

## Record of Preliminary Briefing

### Hunter & Central Coast Regional Planning Panel

<b>PANEL REFERENCE, DA NUMBER &amp; ADDRESS</b>	PPSHCC-203 UPPER HUNTER 4458 GOLDEN HIGHWAY MERRIWA 2329
<b>APPLICANT / OWNER</b>	Mr Thomas Shannon
<b>APPLICATION TYPE</b>	Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 7, Schedule 6 of the Planning Systems SEPP: Designated Development - Extractive Industry
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resources and Energy) 2021</li> <li>• Upper Hunter Local Environmental Plan 2013</li> </ul>
<b>CIV</b>	\$2,930,000 (excluding GST)
<b>BRIEFING DATE</b>	02-08-2023

#### ATTENDEES

<b>APPLICANT</b>	Thomas Shannon, Shannon Partnership and Bret Jenkins, EMM Consulting,
<b>PANEL MEMBERS</b>	Alison McCabe, Roberta Ryan, Greg McDonald and Maurice Collison
<b>COUNCIL OFFICER</b>	Paul Smith
<b>CASE MANAGER</b>	Leanne Harris
<b>PLANNING PANELS SECRETARIAT</b>	Lisa Foley and Holly McCann

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

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

## **KEY ISSUES AND COMMENTS**

### **COUNCIL:**

- DA lodged 25 May 2023
- Exhibition has concluded and no submissions received.
- Council has commenced assessment, undertaken a site inspection and started to clarify issues with the applicant.
- Application has been referred to EPA – no major issues identified to date.
- Application has been referred to TfNSW – some issues raised with the upgrade works required to the intersection with the Golden Highway with one tree recommended for removal on land outside the project area. Council / applicant working through assessment and consent for this.
- Approach to rehabilitation being considered with no progressive rehabilitation and large void.
- Issues with stormwater management system as proposed and some further modifications/information will be required.
- Overview of the approval history and modifications.
- A concurrent local DA for a modification (1A) to increase production until the end of 2023 is currently before the Council. Council anticipates TfNSW will have the same comments on that application.

### **APPLICANT:**

- Overview and history of existing quarry – approved 1981, modification history to date.
- Site context and locality described and discussed.
- Proposal – increase in production and transport limits, no change to hours, no construction other than intersection upgrade works.
- Additional 4.4ha disturbance area. Approximately 18 months supply left at highest extraction rates within the existing disturbance area.
- Impact assessments undertaken including air quality (compliant), noise(1 residence minor impact during adverse weather with all equipment operating), proposed traffic intersection upgrades.
- Biodiversity – 10 trees impacted (4.4ha) and propose purchase of credit or payment into trust or possible biodiversity stewardship arrangement.
- Limited opportunities for progressive rehabilitation but a rehabilitation plan is provided.
- Consultation with TfNSW continuing and understand that the intersection upgrade works need to be in place before any increase above 1000 tonnes per day.
- Prepared to surrender the previous consent, noting that this did not have any conditions relating to rehabilitation.

### **PANEL:**

- The Panel want clarity over how the application has been amended since lodgement noting that land has been removed from the project area (Crown Lands / Inland Rail) as owner's consent has not been provided.
- Council need to check the EPA Regulations to ensure that the legislative framework for notification / renotification processes for designated development have been properly satisfied.
- The Panel want to understand the extent of notification and relationship to impacted / assessed properties considered in the environmental assessment.

- In terms of biodiversity the principles of avoid and minimise should be considered before contemplating offsets and the BDAR should have addressed this. The Panel encourages the applicant to undertake whatever further seasonal surveys are required. Biodiversity outcomes need to be understood and have a level of certainty and finality in the assessment of the DA. These cannot be an either /or scenario. The Panel notes the provisions of clause 7.13(5) of the Biodiversity Conservation Act which requires the retirement of credits prior to any development being carried out.
- Procedurally the Panel will need to understand how this proposal sits within the existing consent as modified and any relevant conditions.
- The Panel will want a proper rehabilitation framework that deals with the whole site.
- Council needs to clarify which tree TfNSW are recommending for removal and the assessment needs to include the impacts of the proposed road intersection upgrades as these are a fundamental component of the proposed development. The Panel also understands that the road works are part of this application.

The Panel will undertake a site inspection and will seek a further briefing from the applicant if required.