

**ADDENDUM TO COUNCIL ASSESSMENT REPORT
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL**

PANEL REFERENCE	PPSHCC-254 – Cessnock Council – DA 8/2023/622/1
DA NUMBER	8/2023/622
LGA	Cessnock City Council
PROPOSED DEVELOPMENT	Change of Use and Repurposing of an Existing Quarry to a Waste Management Facility Comprising a Resource Recovery Area and Inert Landfill.
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)
APPLICANT	Three Mile Hill
OWNERS	Part Lot 1 DP 536570 – R. Seton Part Lot 1 DP 957782 – R. Seton Part Lot 2 DP 123949 – D. Allan Part Lot 683 DP 619758 – B. Beavan and J. Tyler Part Lot 1 DP 179002 – A. Seton and R. Seton Crown Lands
LODGEMENT DATE	4 September 2023
CIV	\$16,098,589.10
RECOMMENDATION	Approval
APPLICATION TYPE	Regionally Significant Development Application (Designated Development)
REGIONALLY SIGNIFICANT CRITERIA	Chapter 2, Section 2.19(1) of <i>SEPP (Planning Systems) 2021</i> declares the proposal as regionally significant development pursuant to Clause 7(c) of Schedule 6 (Particular Designated Development).

ATTACHMENTS

A. Architectural Plans, Project No. 22173A (GCA Engineering Solutions):

Sheet No	Revision	Date
Cover Sheet	1	05/09/2022
DA01 – Site Plan	1	05/09/2022
DA02 – Floor Plans	1	05/09/2022
DA03 - Elevations	1	05/09/2022
DA04 – Elevation and Section	1	05/09/2022
DA05 – Vehicle Movement Plan	1	05/09/2022

B. Environmental Impact Statement, prepared by EMM, Sheet (dated August 2023)

C. Aboriginal Heritage Due Diligence Assessment, prepared by EMM (dated 2 May 2023)

D. Social Impact Assessment, prepared by AIGIS Group (dated July 2023)

E. Rehabilitation Strategy, prepared by EMM (dated July 2023)

F. Water Balance Modelling Report, prepared by Consulting Earth Scientists (dated 4 August 2023)

G. Soil and Water Management Plan, prepared by Consulting Earth Scientists (dated 4 August 2023)

H. Water Impact Assessment, prepared by EMM (dated July 2023)

I. Air Quality and Greenhouse Gas Assessment, prepared by EMM (dated July 2023)

J. Noise and Vibration Impact Assessment, prepared by EMM (dated July 2023)

K. Visual Impact Assessment, prepared by EMM (dated August 2023)

L. Traffic Impact Assessment, prepared by EMM (dated July 2023)

M. Biodiversity Development Assessment Report, prepared by EMM (dated August 2023)

N. Bushfire Assessment Report, prepared by Cool Burn, (dated May 2023)

O. Landfill Gas and Leachate Management Plan, prepared by Consulting Earth Scientists (dated 27 July 2023)

P. Infrastructure Gap Analysis, prepared by MRA Consulting Group (dated 26 May 2023)

Q. Management Measures Summary, prepared by EMM (undated)

R. Road Safety Assessment, prepared by EMM (dated September 2024)

S. Submissions

T. NEW - Proposed Intersection Works, prepared by Fisher Consulting Engineering (dated 5 February 2025).

	U. NEW - Addendum Biodiversity Report for proposed intersection works, prepared by EMM (dated 17 May 2024). V. NEW - Draft conditions of consent.
REPORT PREPARED BY	Kerry Porter, Senior Planning Assessment Officer Cessnock City Council
DATE OF REPORT	11 February 2025

BACKGROUND

This matter was considered by the Hunter and Central Coast Regional Planning Panel (Panel) on 11 December 2024 and the determination of the Application was deferred on 6 January 2025 pending the lodgement of the following additional information:

1. The Applicant to provide the following information:
 - 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.*
2. A formal written request to amend the Application is required to be uploaded to the planning Portal by the Applicant outlining:
 - i. *Particulars sufficient to indicate the nature of the change of the development as required under Section 37 of the Environmental Planning and Assessment (EP&A) Regulation 2021.*
 - ii. *Updated technical reports relied on in the amended Application.*

This addendum assessment report provides an assessment of the matters identified above.

RESPONSE TO DEFERRAL ITEMS

The following is noted with respect to the deferral items:

Issue	Comment
The applicant to provide the information outlined in point 1(i to iv).	The applicant has provided detailed plans (provided at Attachments T and U).

Document Name	Prepared by	Date
Proposed Intersection Works – Blackhill Road, Blackhill Project No. 21004	Fisher Consulting Engineers	5 February 2025

Revision D Drawing Numbers C201 – C203		
Addendum Biodiversity Report for proposed intersection works.	EMM Consulting	17 May 2024

Issue	Comment
<p>A formal written request to amend the application is to be uploaded to the Planning Portal outlining:</p> <p>i. <i>Particulars sufficient to indicate the nature of the change of the development as required under Section 37 of the Environmental Planning and Assessment (EP&A) Regulation 2021.</i></p> <p>ii. <i>Updated technical reports relied on in the amended Application.</i></p>	<p>Correspondence from the applicant dated 5 February 2025, has been submitted requesting that Council accepts an amendment to Application 8 2023 622 1 under section 37 of the Environmental Planning and Assessment Regulation 2021.</p> <p>Updated technical reports provided at Attachments T and U.</p>

ASSESSMENT

The Applicant has provided detailed plans (refer to Attachments T and U) recommending intersection treatment and roadworks along Black Hill Road (including signage). The works proposed are to address concerns raised by the community and the Panel members in relation to traffic safety issues, particularly in relation to the restriction of truck movements east of the site along Black Hill Road.

