

EMAIL RESENT TO information@planning.nsw.gov.au 22 DECEMBER 2016 AS ORIGINAL SUBMISSION NOT PUBLISHED IN ITS ENTIRETY.

WYCOB PTY LTD ACN 002 077 732
PO BOX 305 SWANSEA 2281
PH 0408 763 808
16 DECEMBER 2016

NSW DEPARTMENT OF PLANNING & ENVIRONMENT
BY EMAIL www.majorprojects.planning.nsw.gov.au/page/on-exhibition

RE: PROPOSED DEVELOPMENT
STATE SIGNIFICANT DEVELOPMENT SSD 6518
FRAZER PARK QUARRY Lots 1 & 2 DP 549905 and Lot 465 DP 75526
800-900 Pacific Hwy Moonee.

Dear Sir/Madam,

Wycob Pty Ltd ("Wycob") is the owner of the property located at 475-535 Pacific Hwy Crangan Bay which is a regionally significant gravel quarry and concrete recycling facility operate. Our property is 7 lots (Lot 11 DP 598580 and Lots 2-7 DP 249281) comprising 79.03 hectares. Our property is diagonally opposite from the proposed development and shares the boundary to the Central Coast Council and Lake Macquarie City Council with the proponent.

Our company has issues relating to the above proposal, details of which follow:

1. Life of operation

This development was advertised as operating within an existing quarry operation. No precise information is provided regarding the remaining life of the quarry and the size of the reserves.

Q1a. Will a condition of consent be that the recycling operations are tied to the life of the quarry? This was done by the then Wyong Council on the neighbouring gravel quarry owned by Wycob.

Q1b. The property is currently zoned SP1 (Mining) under the 2014 Lake Macquarie LEP. Will that zoning be retained or will it be changed to SP2 (Waste or Resource Management Facility)?

Q1c. Is the quarry deemed to be regionally significant by the NSW Department of Industry?

Q1d. What is the size of the remaining reserves?

Q1e. What amount of material is required to effect rehabilitation of the site?

2. Noise Impact

The EIS has not identified that DP 249281 comprises of 7 lots zoned for dwellings, the nearest lot being 49 metres from the southern boundary line of the proposed development and 400 metres from the proposed recycling area.

There are several errors in this report relating to noise:

- The nearest existing residence is the Wycob property 1.05 kilometres south, yet no noise data is referred to on page 6 of the executive summary of the EIS (page 9 of 179).

- The nearest existing residence in Catherine Hill Bay (page 8 of 179) is 26 Clarke St Catherine Hill Bay, approximately 1.3 kilometres from the northern boundary of the proposed development. It is not 58 Flowers Drive Catherine Hill Bay (as reported in the EIS), which is approximately a further 1.23 kilometres to the north.

Q2a. Which location does the noise data refer to? Flowers Drive or Clarke St?

The EIS states the Catherine Hill Bay South Residential Development is being assessed as rural. This development is a more intensive residential holding than the original township, with a purchase price commensurate of a high class development. The zoning of this area is currently listed as a deferred matter on the 2014 Lake Macquarie LEP (NSW legislation web site). The existing township is zoned R2 Low Density Residential.

Q2b. What criteria is the EIS referring to in assessing the new development as rural as opposed to residential, therefore allowing a higher noise level?

3. Air quality

Again, the EIS does not identify future effect on the individual lots owned by Wycob. The proposed development is almost a quadrupling of activity and Wycob's property will be affected with the prevailing north easterly winds.

Condition L5.1 of the existing Environmental Protection Licence 1246 states "the licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises".

Point 13.4.1 of the EIS (page 155/179) states green waste will be mulched. The EIS states that between 30-80% of the material received will be mixed with the gravel. That means that potentially 140,000 tonnes of green waste could be imported on site.

Q3a. Why hasn't Pacific Environment Limited addressed the issue of odour in their report (Appendix 7 of the EIS)?

Q3b. Can the odour from the green waste imported potentially extend beyond the development's boundary?

Q3c. What will be the impact of dust on Lots 6 & 7 DP 249281?

Q3d. What will be the impact of odour on Lots 6 & 7 DP 249281?

4. Traffic Impact Report (see comments in point 5 also).

The traffic impact report prepared by McLaren Traffic Engineering is totally inaccurate as it does not identify trucking movements generated by the exporting of material which was imported under the proposed development and processed/blended with the quarry material. It makes the assumption that vehicles delivering material in are taking the equivalent amount out. This is not the case. Potentially the trucking movements could be double.

Q4a. Why haven't the trucking movements relating to the export of processed material been included in the report?

