

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant infrastructure
Application number and project name	SSI-56980459 Thrumster Wastewater Scheme
Applicant	Port Macquarie Hastings Council
Consent Authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Public Spaces has, under section 5.19 of the *Environmental Planning and Assessment Act 1979* (**the Act**), approved the infrastructure application subject to conditions.

A copy of the infrastructure approval and conditions is available here

<https://www.planningportal.nsw.gov.au/major-projects/projects/thrumster-wastewater-scheme>

A copy of the Planning Secretary's assessment report is available here

<https://www.planningportal.nsw.gov.au/major-projects/projects/thrumster-wastewater-scheme>

Date of decision

4 June 2026

Reasons for decision

The following matters were taken into consideration in making this decision:

- the matters listed in the statutory context section of the Planning Secretary's assessment report, which include the findings and recommendations in the Planning Secretary's assessment report;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW)
- all information submitted to the department during the assessment of the application;
- the findings and recommendations in the Planning Secretary's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Planning Secretary's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the application are as follows:

- the project would support the delivery of over 7,000 additional homes and 3,000 additional in-fill across the Port Macquarie Hastings local government area (LGA)
- improved environmental outcomes through avoiding the loading of the existing Port Macquarie wastewater treatment plant beyond its design capacity
- the project is consistent with NSW Government policies being a key component of the *North Coast Regional Plan 2041*
- the project has environmental and social impacts that would be able to be managed either via Proponent commitments or conditions of approval, and are acceptable for an infrastructure project of this type
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through conditions of approval. Engagement on the project is consistent with the *Undertaking Engagement Guidelines for State Significant Projects*, including the participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of community views

The Proponent engaged with the agencies and the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department, it was placed on exhibition from 6 August until 9 September 2024 (28 days). Thirteen submissions were received, including two objections, primarily from residents living within 10 kilometres of the project site.

An Amendment Report and Response to Submissions was submitted and exhibited from 8 May until 21 May 2025 (14 days). Ninety-six community submissions were received, including 93 objections, primarily from residents living within 10 kilometres of the project site.

The Department undertook the following consultation activities:

- attended two proponent-initiated community workshops with members of the public on 20 August 2024 at the Port Macquarie Hasting Council offices, and
- undertook a site visit on 20 August 2024.

The key issues raised by the community (including in submissions) and considered in the Planning Secretary's assessment report and by the decision maker include water quality and flooding, Aboriginal heritage and biodiversity. Other issues are addressed in detail in the Planning Secretary's assessment report.

Issue	Consideration
<i>Water Quality</i> • Construction stage water quality impacts • Dewatering impacts • Water quality within Kooloonbung Creek • Effluent overflows from the treatment plant • Oyster industry impacts • Modelling accuracy of effluent releases.	<i>Assessment</i> Construction stage impacts associated with sedimentation of soils, oxidation of acid sulphate soils, and contamination from construction materials and fuels, would be managed by established construction management measures outlined in a Construction Environmental Management Plan (CEMP). Dewatering would be required for construction although impacts to surrounding groundwater users are not anticipated. Water quality in Kooloonbung Creek is not expected to significantly change as a result of the project compared to doing nothing. Primary treated effluent would be released into Partridge Creek when the capacity of the Thrumster WWTP and on-site storage pond are exceeded, temporarily impacting water quality in the creeks. Discharging to Partridge Creek in storm events would have minor water quality impacts that would be negated through natural dilution and dispersion. There is a low level of potential influence on oyster leases in the lower Hastings River estuary. The Department is satisfied that the effluent models have been appropriately developed and are fit for purpose. <i>Recommended conditions/response:</i> Preparation of a CEMP to include the environmental management commitments made by the Proponent in the EIS. Monitoring of discharges against quality criteria and requirement to inform stakeholders if unplanned discharges or non-compliance with criteria occur. Requirement for the Proponent to include water quality management measures as outlined in the assessment documentation.