The submitted plans (prepared by Fisher Consulting Engineers, Project No. 21004, Revision D, Drawing Numbers C201 – C203, dated 5 February 2025) detail the following road treatment works:

- a) An acceleration lane on Black Hill Road for trucks existing the site (suitably line marked in accordance with Austroads Guide to road design-Part 4A).
- b) Installation of a 'no-right turn' sign on the southern leg of the site access / Black Hill Road intersection which will prohibit trucks from turning right when existing the site.
- c) Installation of a 'no-left turn' sign on the eastern leg of the site access / Black Hill Road intersection deterring vehicles accessing the site from the east along Black Hill Road (passed Black Hill School).
- d) Linemarking to indicate a BAL/BAR intersection treatment.

- e) Installation of vehicle activated flashing lights on Black Hill Road at 250 metres east of the quarry access road to alert passing traffic from the east that trucks will be merging onto Black Hill Road.
- f) Installation of a raised medium island with associated signage and line marking on Black Hill Road on approach to the entry to the site to Council's requirements, subject to Local Traffic Committee approval.
- g) Installation of reduce speed signage, 50 metres to the east of the Meredith Road and Black Hill Road intersection (on the western approach), to alert trucks and passing vehicles of merging traffic from Meredith Road onto Black Hill Road.

Council has assessed the submitted plans in accordance with *Austroads Guide to Road Design* and Council's *Engineering Guidelines for Design and Construction* and is satisfied that the roadworks and signage treatment proposed will improve existing traffic safety issues along Black Hill Road which have been of ongoing concern. The roadworks proposed will require approval from the Local Traffic Committee prior to issue of a Construction Certificate and approval of a Section 138 Roads Act Approval and this has been conditioned accordingly.

An additional condition of consent has also been imposed in the draft Notice of Determination (Condition 39) requiring (prior to the issue of an OC), an updated Operational Plan of Management to include a "Drivers Code of Conduct" referencing truck movement restrictions along Black Hill Road and alerting drivers to the importance of safe driving practices to minimise traffic safety issues, particularly along Black Hill Road.

Draft conditions of consent are provided at Attachment V.

• **Ecology Impacts**

The Applicant has addressed ecology impacts on the proposed intersection / road upgrade works detailed in letter dated 17 May 2024, titled - Intersection Biodiversity Survey, prepared by EMM Consulting, Ref E211092 – v1 (refer to Attachment U). In this submission, the Applicant provides the following information:

"The vegetation within the road corridor consists of a maintained and mown road verge closest to the road and a native forest along the boundary of the private property fence (Appendix B). The mown road verge has a high density of exotic grasses and is approximately 2–4 metres in width. Once off the road verge, vegetation consists of native forest trees and shrubs with a moderate diversity of exotic species. This vegetation community has the potential to provide habitat to native flora and fauna in the area.

The analysis of the plot data found that the vegetation community corresponds to Plant Community Type (PCT) 1592, Spotted Gum - Red Ironbark - Grey Gum shrub - grass open forest of the Lower Hunter. This PCT was previously mapped within the Three Mile Hill Waste Facility site (EMM 2023). The Vegetation Integrity (VI) score was calculated at 35.6, which is over the threshold for requiring offsets under the BAM (DPIE 2020) if this vegetation is within the footprint of the upgraded intersection. During the survey, the presence of a large hollow-bearing tree, potentially suitable breeding habitat for large forest owls and cockatoos was recorded. The hollow-bearing tree is located on the south side of the road, within private property, adjacent to the BAM plot location (Figure 1 and Photograph B.3). Given the ecological significance of

this tree, it is recommended that mitigation measures are implemented to avoid impacting the tree, these could include:

- adjusting construction plans to maintain a buffer zone around the tree, ensuring its roots and canopy are not disturbed.*
- implementing temporary fencing or barriers to protect the tree during construction activities.*
- consulting with an arborist to assess the health and stability of the tree and to provide recommendations for its protection.”*

The draft intersection design submitted by the Applicant nominates a development footprint that is not considered likely to significantly impact on the adjacent vegetation in the road reserve and adjoining lots.

A condition of consent has been imposed in the draft Notice of Determination (Condition 29) requiring (before the commencement of any roadworks) the submission of a detailed intersection design, including the identification of all trees for removal and retention, and incorporating the recommendations contained in the Applicant’s letter dated 17 May 2024, titled - Intersection Biodiversity Survey, prepared by EMM Consulting, Ref E211092 – v1. This condition will also require the identification of the ecosystem and species credits generated by the clearance footprint identified through the detailed design of the intersection.

• Late Public Submission

It is noted that the Panel recently received a late public submission direct via email dated 2 February 2025 from the local Black Hill and Buttai Community Groups re-iterating their concerns regarding ongoing traffic safety issues associated with the proposed development.

The issues raised in this latest public submission have previously been addressed in Council’s detailed assessment report considered by the Panel at its meeting on 11 December 2024. The additional information provided by the Applicant (required in the Panel Record of Deferral) is considered to adequately address the local community’s concerns regarding traffic safety through the implementation of suitable roadworks and signage along Black Hill Road, and by further restricting truck movements along Black Hill Road (as discussed in this report).

The community’s concerns in relation to there being no proposed road upgrade works to the John Renshaw Drive and Black Hill Road intersection has previously been discussed in Council’s previous determination assessment report in that the road Authority (TfNSW) have advised that the proposed development will not trigger the requirement for intersection upgrade works at this location.

CONCLUSION AND RECOMMENDATION

In view of the above considerations, it is recommended that the development application 8/2023/622/1 be approved subject to the conditions of consent included in Attachment V to this addendum assessment report.

It is noted that the recommended conditions have been amended to reflect the information and amendments that have been provided in response to the Panel’s deferral of the application on 6 January 2025.