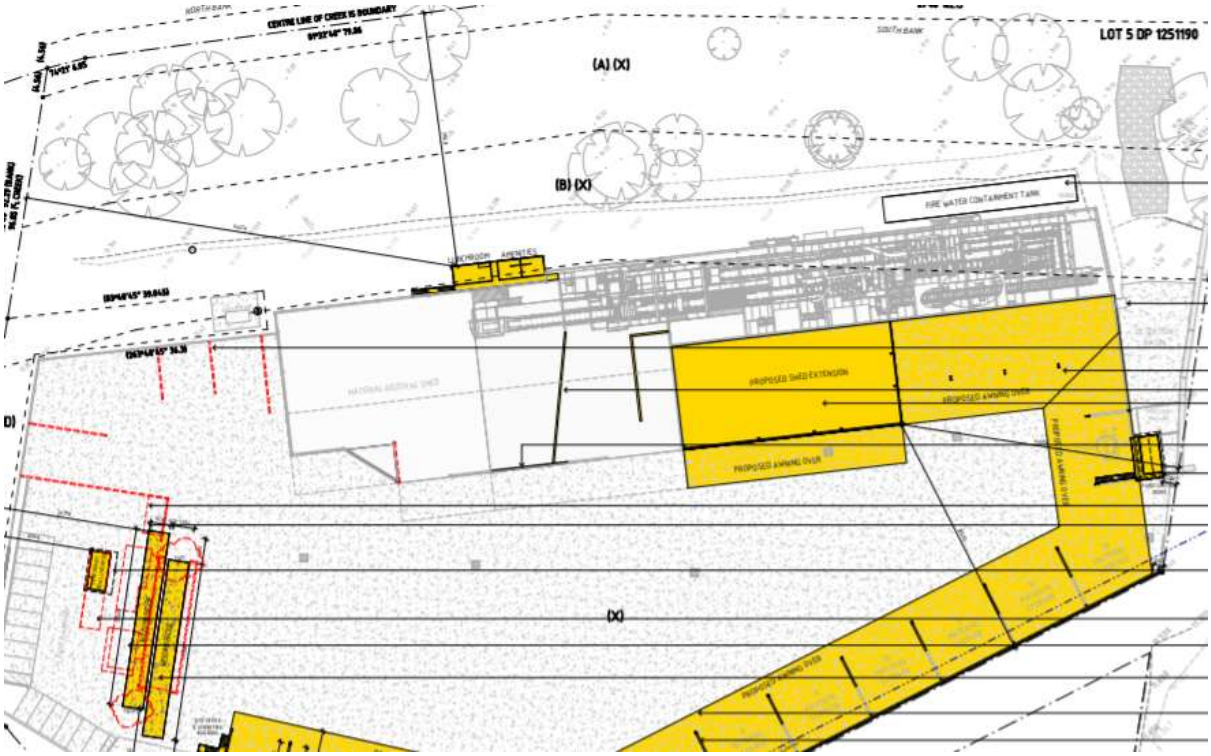
**Submission for Proposed Development No 1 and No 8 Styles St Kurri Kurri**

**Central Waste Plant Resource Recovery Facility (SSD-10435)**

**Location of Development and Riparian Zone**

Development sits within riparian zone and developer is also developing further into the riparian zone with this application.

Letter from EMM dated 27th Feb states facility at Lot 5 will not increase its footprint, the plans show the existing footprint will be increase to the North with the addition of a lunch room shown the plans that were supplied with the development application.