Issue	Consideration
<i>Flooding</i> • Construction contractors face a flooding risk • The WWTP site would be subject to operational stage flooding • Flood impacts and changes to flood behaviour • Fernbank Creek should be dredged or cleared of mangroves to improve drainage.	<i>Assessment</i> Flooding risks during construction would be managed via the implementation of appropriate safety and environmental management measures to secure the site and worker safety. The WWTP would be constructed on a two-tier pad with critical infrastructure located above the probable maximum flood (PMF) level to minimise the potential for damage / loss of infrastructure. Access to the WWTP would remain flood free in the 1%AEP event and in a Probable Maximum Flood (PMF) there would be adequate time to evacuate the site. The project creates limited flooding changes in the area (approximately 10mm in the 1% AEP event and 20mm in the 5% AEP event), with changes being within flood policy parameters. The dredging of Fernbank Creek does not form part of the proposal. Recommended conditions/response: Requirement for the Proponent to include flood management measures as outlined in the assessment documentation.
<i>Aboriginal heritage</i> • Construction of the proposal would impact on known sites • Appropriate consultation had not been undertaken • Site surveys were not appropriate • A Registered Aboriginal Party (RAP) was excluded from a cultural heritage site investigation.	<i>Assessment</i> Construction of the project would impact two Aboriginal sites within the proposed WWTP site and is located near two other sites which would be surrounded with a “no go” buffer zone to avoid disturbance. The Proponent has committed to avoiding known Aboriginal sites, where possible, and collecting and recording artefacts that cannot be avoided to preserve evidence of previous culture and knowledge of past land uses. Site surveys were undertaken in accordance with relevant requirements and are considered acceptable for informing the assessment process. Aboriginal consultation was undertaken in accordance with the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i> (Department of Environment, Climate Change and Water NSW, 2010). The Proponent subsequently met with the RAP and they (and another RAP), attended an additional site visit. <i>Recommended conditions/response:</i> • For all practicable steps to be taken to not to harm, modify or otherwise impact Aboriginal objects apart from outline by the approval • Requirement for the Proponent to undertake continuing engagement with the RAPs • Requirement for an Aboriginal Cultural Heritage Management Plan to be prepared, approved and implemented prior to construction. • Requirement for the Proponent to include Aboriginal Cultural Heritage management measures as outlined in the assessment documentation.

Issue	Consideration
<i>Biodiversity</i> • Impacts to biodiversity, direct and indirect, including the use of the sand plain by species such as Grass Owls and Sea Eagles • Appropriateness of offsets • Impacts from planned and unplanned discharges of effluent.	<i>Assessment</i> A Biodiversity Development Assessment Report was prepared to address direct and indirect impacts to biodiversity in accordance with the <i>Biodiversity Conservation Act 2016</i>. Overflow discharges to Partridge Creek and Fernbank Creek will have a negligible impact to biodiversity, while impacts to vegetation communities and animal species resulting from routine effluent discharge to Kooloonbung Creek will be minimal and likely indiscernible in the long term. Impacts to biocertified or conservation lands will generally be avoided using construction alignments (use of tracks) and methodologies (HDD). Unavoidable and direct impacts to biodiversity would be offset in accordance with the Biodiversity Offset Scheme. There would be no SAI impacts to the Swift Parrot and the proposal would be unlikely cause a SAI on the Giant Dragonfly. <i>Recommended conditions/response:</i> • Offset credits to be retired prior to impacts to biodiversity values. • For proponent to minimise clearing of native vegetation. • An Unexpected Finds Protocol to be developed, approved and implemented. • Trees removed are required to be replaced by the Proponent, and to include the biodiversity management measures as outlined in the assessment documentation.
<i>Traffic, transport and access</i> • Construction traffic and access impacts • Safety of non-motorised users of Fernbank Creek Road • Safety of the intersection of Fernbank Creek Road and Hastings River Drive.	<i>Assessment</i> Construction traffic and transport impacts are relatively minor and can be appropriately managed via active traffic management. The Proponent has committed to undertaking further design optimisation to minimise traffic impacts and undertake consultation with affected stakeholders. Impacts to property access during the pipeline construction will be short term due to the “moving” nature of the construction and access would be maintained to affected properties. Operational traffic levels are within the existing road network capacity. <i>Recommended conditions/response:</i> • The Proponent will prepare a Traffic Transport and Access Management Plan to include measures to allow heavy vehicles to safely enter and leave Fernbank Creek Road, and measures to maximise the safety of non-motorised users of Fernbank Creek Road. The plan is to be prepared in consultation with Fernbank Creek Road users and residents. • Requirement for the Proponent to include Traffic and Transport management measures as outlined in the assessment documentation.
<i>Noise and vibration</i> • Construction and associated traffic noise impacts	<i>Assessment</i> Consistent with infrastructure projects, surrounding properties may experience construction noise exceeding noise management levels (NML),