It states in the EIS (page 45 of 179) and Traffic Impact Assessment (Appendix 8) that right hand turns out of the quarry (northbound) will be restricted. The documents do not advise the route any vehicle wishing to travel north will use to effect a U turn. Both Kanangra Drive and Blue Wren Drive are not designed to accommodate turning vehicles of this length.

Q4b. Will “no right hand turn” signs be installed by the Roads and Maritime Services at the site’s entry to the Pacific Hwy?

Q4c. Where does the proponent intend northbound vehicles to U turn?

Our company has strong concerns that the empty vehicles will use the entry road into our property to conduct U turns. This road entry was designed by the then Department of Main Roads for our quarrying activities. Wycob was required to make a financial contribution for the construction of the road under our development consent approved in 1983. Since that time a right hand turning lane from the highway into Blue Wren Drive has been removed. This has resulted in an increase in the general public using our entry to U turn to head south to enter the National Park at times impeding the egress of our vehicles from our property. Our road entry was not designed for B double vehicles to conduct U turns in front of our ingress/egress lanes for the benefit of the development up the road.

If the proposed development intends using the intersection into our quarry to effect a U turn this is going to result in:

- Major safety issues when B double vehicles U turn on the highway (and do not use the asphalt entry road into Wycob’s property) if at the same time quarry vehicles from Wycob’s property are exiting to make a south bound trip. This could result in northbound traffic not being aware that a truck is U turning because the vision is being blocked by Wycob’s vehicles heading south.
- Increased safety issues when vehicles U turn on the highway (when no vehicles are leaving Wycob’s quarry) and do not use the asphalt entry road.
- Impeding the ingress/egress of truck movements out of our quarry,
- Impede the ingress/egress of vehicular movements out of Wycob’s residence,
- Damaging the shoulder of the road near the telegraph pole at the entry to our quarry. Most truck and dog vehicles are using the dirt area, not just the asphalt road, to conduct their turns. The vehicles are then entering the highway near the armaguard railing, further eroding the shoulder of the road at that position as well.
- Damage to the concrete island separating the ingress and egress lanes.
- Significant increases in noise impact on the residence on Wycob’s property shown in Figure 5.2 (page 76 of 179), particularly when the vehicles are empty.
- Wycob’s development being attributed with noise impacts not being caused by our activities.
- Negatively impact on the future development of Wycob’s quarry (which is assessed as regionally significant) in respect to traffic generation and safety issues (which will be incorrectly attributed to Wycob’s development) at the intersection of the highway to the entry to Wycob’s land.

Q4d. Will the Roads and Maritime Service be installing a “Trucks No U Turn sign” in front of Wycob’s residence to prevent southbound vehicles from U turning into Wycob’s entry?

Q4e. Why isn’t the Roads and Maritime Service requiring that the proponent construct an entry/exit that permits northbound egress?

Q4f. Both Wycob Pty Ltd and the Rose Group (Beaches Catherine Hill Bay development) were required as a condition of their consents to contribute/construct appropriate road works for their development. Is the owner of the proposed development, Kores, an international mining company, going to be given concessions?

5. Recent Changes to Environmental Legislation

This development application was lodged prior to the recent changes to the Protection of the Environment (Waste) Regulation Act 2014. These changes include limiting the amount of material that can be kept on site ("authorised amounts") and the payment of the waste levy if operators breach this amount.

The Environment Protection Authority also recently released a consultation paper (October 2016) titled "New minimum standards for managing construction and demolition waste in NSW". The amendments are proposed to be legislated from 1 March 2017. They include:

- a. That any facility must meet the resource recovery target for C&D waste over any 12 month period of 75% (page 5). This must be sent off site by sorted waste type and/or under a resource recovery order. This means that if the proponent takes in 200,000 tonnes, 150,000 tonnes must leave the site. Based on the assumption that the average truck volume is 30 tonnes this equates to a further 5,000 trucking movements per annum which wasn't addressed in the traffic report.
- b. New inspection/sorting/processing requirements.
- c. Not mixing the waste (ingoing material) with any other material at the facility (except in order to process it to meet a resource recovery order at the time the waste leaves the facility).
- d. Materials that meet a resource recovery order may not be mixed with any other material.

Q5a. How does the proponent plan to distinguish between material entering which can be processed to a resource recovery order without blending with quarry material and material entering that requires blending?

Q5b. Do the proposed changes to the Waste Regulation Act 2014 make the initial justification for this development (blending of waste with gravel) redundant?

