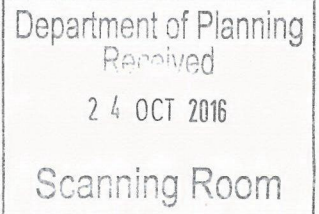


21 October 2016

NSW Planning & Environment
Attention: Emma Barnet
GPO Box 39
SYDNEY NSW 2001

Contact: Janine McCarthy
Our Ref: AD2016/032521
Your Ref:



Dear Ms Barnet

**State Significant Development 15_7396
129 Mitchell Avenue (Lot 796 DP 39877), Kurri Kurri**

Thank you for the opportunity to provide comments in respect of the above State Significant Development (15_7396), for the purpose of installing and operating thermal processing equipment for the processing of medical and other wastes in conjunction with an existing facility ('Weston Aluminium') at 129 Mitchell Avenue, Kurri Kurri.

The proposal, including the associated EIS, has been reviewed by Council officers and considered by the Council at its meeting of 19 October 2016. The following comments and recommendations are endorsed and provided for your consideration:

Comments

Cessnock Council is supportive of development that does not harm the environment or the local community but contributes to the stimulation of the local economy, particularly where development generates employment opportunities.

Notwithstanding the above, Council raises concern regarding the importation of waste from beyond the local government area. In this regard, it is noted that the application is inconsistent with Cessnock City Council's *Sydney Waste Policy W1.3*, which prescribes as follows:

Council not accept any Sydney Waste in the Cessnock Local Government Area and that such resolution become a policy of Council.

It is noted that, on 15 September 2015, the Department approved two applications to modify the relevant approvals on the site; being Development Consent DA-86-04-01 (Mod 9), and NSW Land and Environment Court No. 10397 of 1995 (Mod 7), both of which are contrary to Council's *Sydney Waste Policy W1.3*.

Recommendations

Below is a list of recommendations that arise from aspects of the proposed development. These recommendations are provided for the Department's consideration. It is noted that, in the event the Application is approved, the recommendations could be imposed as conditions of consent.

Air quality

- Monitoring should be imposed to ensure that the pollutant discharge concentrations are below the allowable limits having regard to air dispersion modelling in the Air Quality Impact Assessment, the maximum allowable concentrations set out in the Protection of the Environment (Clean Air) Regulation 2010 and the Weston Aluminium's Environment Protection Licence. The waste that will be processed at the facility is unknown and may vary between waste types.
- In addition, a pollution incident management and response plan should be developed to deal with the potential situation whereby the pollution discharge level may exceed the allowable concentrations.

Human Health

- Within 12 months of the facility commencing operation, a Human Health Risk Assessment Validation Report should be carried out. The validation report should take into consideration any air quality and noise monitoring as well as any soil and water sampling carried out during the first year of operation. A copy of the validation report should be provided to the NSW Department of Planning and Environment, NSW Health and Cessnock City Council.
- An assessment of the surrounding land uses should be carried out every 2 years to ensure that the assumptions that have been made in the report titled Human Health Risk Assessment prepared by AECOM Australia Pty Ltd (Job No.: 60486360 Date: 26 August 2016), are still valid. A report of the assessment and any relevant updates to the Human Health Risk Assessment should be provided to the NSW Department of Planning and Environment, NSW Health and Cessnock City Council.

Contamination

- A stage 2 detailed site investigation should be required to determine the type and extent of contamination present on the site due to the uncertainty with regards to fill materials, elevated metal levels and potential for the migration of contaminants from neighbouring sites.
- Within 6 months of commencing operation of the facility, an acoustic validation report should be prepared and submitted to the NSW Environment Protection Authority and Cessnock City Council. The acoustic validation report is to determine if the operation of the facility complies with the project specific noise criteria set out in the submitted Noise Impact Assessment.

Community Engagement

- A Communication and Engagement plan should be developed to inform and manage any potential concerns from stakeholders (i.e. residents and neighbouring workers). Examples may include information sessions prior to the approval and or construction of the site to ensure that residents can obtain information from the relevant industry professionals.

Flooding

- Having regard to the nature of materials that will be processed on site and the risk to human health/environment, it is recommended that the building and all material

storage/processing activities be restricted to areas of the site that are beyond the Probably Maximum Flood event on the site.

Trade Waste

- As it is proposed to wash all bins in a designated wash bay and the wastewater discharged to sewer, a trade waste agreement will be required to discharge to sewer. If the applicant is unable to obtain a trade waste agreement, they would need to provide details of how the wastewater would be collected and the proposed method for disposal.

Car parking

- In accordance with *Chapter C1 Parking and Access* of the *Cessnock Development Control Plan 2010* (DCP), car parking is required at the rate of:

1 space per 75 m² of gross floor area, or
1 space per 2 employees (whichever is greater).

In consideration of the above, the construction of a further 10 car parking spaces should be required to ensure the proposal complies with Council's DCP requirements.

Vehicular Access

- Consideration of access to the site should be made via a swept path analysis. In this respect, plans should be prepared that demonstrate that the internal access within the site is adequate to cater for the design vehicle (8.8m service vehicle).

Stormwater

- Stormwater disposal should be to a legal discharge point and conditions should be included to ensure the existing stormwater system has adequate capacity to cater for the additional stormwater discharge.

Crime Prevention

- The existing chain wire mesh fencing is relatively easy to breach. Consideration should be given to upgrading the site fencing to a type that provides greater security.

Thank you for the opportunity to provide comments in relation to the proposal.

If you require any further information and/or clarification in relation to this matter, please do not hesitate to contact myself directly on 02 4993 4194 or Council's Development Services Manager, Janine McCarthy on 02 4993 4254, during business hours.

Yours faithfully



Gareth Curtis
Director Planning and Environment