



Mountain Districts Association

13 March 2019

Submission opposing SSD-17-8660

This Submission is made by Mountain Districts Association (MDA) representing the communities of Somersby, Mangrove Mountain, Central Mangrove, Peats Ridge, Kulnura and Calga.

Summary

Mountain Districts Association recommends the refusal of SSD – 17 – 8660 on the grounds that it is an inappropriate use of a limited and valuable resource being land zoned for light industry and it is also potentially a major environmental, public health and safety risk for nearby residents and for workers in the business area.

Grounds for opposing SSD – 17 - 8660

SSD – 17 – 8660 for Kariong Sand and Soil Supplies Facility is opposed by MDA on behalf of the Mountain Districts communities and in particular the communities of Somersby and nearby Kariong for the following reasons:

1. **An examination of this project** on the Planning – Major Projects site for State Significant Development applications identifies three applications for waste processing in this area zoned for light industry and known as Somersby Industrial Park (SIP). Only one of these is presently on public exhibition, but any comments made on this should be considered in the overall context.

In the Central Coast Regional Plan 2036 released by NSW Planning & Environment in October 2016, Goal 1 Direction 5: Support new and expanded industrial activity, Action 5.1 states, *“Maintain an adequate supply of employment land that is appropriately serviced to respond to changing land use, location and the floor space demands of industry.”*

Currently Central Coast Council has a Draft Somersby to Erina Corridor Strategy on public exhibition. Somersby is one of six centres identified in this document. In it, Direction 6, Action 6.1 Employment Lands Strategy states; *“In terms of supply of suitably zoned land, approximately 50% of the Somersby Employment Area (= SIP) or 159ha of land, is undeveloped. Whilst this appears on face value to meet demand, the Somersby Plan of Management (2005) suggests that parts of the undeveloped land may be affected by*

environmental constraints.” These constraints are referred to in Direction 7, Action 7.1 Implement the Somersby Plan of Management, which states, “...the new Development Control Plan should clearly identify and provide clear guidance for development in areas of high value vegetation, and areas of aboriginal and archaeological significance.”

In mid 2018, Central Coast Council suspended plans to rezone a number of sites within SIP and to revisit the expansion of this or alternate industrial areas as part of the proposed Southern Growth Corridor Strategy in the Central Coast Regional Plan. Mayor Jane Smith said *“Council will be consulting with the community on how and where we develop industrial areas as part of the Southern Growth Corridor Strategy, and how this can position the Central Coast to take advantage of opportunities for economic growth and job creation for our community.”*

In this context, it is with great concern that the community sees three applications for waste processing within SIP, which is the Somersby Employment Area referred to previously, with the Department of Planning, Major Projects, for State Significant Development consideration. MDA regards these activities as an inappropriate use of this land.

These applications are for the following properties:

90 Gindurra Road, Somersby (on public exhibition)

83 Gindurra Road, Somersby (SEARS)

75 Pile Road, Somersby (SEARS).

In the overall consideration of SSD – 17 – 8660 for the use of this limited SIP land zoned for light industry, it should be noted that 75 Pile Road has been used for waste processing since 2011 by PAR Recycling with consequennces on the local environment. Since EPL 13390 was issued in 2011, the EPA has issued a clean up notice after a major fire impacted on Piles Creek in 2014, the EPA issued two penalty notices in 2017 and 2018, and they were refused an EPL transfer in 2018 by the EPA. Yet despite this unenviable record, this site is seeking to double its waste processing to 120,000 tonnes pa of domestic & commercial waste processing.

In total, the three applications for SSD consideration are seeking approval to import and process 820, 000 tonnes of waste per annum. The two properties in Gindurra Road are directly opposite each other and account for 700, 000 tonnes of waste per annum. The property at 83 Gindurra Road admits in its Statement of Environmental Effects that it will operate 24 hours per day and 7 days a week, or continuously. It admits to dust, noise and environmental impacts.

The major concerns about these developments, which includes SSD-17-8660, and the use of a limited resource are :

- Inappropriate use of industrial zoned land intended to attract new business
- These developments will result in hundreds of heavy trucks visiting SIP daily and using Gindurra Road to import waste, additional trucks to export recycled materials and additional trucks to export non-recyclable material.

