

DATE OF DETERMINATION	14 March 2025
DATE OF PANEL DECISION	12 March 2025
DATE OF PANEL BRIEFING	4 March 2025
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Daniel Watton, Mark Mason
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 18 February 2025.

MATTER DETERMINED

PPSHCC-254 – Cessnock – DA 8/2023/622/1 at 220 Blackhill Road, Blackhill 2322 – Waste and Resource Management Facilities (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Following a public meeting on 11 December 2024 the Panel deferred determination of this application to seek 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.

The amended documentation was provided to Council.

Council provided a supplementary assessment report considering this additional material and recommended some changes to conditions. The Panel previously noted that Condition 10 needed to be clarified and note that it has been amended to reflect correct section references.

The Panel received a further written submission from the Blackhill Environment Protection Group and the Buttai Community Development Group. The submission reiterated previous concerns generally but also specifically addressed the community's ongoing concerns with the function of the John Renshaw Drive and Black Hill Road intersection.

The Panel notes that the application was referred to Transport for New South Wales (TfNSW) for comment, being the organisation responsible for John Renshaw Drive. TfNSW did not require any upgrades or intersection improvements as a result of this development.

While the Panel acknowledges the ongoing concerns of the community, based on TfNSW and Council advice, the Panel is satisfied that the traffic impacts at this intersection arising from the development are acceptable.

As previously outlined, the Panel notes that there is a variety of different uses in the area that are consistent with a rural zone, including both industrial and residential uses. The proposed use is considered suitable for the site.

The change to Black Hill Road at the entry point to the site, and additional traffic management measures, will ensure that traffic impacts are appropriately managed.

The Panel is satisfied that the ecological impacts are reasonable.

The proposed use is suitable for the site, and the development has merit.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:





- i. The site is suitable for the development.
- ii. The traffic impacts arising from the use can be managed and mitigated.
- iii. The proposal will result in the efficient use of a degraded site.

CONDITIONS

The Development Application was approved subject to the conditions in the Supplementary Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel took into consideration all written submissions and heard from all those wishing to address the Panel at two public meetings on 3 September and 11 December.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Tony McNamara
 Roberta Ryan	 Mark Mason

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-254 – Cessnock – DA 8/2023/622/1
2	PROPOSED DEVELOPMENT	Change of Use and Repurposing of an Existing Quarry to a Waste Management Facility Comprising a Resource Recovery Area and Inert Landfill.
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
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Cessnock Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Cessnock Development Control Plan 2010 Planning agreements: Nil 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 Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 19 November 2024 Written submissions during public exhibition: 30 Verbal submissions at the public meeting 11 December 2024: <ul style="list-style-type: none"> Janet Murray and Terry Lewin on behalf of Blackhill Environment Protection Group and the Buttai Community Development Group Steve Fraser Justin Hanson Coralie Lewis Tony Seton On behalf of the applicant – Jamie Boswell, Phil Towler Total number of unique submissions received by way of objection: 30
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Council Briefing: 26 June 2024 <ul style="list-style-type: none"> Panel members: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Robert Bisley, David Crofts

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Kerry Porter, Sue Page, Brayden Luke, Jules Bosco ○ <u>Department</u>: Carolyn Hunt, Holly McCann <ul style="list-style-type: none"> ● Site inspection: 3 September 2024 <ul style="list-style-type: none"> – Alison McCabe: – Roberta Ryan: – Tony McNamara: ● Submitter Briefing: 3 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Robert Bisley ○ <u>Council assessment staff</u>: Kerry Porter, Sue Page <p>Verbal submissions at the Submitter Briefing:</p> <ul style="list-style-type: none"> ○ Vicki Osborn ○ Janet Murray and Greg Steele on behalf of Blackhill Environment Protection Group and the Buttai Community Development Group ○ Justin Hanson ○ Coralie Lewis ○ Jonathon Finch ○ Alan Brown ○ Steve Fraser ○ <u>Applicant representatives</u>: Jamies Boswell, Philip Tower, Duncan Lowe <ul style="list-style-type: none"> ● Final briefing to discuss Council's recommendation: 11 December 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Mark Mason, Daniel Watton ○ <u>Council assessment staff</u>: Kerry Porter, Sue Page, Brayden Luke, Jules Bosco ○ <u>Department</u>: Leanne Harris and Holly McCann ● Final briefing to discuss Council's supplementary report: 4 March 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Daniel Watton, Mark Mason ○ <u>Council assessment staff</u>: Kerry Porter, Sue Page ○ <u>Department</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment and supplementary reports