

COMMENTS ON SOMERSBY SAND AND SOILS SUPPLIES FACILITY SSD 17 8660 90, Gindurra Road, Somersby.

I strongly object to this proposal, because it is inherently dishonest. I am in favour of recycling, in the right place, but the proposal has disguised its true intent since being presented to Central Coast Council (CCC) in support of a Development Application (DA 52541) in 2017. It continues to deceive under the auspices of the NSW Department of Planning and Environment as there is no mention of what is obviously a game plan to concentrate recycling in the Somersby Industrial Park for the benefit of State-supported projects, which are mostly Sydney and big business oriented.

The location on Gindurra Road adjoining Debenham Road, a RU1/RU2 residential street, is inappropriate as it ignores or underplays nearby residents' genuine fears of dust, noise, environmental pollution, truck traffic and loss of property values, while paying cynical lip service to addressing community concerns. This is essentially a *fait accompli* which has effectively bypassed the consultative process. There is another waste recycling proposal in the SEARS pipeline directly opposite this site at 83, Gindurra Road and also at 75, Piles Road nearby, but none of these is mentioned in the proposal. These proposals would collectively greatly increase the amount of truck traffic, noise, and dust in the area and should have been disclosed and put up for public comment early in the approval process. It would have been appropriate to engage in one or more public meetings long before proposals were this far down the track. The fact that it was all done under the radar is what we have come to expect from this State government but it is very poor form none-the-less and undemocratic.

Recycling facilities need a market for their products, but this has collapsed in recent months due to Chinese and Asian countries refusing to accept recycled goods. Everyone is jumping on the recycling bandwagon, one suspects because of the NSW Government's Waste Less Recycle More initiative, with a tempting \$800 million in start-up grants, but the business model is now shaky. The operations will potentially require substantial storage facilities for unsold materials. They are essentially polluting industries as far as noise, dust and truck traffic go, so they should be sited well away from residential areas and away from ground water sources. At least one of the proposed sites is close to Piles Creek and has already caused a pollution incident in this creek.

I offer the following specific comments.

A DA for this site was first submitted to CCC in November 1991 and approved on 28 February 1992 (DA 52541). We note on CCC's website, ePortal, that there is no mention of a Kariong Sand and Metal Recycling Facility in this DA, and it states that there are no documents recorded. However, in Appendix A of the SSD application, there is a copy of the relevant DA document. Why is it not on Council's website?

The 10.75 ha site was purchased on 24 February 2017 by Ray and Susanne Davis of Ingleside, NSW. Ray Davis died on 23 June 2018. The couple were the owners of Davis Earthmoving and Quarrying Pty Ltd. According to this website, the business started in earthmoving and demolition. It moved into concrete and brick recycling in 1989 with the purchase of its first concrete recycling crusher. Today the company runs 9 mobile crushers. Crushing is a big part of their business.

On 28 July 2017, a new DA was lodged with CCC for a new shed with offices and amenities and driveway. It was approved by Council on 17 November 2017. The accompanying Statement of Environmental Effect p. 4, 4.0 states that 'the site has current approval as a Sand and Metal Recycling Facility (DA15337 28/2/920) and the new owners will continue the business of recycling, processing and supplying landscape materials'. Maybe, but the Statement of Environmental Effects also mentions

that Part 2 of the proposal involves greatly increasing the capacity of the site to receive, process and store up to 200,000 tonnes per annum of soil, sand and building materials including Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM), construction and demolition (C & D) waste and landscaping supplies. It is noted in Appendix K, p. 16, in the SEARS that the 200,000 tonnes does not include an additional 10,000 tonnes per annum of material to continue providing landscape supplies. This does not appear to be mentioned elsewhere.

The size of the proposed shed clearly indicates that there are plans well beyond continuing the same type of business as was first approved by Council. Why did CCC approve this application without a new DA and EIS?

In Council's Assessment Report, it states that 'The proposed modifications will not result in adverse amenity impacts on the adjoining properties and the streetscape. The proposed development is substantially the same as the development that was originally granted consent [in 1992].' With further modifications approved in September 2018, the size of the proposed shed went from 1106 m² to 2300 m² of plant storage area and the estimated cost of modifications to the shed from \$1.1 million to \$2.1 million. Substantially the same? Seriously?

In the SEARS Statement of Environmental Effect (SEE), July 2017, 4.9. Air and Noise 'The proposed new building is an upgrade to the existing facilities and doesn't change the usage/operation. Therefore this proposal should have no effect to the existing levels.' Again, seriously? There were only a couple of small old sheds on the property previously, and it had not visibly been operating for some time. The SEE also notes that there were 8 submissions from residents (residents disagree with this), and disputes the contention that there will be significant air quality impacts or dust impacts as the movement of trucks will occur on concrete and hardstand. Council's Traffic Engineer raised no objections to the development.

The amenity impacts to the adjoining residential zone are considered minimal. Therefore, 'the proposed development is considered to satisfy the matters of consideration detailed in the planning principle for development at the zone interface.' It states that there is no concrete crushing plant proposed under this development application, so dismissed residents' concerns.

Council's Waste Management Plan Template states that 0.2 m³ of concrete and 0.5 m³ of bricks will be crushed on site and resold as roadbase. This is a paltry amount. It might gel with Council's 'no concrete crushing' statement, but Council must have been aware at the time of NSW DPI's SSD plans to crush much larger quantities of concrete under a new business venture. This looks like an attempt to deceive residents as to future plans for the site. It is surely challengeable in law if this is the case.

Further, a request for a weighbridge was refused by CCC on the grounds that it was an escalation in use!