- Waste processing operations will create significant noise which will impact on local residents in and on the fringe of this area. Nearby to Gindurra Road is land zoned RU1 for residential purposes.
- Perhaps the most concerning impact will be the dust in the air created by handling of green waste, soil waste, timber waste and particularly concrete crushing. This last mentioned activity is specifically related to SSD – 176 – 8660, presently on exhibition. There are two public schools with proximity to this proposed development as well as the suburban community of Kariong with approximately 2000 homes. Air pollution caused by toxic contaminants from concrete crushing operations and other waste processing activities that generate microbiological air contaminants should be prohibited from this area.
- The SIP sits in an environmentally sensitive area as it is in the catchment for several waterways. Already one of the addresses has been guilty of contaminating Piles Creek in 2014.
- Debenham and Gindurra Roads are one of only two access routes between West Gosford and the M1. In the event that a major accident closed Central Coast Highway at Kariong, how would this alternative route cope with the extra volume of traffic, estimated by the RTA at >41,000 vehicles/day, industrial park workers commuting and the large numbers of heavy trucks that would be using it daily

2. Qualification as State Significant Development.

It is hard to see how SSD – 17 – 8660 qualifies as State Significant Development under the definition given on the Planning, Major Projects website, which states, “*Under [State Environmental Planning Policy \(Major Project\) 2005](#), state significant sites are typically sites that the Minister for Planning considers may have a wider social, economic or environmental significance for the community, for example universities, hospitals, employment precincts and major residential developments. The site may also have redevelopment significance important to implementing State planning objectives.” (Underlining is MDA emphasis).*

This application for SSD-17-8660 has been made by an opportunist and should be refused.

3. Specific comments about application SSD – 17 – 8660 at 90 Gindurra Road, Somersby.

In 2017, a DA was lodged with Central Coast Council and consent granted for a new shed with offices, amenities and driveway. Now the applicant is seeking to bypass Council and go to the Minister for Planning with an SSD application. The applicant is requesting to process 200,000 tonnes pa of solid non-putrescible construction and demolition waste (timber, concrete, brick, soil & sand, miscellaneous building materials, processing and production of landscaping materials).

The SSD application claims to ‘Expand and upgrade existing resource recovery facility’, but there hasn’t been any business activity at the site for some considerable time. A local resident claims that this proposal will result in an extra 124 truck movements per day.

This business activity has previously been involved in concrete crushing and the present applicant and landowner, Davis Earthmoving and Quarrying Pty Ltd, has a number of

concrete crushing plants. It is apparent that this will be a significant activity should the application be successful.

It is now clear that Council was brought into the conversation early with a pre-proposal planning meeting in July 2017, and paved the way for this development by granting a development consent, claiming there were no significant changes in use. This was blatantly untrue. Council's own planning portal states that there are no documents for the original DA granted in 1992, but DEP's 2019 EIS includes a copy of it and correspondence. A DA was lodged with Central Coast Council in 2017 and consent was granted for a new shed with offices, amenities and driveway. The approval of the addition of a large 1100 m² shed in 2017 is amended to approval of an even larger shed of 2300 m² in 2018, and is not in keeping with the continuation of the existing business as a small sand and metal recycler. The only mystery is why Council refused a weighbridge because it indicated an escalation in business, when this was already in the plans. The EPA states in the DPE EIS that it will require a weighbridge to collect waste levies and present plans also include one. Some neighbourhood consultation was conducted, but those we have spoken to who opposed the development, largely on dust, noise and traffic concerns, were very unhappy with the process and felt their concerns were summarily dismissed. The posted responses omit most submissions. Despite mention of grinding and crushing small quantities of concrete and brick, which alarmed residents with asthma, Council denied there were any plans for such.

The question that is being asked is, having obtained the DA for a continuation of the existing business with new owners, why are the owners now seeking approval from the State government to process 200,000 tonnes pa of solid non-putrescible construction and demolition waste (timber, concrete, brick, soil & sand, miscellaneous building materials, processing and production of landscaping materials)? Concrete grinding and noise is a scheduled activity for this proposal, which borders on a residential street. The SSD application claims to 'Expand and upgrade existing resource recovery facility', but an existing business operating at this address is not in evidence, nor has it been for some time.

Nearby residents' concerns about dust and noise are again dismissed as resolved, yet a Table on pp. 108-110 of the EIS states that there is a moderate risk of excess noise, vibration and dust. It is hard to escape the conclusion that residents are viewed as collateral damage to industry needs.

Conclusion

SIP was not created to become the dumping ground for Sydney's rubbish. While the need for recycling is acknowledged, disposal of recycled products has become problematic. Currently, a temporary halt has been called to recycling kerbside rubbish in some Council areas elsewhere due to the inability to handle recycled material and the concern about the risk of fires in stockpiled material such as paper, cardboard and plastics. As a result, this may end up having to be sent to landfill.

Recycling sites such as that proposed at 90 Gindurra Road, Somersby (SSD – 17 – 2018) and other applications in SIP submitted for SSD consideration should not be situated near residential areas or

in light industrial parks. They also need substantial room in case of the need to stockpile recycled materials, an increasing problem now China, SE Asia and Queensland markets are closed to this waste stream.

The community calls for an immediate halt to the processing of the State Significant Development applications by the Department of Planning and for an inquiry to be held by Central Coast Council into the use of valuable land in the SIP for waste dumping purposes.

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