Issue	Consideration
Construction vibration impacts.	triggering the need for the application of noise management and mitigation measures. With the mitigation measures that the Proponent has committed to, the potential impacts from noise and vibration are not excessive and are considered acceptable <i>Recommended conditions/response:</i> - The Proponent will undertake a sensitive land use investigation to identify locations that may be susceptible to noise and vibration. - The Proponent must undertake the noise and vibration management measures outlined in the assessment documentation, including stakeholder consultation, undertaking appropriate construction scheduling, and construction respite periods.
<i>Air quality</i> Construction and operation air quality impacts, including exposure to bioaerosols, asbestos (from settling on roof tops used for drinking water collection), and odour concerns.	<i>Assessment</i> Air quality impacts were assessed as low risk for dust soiling and human health impacts, and medium risk for ecological impacts. Standard dust control would be implemented to minimise construction stage risks from dust and asbestos exposure. The separation distance of 650m from inlet works and primary treatment area to nearby properties would mitigate potential impacts and exposure. An Odour Control Unit can be installed if required. <i>Recommended conditions/response:</i> - Preparation of a Construction Environmental Management Plan to include the environmental management commitments made by the Proponent in the assessment documentation - Requirement for the Proponent to include air quality management measures as outlined in the assessment documentation.
<i>Aquatic ecology</i> - Impacts from construction to Partridge Creek - Operational impacts to Kooloombung Creek from treated effluent disposal - Major storm event impacts to Partridge Creek from effluent discharge of primary treated effluent.	<i>Assessment</i> Potential impacts include (but not limited to) removal or modification of habitat, removal or loss of aquatic flora and fauna, sedimentation of waterways, alterations to natural flow regimes, and barriers to fish passage. The Proponent will minimise potential impacts to aquatic flora through the use of construction methodologies such as Horizontal Directional Drilling. The receiving and surrounding waters are Key Fish Habitat (KFH), with Kooloombung Creek and Partridge Creek being classified as Type 1 – KFH, and the Proponent will minimise aquatic ecology impacts through compliance with recommended conditions. <i>Recommended conditions/response:</i> - Preparation of a Construction Environmental Management Plan to include the environmental management commitments made by the Proponent in the Environmental Impact Statement. - The Proponent must include aquatic ecology management measures outlined in the assessment documentation.

Issue	Consideration
<i>Social</i> • Changes to property and land-use, access and connectivity • Land acquisition • Changes in local amenity • Economic and business challenges,	<i>Assessment</i> The project would create jobs and contribute to the local economy. A range of potential negative impacts were considered and within the assessment the highest significance of “medium” was applied prior to any mitigations. The Human Health Assessment considered that potential impacts would be relatively minor. The Department considered that negative social impacts would generally be short-term and temporary in nature and typically related to the construction of the Project. If required for the flood access road, land acquisition would be considered under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. <i>Recommended conditions/response:</i> • The Proponent will include social impact mitigation and management measures as outlined in the assessment documentation.
<i>Acid Sulphate Soils and Naturally Occurring Asbestos</i> • Acid Sulphate Soils management required • Potential for Naturally Occurring Asbestos.	<i>Assessment</i> Acid Sulphate Soils (ASS) have been identified as requiring management. The Proponent has attempted to avoid significant areas of ASS by proposing to undertake Horizontal Directional Drilling (HDD) instead of open trenching. There is some naturally occurring asbestos (NOA) along the pipeline routes, which would be managed via mitigation measures as outlined by the Proponent. <i>Recommended conditions/response:</i> • The Proponent must include ASS and soil impact mitigation and management measures as outlined in the assessment documentation.
<i>Risk and Bushfire</i> • Handling and storage of potential hazardous chemicals • The site of the WWTP is located within a bushfire zone.	<i>Assessment</i> The project meets the relevant risk criteria in Hazardous Industry Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning' (2011, HIPAP 4) and is subject to conditions relating to emergency planning, hazard audits and chemical storage requirements. The overall bushfire risk is classified as low and tolerable. <i>Recommended conditions/response:</i> • The Proponent must include relevant chemical handling and bushfire mitigations into CEMP and OEMP.
<i>Climate change</i> • Changes to climatic conditions (rainfall/storm intensity/temperature) leading to the treatment system operating beyond capacity or inefficiently • Increased risk of storms damaging electricity supply preventing treatment	<i>Assessment</i> The Department notes the timeframes that have been adopted in the assessing climate change risks and considers that the more extreme events modelled would occur closer to the end of the proposed plant design life. The Department acknowledges that risk profiles will increase overtime as the certainty of climate change modelling decreases. While inundation may pose a long-term risk, the Department considers that the Proponent is appropriately placed to manage and adapt to this risk.

Issue	Consideration
Hydrological changes to surrounding and receiving water bodies.	
<i>Other issues</i> - Project alternatives - Project funding - Proponent conduct - Contract procurement issues - Omission of documents from the EIS.	<i>Assessment</i> The Department considers that Section 2.6 “Alternatives” and Section 2.7 “Preferred Option” of the EIS appropriately addressed project alternatives in accordance with the SEARs. The Department notes that the Proponent has responded to these issues within Response to Submissions #2 and notes that the responses are considered appropriate. Other issues are independent of planning assessment and have not been considered further.