6. Market Demand

There are currently two concrete recycling facilities in the area previously known as Wyong LGA which are licensed EPA facilities : A.M.S. Recycling (operating on Wycob's land at Crangan Bay) and CBS Recycling (Donaldson Rd Wyong). These businesses have been operational for over 15 years with a 30,000 tonne processing rate. Up to this point the local area is not generating an amount of waste that would see both of these businesses reach their threshold.

There are several smaller facilities in the Wyong Nth area which are operating under the 1,000 tonne per annum threshold introduced under the 2014 legislation.

There is a waste transfer station at Berkeley Vale (EBH) operating over 10 years who is also doing concrete recycling. Howards Recycling operates a VENNM ENM depot at Doyalson North. This is positioned on the perimeter of the ash dam. There are several large green waste facilities at Wyee, Morisset and Cooranbong.

The local market is saturated and the only explanation for the request for such a high production level in this development application is that the material will be transported from Sydney and beyond. The EIS does not address whether any residue will be going to local landfill at Jilliby (Central Coast Council) or Awaba (Lake Macquarie City Council). Or is it to be transported to Queensland? This would mean either further damage to local roads or increase traffic volume back towards Wyong if the material is to be transported by rail.

7. Consistency with Recent Decisions

The proposed development represents a major intensification of use on the land. To Wycob's knowledge, the gravel deposits are not regionally significant. The current zoning is SP1, applicable to all mining activities under the 2014 Lake Macquarie LEP.

In December 2013 Wycob's property at Crangan Bay, 49 metres from the proponent's property, was down zoned under the 2013 Wyong LEP to E3 because of proposed green corridors. This was contrary to existing Council resolutions at the time that green corridors not be placed on privately owned land.

Requests by the Department of Industry that our zoning be RU1 and not included in the green corridor have been ignored by Council on multiple occasions and contrary to multiple Ministerial Directions. Other quarries in the Wyong LGA were given more favourable zoning under the 2013 Wyong LEP (RE1 & RU2), despite sharing the same 7(b) zoning as Wycob under the 1991 Wyong LEP. These quarries were owned by Wyong Council and the Roads and Maritime Service. 7(b) properties under the old Gosford LEP were also converted to RU2.

The properties adjoining Wycob's land to the south (DP 1027231) and bordering Kanangra Drive (DP 755266) were all up zoned to have up to 30 additional uses to the Standard Template for RE1/RE2 zoning. This is on land with a specific zone objective of providing biodiversity corridors. The land is owned by the Council, Local Land Council and Crown Land. The uses included waste or resources management facilities (the activity Wycob conducts on its site but is not zoned for) and caravan parks (which were removed from Wycob's land contrary to Ministerial Direction 3.2). The zoning applied to the Council land is inconsistent with the treatment of the adjoining privately owned land.

Given that the proposed development is a major intensification of use, Wycob requests that the Department of Planning support the submission made by Wycob to the Major Amendment to the 2013 Wyong LEP. This was a request to alter our zoning to RU1 with additional uses attached (which had previously been applied to Wycob's land under the 7(b) zoning). This submission is currently being considered by the Administrator of the Central Coast Council, Mr Ian Reynolds. Council admitted in February 2016 that mistakes had been made regarding the zoning of Wycob's land and resolved to review Wycob's case (resolution 110/16). Wycob is waiting for Council's response as to when this matter will be presented back to Council.

Q7a. Will the Department support the alteration of the zoning of Wycob's land as requested in the submission lodged to the Major Amendment to the 2013 Wyong LEP?

8. Financial Impact of Proposed Development on Wycob's land

This proposal will have a negative financial impact on the valuation of Wycob's land and the future development of its land. Wyong Council previously rejected Wycob's request to conduct green waste recycling on Wycob's land which is twice the size of the proposed development. The EIS has not addressed any odour/dust/noise impacts on the immediate privately owned land (Lots 6 & 7 DP 249281).

This proposal will also have a negative impact on the recycling business being conducted on Wycob's land. The proposed production levels do not relate to waste that is being generated in the local area. This will result in extreme volatility in the local market. The EIS is very vague as to the location and source of material to be imported and the impacts this will have on the road network. The EIS is inaccurate and does not address clearly the traffic management of northbound vehicles exiting from the site or traffic volumes.

There is the scenario that the proposed operation will interfere with the existing operations of Wycob's quarry at both a safety and environmental level.

Wycob has suffered a significant financial devaluation of its land (contrary to Ministerial Direction 1.3) due to the down zoning of its property and doesn't consider it should be the environmental offset for the future plans of Council and multi-national companies. Wycob requests that the zoning of our land be rectified and that the activities of the proposed development at Moonee do not impede on Wycob's operations and amenity of Wycob's land.

Yours Faithfully
Wycob Pty Ltd
Sandra Kay
Director