

RECORD OF BRIEFING

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

BRIEFING DETAILS

BRIEFING DATE / TIME	Tuesday, 18 July 2023, 3pm and 3:50pm
LOCATION	MS Teams videoconference

BRIEFING MATTERS

- PPSHCC-134 – Newcastle – DA2022/00572 - 141 Minmi Road, Wallsend - Organics Processing Facility - Summerhill Waste Management Centre
- PPSHCC-165 – Newcastle – DA2022/01422 - 141 Minmi Road, Wallsend - Materials Recovery Facility

PANEL MEMBERS

IN ATTENDANCE	Alison McCabe (Chair), Tony McNamara, John Tate and Jason Dunn
APOLOGIES	None
DECLARATIONS OF INTEREST	John Mackenzie, Peta Winney-Baartz, Elizabeth Adamczyk and Carol Duncan

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Amy Ryan and Damien Jaeger
APPLICANT REPRESENTATIVES	Bridget McCall and Elfi Blackburn
DEPARTMENT STAFF	Leanne Harris and Lisa Foley

KEY ISSUES DISCUSSED

- Overview of the status of both applications, RFIs issued.
- GTAs issued from the EPA for the organics facility and following up regarding the MRF.
- Technical issues with re-notification. Panel wants absolute clarity that notification has been done correctly.
- Community consultation – one submitter to each proposal.
- RFIs – odour, noise, contamination (Organics) and land contamination, biodiversity, septic, land gas assessment (MRF) with additional work required.

Materials Recycling Facility and Biodiversity

- MRF triggers the BOS
- Options include
 - Buy credits (\$1.1M in credits will be required)
 - Pay money to BCT
 - Creation of a Biodiversity Stewardship Site (BSS)
- Applicant sees benefits for BSS as a local on-site conservation outcome.

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- Preliminary assessment has established that like for like threatened species habitat and vegetation communities can be provided on the northern edge of the Summerhill site (59ha) with the potential inclusion of an additional 15 hectares of adjoining riparian land also owned by Council.
- Applicant acknowledges a Biodiversity Stewardship Agreement is needed and a BSS Assessment Report port (BSSAR) is currently in progress.
- Anticipated timelines – design and approvals vs stewardship agreement progress and timing mean that this is unlikely to be resolved before applicant would want to start construction if approval is granted and request consideration that conditions of consent require the BSS to be in place prior to an occupation certificate.
- Applicant to look at expediting the credit report.

PANEL COMMENTS:

As a starting point the Panel want to understand how the principles of avoid and minimise have been applied to this proposal and a demonstration that the BDAR has comprehensively addressed this issue.

Whilst the Panel understands the potential merit in local conservation outcomes through a BSS arrangement, the Panel needs to be clear about their statutory obligations under the Biodiversity Conservation Act. Biodiversity outcomes need to be understood and have a level of certainty and finality in the assessment and determination of a DA. The Panel notes the provisions of clause 7.13(5) of the Act which requires the retirement of biodiversity credits *prior* to any development being carried out.

The Panel has dealt with a BSS matter previously and has done so on the basis of a level of ‘in principle’ agreement as to the suitability of the site for such purpose. However deferred commencement provisions were applied to ensure biodiversity outcomes were resolved *prior* to that consent becoming operational and to provide the level of finality and certainty required. The Panel notes the role of the Credits Supply Taskforce in this process now and encourages the applicant to further engage with them about the process and timing from here.

The Panel note that BSSs generally exclude functional areas such as walking tracks, drainage reserves, bushfire buffers and the like. The additional riparian land is understood to have community land status and the applicant is encouraged to investigate the suitability and legal implications for the inclusion of this land given the need for future title restrictions (covenants) and the like.

At this stage the approval pathway and timing to address the required biodiversity credits is not clear and the Panel will need a level of certainty and finality prior to the determination of the application. The Panel may need further advice and may require a briefing from the project ecologist.

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