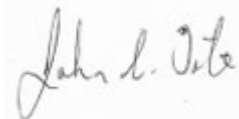

The development application was approved subject to the conditions in the council assessment report

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Adequacy of notification
- Air, noise and traffic impacts
- Greenhouse gas assessment
- Stormwater
- Council related DA processes.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment and supplementary reports.

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 (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 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 Council supplementary report: 4 September 2024 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
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 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

		<ul style="list-style-type: none"> 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 <p><u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues OR to respond to the recommendation in the council assessment report</p> <ul style="list-style-type: none"> <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 <p><u>DPE</u>: Holly McCann</p> Public Meeting: 19 June 2024 <ul style="list-style-type: none"> <u>Council assessment report</u>: 11 June 2024 <u>Written submissions during public exhibition</u>: 4 <u>Verbal Submissions during the public meeting</u>: Christina Renner William Kerr Andrew Ball James Greive Final briefing to discuss council's recommendation: 11 September 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, Brian Gibson, William Wang
Chr	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report