Having achieved the acquiescence of CCC for a new shed to recycle 200,000 tonnes per annum of waste on 90, Gindurra Road, there has now been a State Significant Development Application lodged (SSD 8660) for Kariong Sand and Soils Supplies Facility, which was actually not a registered entity. This has been corrected and the application is now on public exhibition until 21 March 2019. The proposal is for a Resource Recovery Facility *with weighbridge*. The proposed development is considered a Designated Development. The proposal was submitted or at least compiled in 2017, so was *running in parallel with CCC's DA*.

While it initially appeared that NSW DPE had bypassed Council, the SEAR's Preliminary Environmental Assessment Report makes it clear that CCC was well aware of the proposal to make this a major

Resource Recovery Facility rather than just a provider of sand and soil. 'Central Coast Council, in a pre-lodgement meeting on 6 July 2017, advised that the proposed development will require concurrence and licensing by the NSW Environment Protection Authority.' It is puzzling that CCC refused to approve a weighbridge on the grounds that this was an escalation in use. There has clearly been collusion between the NSW State Government and CCC, and a certain amount of obfuscation on the part of both agencies in denying nearby residents' well-founded concerns about noise, traffic and dust, especially from concrete grinding.

On p. 28, 1.3. of the EIS, it states that the proponent's consultant engaged comprehensively with Council, Agency and the Community in accordance with the Department's SEARs requirements. The consultation strategy and findings are documented in Chapter 5, and involved engagement with:

- Central Coast Council; • NSW Environment Protection Authority; • NSW Department of Planning and Environment; • NSW Office of Environment and Heritage; • Roads and Maritime Services; • NSW Fire and Rescue; • NSW Department of Primary Industry; • Ausgrid; and • and a total of 45 businesses and nearby residents within the area.

In the final EIS report of 15 January 2019, p. 115 5. Consultation 'A consultation report was prepared to help brief neighbours, Council and agencies on the project and the key environmental issues. The consultation summary report was sent to key stakeholders, including State Government agencies, Central Coast Council and 33 properties within 500 m of the site.'

There is no date given for the report but the map on p. 119 is dated January 2018, 9 months prior to Council's approval to double the size of the proposed shed. Appendix U is purported to be the Consultation Report sent to residents for comment, but there are several anomalies in dates. On p. 10, Table 2.1 Stakeholder Consultation Strategy, the chart (undated) suggests everybody has been consulted *except* local residents. Is belatedly providing a Consultation Report by mail to nearby residents evidence of a comprehensive consultative process? I think not.

The impression is given that residents were not sent timely information on plans, were provided with misinformation, and considered of negligible importance, or at least best kept in the dark. Despite being advised that concerns regarding noise, dust, traffic etc had been addressed or were dismissed, (pp. 121, 122, Table 5.4 of the EIS), it is noted in Table 3.5 on pp. 107, 108 that the risk of excess noise and vibration, excess dust, hazardous waste receipt are 'possible' and of 'moderate risk'. Noise and dust emissions were calculated by predictive modelling. Presumably any recourse for dust or noise exceeding predicted values will fall on residents to follow up with relevant authorities? Would it not have been possible to provide real data for a similar facility, of which there must be many? An enclosed facility has been dismissed as too expensive, so it will not be possible to predict noise, dust etc. because much will depend on the action of individuals in containing and managing these potentially major irritants to residents. The facility should have been sited well away from residents so that these issues were no longer a factor needing to be considered.

This disregard for nearby residents is despite a letter in the SEARS EIS, Appendix C, dated 23 August 2018 from Kelly McNicol, Acting Director, Industry Assessments, NSW DPE to Mr Ray Davis, the then part-owner. 'I wish to emphasise the importance of effective and genuine community consultation and for the proposals to proactively respond to the community's concerns. Accordingly, a comprehensive, detailed and genuine community consultation and engagement process must be undertaken during preparation of the EIS. This process must ensure that the community is both informed of the proposal and is actively engaged in issues of concern to them. Sufficient information must be provided to the community so that it has a good understanding of what is being proposed and of the potential impacts.' Fine words, but I suggest a survey of local residents should be conducted

prior to any approval of this SSD to determine whether or not they feel they have been adequately consulted and their concerns addressed.

Traffic

I consider it entirely inadequate to conduct a traffic survey at the intersection of Gindurra Road and Wisemans Ferry Road for two hours on one day in December 2015 and one further hour on 23 November 2017. This has no scientific or statistical validity. It is completely meaningless. It should be carried out recently on several days over a longer period between the total hours that trucks would operate.

Table 3 in Appendix N, p. 10, 2.5 Operational Traffic Generation, gives an estimate of rising traffic generation associated with the site for 2018, 2021 and 2025. Projected number of vehicles per day is given as 10, 34 and 70, respectively. Double this for vehicle movements. By 2025 this becomes more than is permitted at Mangrove Mountain Landfill (55 truck movements per day).

We travel on Gindurra Road weekly as a back road into West Gosford down Debenham Road. It can be quite busy during peak hours (peak hours have still to be established at this site). If the Central Coast Highway is blocked then Debenham Road is the only route into West Gosford, but it is not suitable for trucks, which would push them where?

Has anyone considered the additional impact of the proposed 24h, 365 days a year Bingo Recycling operation at 83 Gindurra Road, whose SSD application is currently going through SEARS? It is seeking approval for processing 500,000 tonnes per annum of mixed waste. How many trucks is this in total? Plus how many additional trucks will be feeding onto Wisemans Ferry Road and the Central Coast Highway from the Pile Road proposal?

Not nearly good enough.