

**RECORD OF DEFERRAL**

HUNTER &amp; CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DEFERRAL</b>	6 January 2025
<b>DATE OF PANEL MEETING</b>	11 December 2024
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Tony McNamara, Daniel Watton, Mark Mason
<b>APOLOGIES</b>	Roberta Ryan
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held by teleconference on 11 December 2024, opened at 10:30am and closed at 12:10pm.

**MATTER DEFERRED**

PPSHCC-254 – Cessnock – DA 8/2023/622/1 at 220 Blackhill Road, Blackhill 2322 – Waste and Resource Management Facilities (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 the benefit of a number of briefings from both the Council and the applicant. The Panel also held a public briefing on 3 September 2024 to hear from concerned residents. Arising from that briefing, the Panel requested that a road safety audit be undertaken for the Panel to understand potential impacts.

The proposed development seeks to utilise an existing quarry for the purpose of a non-putrescible land fill and waste resource management facility that proposes to accept predominantly building waste and includes recycling of some of that waste.

The Panel heard from submitters about the potential impact on the character and scenic qualities of the area, as well as concerns regarding traffic generally and the treatment of particular intersections, including John Renshaw Drive/Black Hill Road, Black Hill Road/Meredith Road, and Black Hill Road and the Quarry Access Road.

The Panel notes some inconsistencies in the report but understands that no trucks are to travel from the east on Black Hill Road (turn left into the site) or exit in an easterly direction onto Black Hill Road (turn right out of the site).

The road safety audit identified upgrades that are required at the quarry entrance road. The Panel note that TfNSW did not require any changes at the John Renshaw Drive/Black Hill Road intersection.

The Panel notes that there are a variety of different uses in the area that are consistent with a rural zoning – this includes both industrial and residential uses. The use is considered one that is suitable for the site and will use existing infrastructure.

The Panel requires details of the road upgrades to understand what is proposed. The applicant in their presentation to the Panel noted that they were prepared to install a median at the entrance to assist with the potential issue with “burnouts and poor drive behaviour” currently experienced by residents.

The road measures are also needed to ensure trucks do not travel along Black Hill Road, east of the site, for the purpose of either entering or exiting the site. Light vehicles would still travel along Black Hill Road.

The Panel, in response to concerns raised, considers that additional warning signage is required on the eastern side of the Meredith Road/Black Hill Road intersection to alert truck drivers of potential traffic turning onto Black Hill Road at that intersection.

The following information is required for the Panel to be satisfied of any traffic-related impacts and associated environmental considerations:

- (i) A dimensioned plan showing all road upgrades/works at the quarry access road/Black Hill Road intersection.
- (ii) The plan is to include all line marking, the width of the median, lane widths, road reserve width, signposting and extent of trees to be removed.
- (iii) A plan showing the location of additional signage east of the Meredith Road/Black Hill Road intersection alerting drivers to the intersection.
- (iv) Updated operational procedures that alert and advise drivers of existing road conditions, including the Meredith Road/Black Hill Road intersection.

Council is requested to provide a supplementary assessment report considering this material and any amendments or changes to conditions. The Panel notes that Condition 10 needs to be clarified.





The Panel agreed to defer determination of the matter to allow for the provision and assessment of the additional information outlined above.

The decision to defer the matter was unanimous.

## ACTIONS

The development application be deferred for the following:

1. The Applicant to provide the information at points (i) to (iv) above.
2. A formal written request to amend the application is required to be uploaded to the Planning Portal by the Applicant within four (4) weeks, 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 two (2) 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
 Daniel Watton	 Mark Mason

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-254 – Cessnock – DA 8/2023/622/1
2	PROPOSED DEVELOPMENT	Waste and Resource Management Facilities
3	STREET ADDRESS	Part Lot 1 DP 536570 Part Lot 1 DP 957782 Part Lot 2 DP 123949 Part Lot 683 DP 619758 Part Lot 1 DP 179002 Crown Road (within Lot 1 DP 536570) Crown Road “Meredith Road” (within Lot 2 DP 123949 and Lot 683 DP 619758) 220 Blackhill Road, Blackhill 2322
4	APPLICANT/OWNER	Three Mile Hill Pty Limited / Three Mile Hill Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Cessnock Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Cessnock Development Control Plan 2010</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Section 190, and 192 - form and content of environmental impact statements, Section 60 - referral of submissions to DPE</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts or the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 19 November 2024</li> <li>Written submissions during public exhibition: 30</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Janet Murray and Terry Lewin on behalf of Blackhill Environment Protection Group and the Buttai Community Development Group</li> <li>Steve Fraser</li> <li>Justin Hanson</li> <li>Coralie Lewis</li> <li>Tony Seton</li> <li>On behalf of the applicant – Jamie Boswell, Phil Towler</li> </ul> </li> <li>Total number of unique submissions received by way of objection: 30</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Council Briefing: 26 June 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Robert Bisley, David Crofts</li> <li><u>Council assessment staff</u>: Kerry Porter, Sue Page, Brayden Luke, Jules Bosco</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Department</u>: Carolyn Hunt, Holly McCann</li> <li>• Site inspection: 3 September 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Robert Bisley</li> <li>○ <u>Council assessment staff</u>: Kerry Porter, Sue Page</li> </ul> </li> <li>• Submitter Briefing: 3 September 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Robert Bisley</li> <li>○ <u>Council assessment staff</u>: Kerry Porter, Sue Page</li> </ul> </li> </ul> <p>Verbal submissions at the Submitter Briefing:</p> <ul style="list-style-type: none"> <li>○ Vicki Osborn</li> <li>○ Janet Murray and Greg Steele on behalf of Blackhill Environment Protection Group and the Buttai Community Development Group</li> <li>○ Justin Hanson</li> <li>○ Coralie Lewis</li> <li>○ Jonathon Finch</li> <li>○ Alan Brown</li> <li>○ Steve Fraser</li> <li>○ <u>Applicant representatives</u>: Jamies Boswell, Philip Tower, Duncan Lowe</li> </ul> <ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 11 December 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Mark Mason, Daniel Watton</li> <li>○ <u>Council assessment staff</u>: Kerry Porter, Sue Page, Brayden Luke, Jules Bosco</li> <li>○ <u>Department</u>: Leanne Harris and Holly McCann</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report