

Record of Kick-Off Briefing Hunter & Central Coast Regional Planning Panel

PANEL REFERENCE, DA NUMBER & ADDRESS	PPSHCC-150 – DA 8/2022/870/1 - 220 Black Hill Road, Black Hill
APPLICANT / OWNER	Three Mile Hill Pty Limited / EMM Consulting
APPLICATION TYPE	DA
REGIONALLY SIGNIFICANT CRITERIA	Clause 7(c), Schedule 6 of the Planning Systems SEPP: Designated development – waste facility
KEY SEPP/LEP	Biodiversity and Conservation SEPP, Resilience and Hazards SEPP and Cessnock LEP 2011
CIV	\$16,098,589 (excluding GST)
BRIEFING DATE	9 November 2022

ATTENDEES

APPLICANT	Phil Tower, EMM and Jamie Boswell, Three Mile Hill
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Jay Suvaal and Anne Sander
COUNCIL OFFICER	Sarah Hyatt and Janine Maher
CASE MANAGER	Leanne Harris
PLANNING PANELS SECRETARIAT	Lisa Foley

Council is yet to undertake its full application assessment, so this record is not a final list of the issues they will need to consider in order to draft their recommendation.

The application is yet to be considered by the Hunter & Central Coast Regional Planning Panel and therefore future comment will not be limited to the detail contained within

DA LODGED: **29 September 2022**

TENTATIVE PANEL BRIEFING DATE: **February 2023**

TENTATIVE PANEL DETERMINATION DATE: **May 2023**

KEY ISSUES IDENTIFIED FOR CONSIDERATION

COUNCIL:

- The proposal is located on the existing Black Hill Quarry site which has extracted various materials such as gravel, coal, shale and sandstone and which is nearing the end of its life. The existing operation is therefore quite sporadic compared to the approved use.
- The quarry was first established in 1955 however the current consent relates primarily to a 1994 LEC approval and a 10-year extension of the operation granted by Council in 2016.
- There is an active Black Hill Community Group in the locality who have raised issues with Council concerning a lack of consultation in accordance with the SEARs for the EIS.
- The DA is not accompanied by a Social Impact Assessment (SIA) which Council requires in accordance with its DCP. The Council notes that DA exhibition processes do not replace the need for a SIA.
- The Council also notes that there was no pre-DA consultation for the application. Council attended an informal meeting regarding the SEARs.
- Council has identified the following issues in their preliminary assessment:
 - The EIS not meeting the required form under the legislation.
 - The DA has been lodged only over 1 parcel of land however the EIS and plans indicate that multiple parcels are involved including land owned by Crown Lands. Owners Consent from all owners is required.
 - Lack of compliance with the SEARs particularly in relation to community consultation which should have happened before the DA was lodged. The applicant cannot rely on exhibition of the DA for this process.
 - Ecological impacts associated with clearing of revegetation / rehabilitation works
 - Comments from EPA and TfNSW and other internal referrals.

The DA is on exhibition until 16th November. Approx. 5 submissions have been received to date.

APPLICANT:

- Aim is to repurpose an existing quarry void to a waste / resource management facility. The applicant proposes a landfill for two reasons:
 - NSW running out of space for waste disposal
 - The need for a safe method to dispose of waste that cannot be recycled
- Site context and location.
- Background to quarry operations – approx. 12 months of resource left.
- Detailed overview of proposed development including resource recovery area, weighbridge, access, leachate and landfill, non-permeable liner etc.
- There are currently some views of the void from Black Hill Rd.
- Facility will accept non-putrescible waste only therefore no odour impacts will be generated.
- Truck movements proposed will be less than that allowed for under the existing quarry operation.
- Consultation has been undertaken with key agencies and adjoining landholders. It was noted that the Applicant has not consulted with Community Groups.
- Key issues and how they have been addressed:

- Biodiversity -impacts largely avoided but there will be some clearing of rehab areas and offsets will be required.
- Visual – long term improvement compared to quarry void.
- Noise and vibration and air quality – applicant’s position is that the proposal generally complies with relevant criteria.
- Traffic management measures are proposed to control truck routes on the local road network.

PANEL:

- The Panel must have a clear understanding of whether and how the SEARs have been met. The requirement to meet the SEARs is fundamental to the EIS process.
- The Panel questions the concept of the use of this site for a landfill and will want to understand ongoing leachate management responsibilities in perpetuity.
- Relationship to boundaries and lack of buffers are a key issue. The Panel needs to understand what is proposed at the interfaces of the site and adjoining lands with clear plans and sections.
- The Panel questions the need for removal of revegetation areas and seeks to understand the justification and impacts associated with this.
- The Panel also wants to understand the rehabilitation strategy and biodiversity outcomes given capping and rehabilitation of landfills are often constrained with limited ability to establish trees and vegetation concurrent with leachate management practices. The Panel will want information to demonstrate the suggested outcomes.
- The Panel is likely to seek a site briefing / inspection including viewing the site from adjoining properties.
- A social impact assessment is also understood to be required.

There appears to be a key issue about compliance with the SEARs and this needs to be addressed. This is a narrow but fundamental process issue. Requirements of the SEARs are not negotiable and cannot be fixed retrospectively and the Panel will not continue with an application that has not met the necessary requirements. The Panel understands that Council will do a RFI to address this and the other issues identified.