



15 December 2016

NSW Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Contact : Janine McCarthy
Our Ref: DOC2016/067269
Your Ref: SSD 7520

Dear Ms Barnet

**State Significant Development 7520
129 Mitchell Avenue (Lots 796 and 797 DP 39877), Kurri Kurri**

Thank you for the opportunity to provide comments in respect to the above State Significant Development (7520), for the purpose of constructing and operating a battery recycling facility at 129 Mitchell Avenue, Kurri Kurri.

The proposal, including the associated EIS, has been reviewed by Council officers and considered by Council at its meeting of 14 December 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. Subject to full assessment by the Department of Planning and Environment, Council is supportive of the concept and the economic benefits in particular that will generate employment and economic activity in the immediate Kurri Kurri district and the Cessnock Local Government Area.

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

- Council recognises that the Air Quality Impact Assessment provided presents results of dispersion modelling conducted. These results indicate that the operation would be highly unlikely to result in exceedances of the relevant assessment criteria at surrounding sensitive receivers. Information on pollution control equipment has been provided. Ongoing monitoring of discharge points and other areas on site should be included as a requirement on the Environmental Protection Licence.

Human Health

- The Human Health Risk Assessment identified exposure to dust through site operations as a health impact with dermal contact, incidental ingestion and inhalation in indoor areas as the exposure pathways with particular focus on lead.

It is important that this report be reviewed by NSW Health and Safe Work NSW with regards to the health impact on workers, and that any recommendations from those government department be adopted.

Contamination

- The EIS provides a preliminary investigation and the recommendation of a construction environmental management plan in lieu of a detailed investigation. The project may warrant a detailed investigation to be conducted, including the sampling of groundwater. Depending on the results of the detailed investigation, remediation and validation may be required. In any case and noting the heavy industrial use, the site should be suitable for the intended use.

Car parking

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

Land Use	Parking Requirement	Site Area / Employee	Parks Required
Industrial Premises (Building 5 Only)	1 space per 75 m2 of gross floor area, OR 1 space per 2 employees whichever is greater	4752m2 73 employees	63.36 spaces or 36.5 spaces
Office Premises (Building 3 Only)	1 space per 30m2 of gross floor area	216m2	7.2 spaces

From the table above, a total of 71 car parking spaces are required to be provided on site in conjunction with the proposed development. It is noted that the plans identify the provision of 46 car parking spaces. Therefore based on Council's car parking requirements we would recommend a further 25 car parking spaces be provided on site.

Vehicular Access

- The Hart Road and Government Road intersection is an existing intersection which was upgraded by line marking a CHR(s) type turning treatment and constructing a concrete median on the Hart Road leg of the intersection. Additional detail is required to show that a B double is able to turn onto Hart Road from Government Road without mounting the medium and entering the road shoulder.
- An assessment of the intersection into the development using Figure 4.9 of "*Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*" indicates that a Basic Right and Basic Left turn treatment is required for the development.

- If the secondary access is to be used, the following should be required:
 - Details showing the location of the access on site.
 - A formal letter signed by all parties confirming the land owners consent to use their land for access.
 - A condition to be including requiring a suitable easement be created to formalise the access way.
 - The existing gravel access road and crossover to be required to be upgraded to a sealed two lane two way access road to Council standards.
- Transport routes to and from the proposed facility should be via the most direct route to the State Road network with a preference to the Hunter Expressway (M15 wherever possible) and minimise impacts on surrounding local road networks. Where local road networks are proposed, Council would like to discuss appropriate developer contributions arrangements to be applied to any approval to ensure local road networks servicing the development can be maintained and or upgraded where required.

Stormwater

- With the proposed embankment batters being steeper than the 1V:6H, suitable basin safety measures are to be provided such as fencing around the basin.
- The onsite detention basin has been positioned below the 1% AEP flood level. As a result, the site will not adequately attenuate the pre and post developed flows for the 1% AEP and potentially the 2% AEP flood events. The basin should be relocated to be outside the 1% AEP flood plain and to ensure the outlet pipe is above the 1% AEP flood level.

Visual impact

- The development includes buildings with elongated walls and roof lines that present significant building mass. The use of architectural features/articulation for the purpose of reducing building bulk should be considered in the context of the site, noting this is a heavy industrial zone.
- Rooftop plant or equipment should not be avoided on the buildings. Alternatively well designed screening should be used to reduce the visual impact of the development.

I trust these comments will assist the Department in its assessment of the proposal. Overall this is a development proposal which Council is supportive of in principle.

If you require any further information, 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



Martin Johnson
Acting Director Planning and Environment