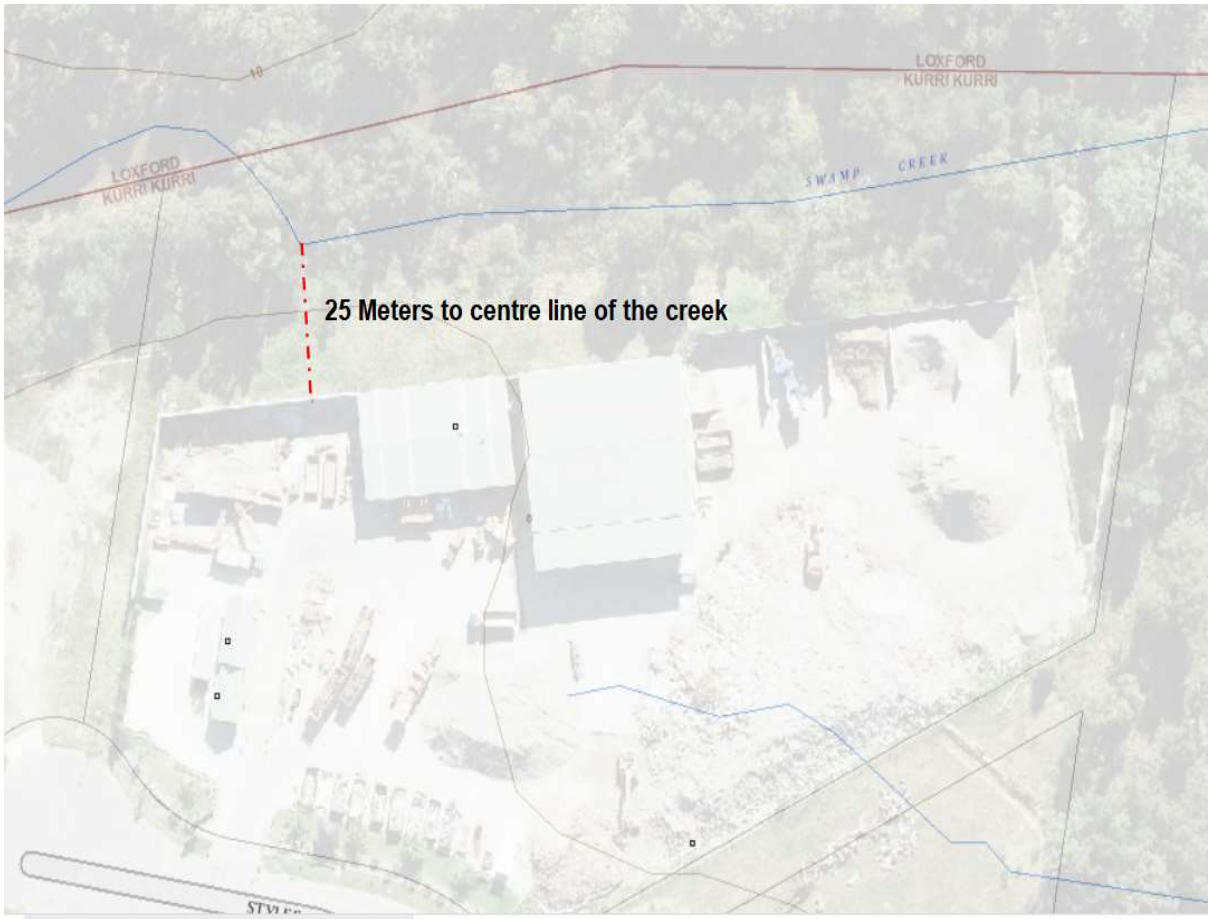

The plans also show the development of a hard stand and laydown area underground tank and fire fighting services well within the riparian zone (Refer plan H-100).

The GEM report also incorrectly states there will be no further development north towards the creek.

The existing development is in breach of the guidelines developed by Water NSW Water (Guidelines for riparian corridors on waterfront land) that are to assist in the interpretation of the Act Management Act and administered through NSW Water.

Waterfront land is defined as any frontage to a river, creek or estuary. Often, the default for determining waterfront land is its mapping as a 'blue line' (watercourse) on the 1:25,000 topographic map.

The following map shows the existing development is 25 meters from the creek centre line, the NSW guidelines call for the riparian zone to start from the top of the




## Riparian corridor widths

The Officer of Water recommends a VRZ width based on watercourse order as classified under the Strahler System of ordering watercourses and using current 1:25 000 topographic maps (see Figure 2 and Table 1). The width of the VRZ should be measured from the top of the highest bank on both sides of the watercourse.

**Figure 2. The Strahler System**

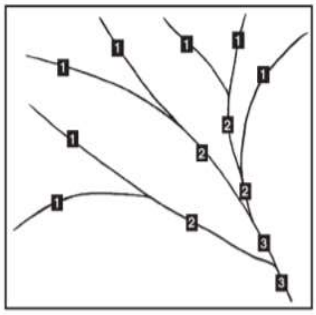


**Table 1. Recommended riparian corridor (RC) widths**

| Watercourse type | VRZ width (each side of watercourse) | Total RC width |
|---|---|---|
| 1st order | 10 metres | 20 m + channel width |
| 2nd order | 20 metres | 40 m + channel width |
| 3rd order | 30 metres | 60 m + channel width |
| 4th order and greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters) | 40 metres | 80 m + channel width |

Note: where a watercourse does not exhibit the features of a defined channel with bed and banks, the Office of Water may determine that the watercourse is not waterfront land for the purposes of the WM Act

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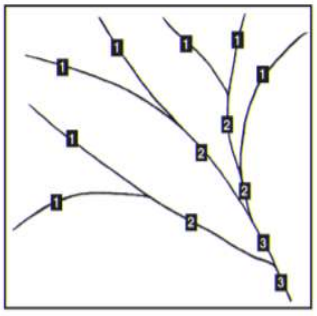

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**Source: Department of Primary Industries Office of Water NSW Guidelines for riparian corridor on waterfront land.**

From the airial photo and the riparian guidelines it is quite clear the existing development sits well within the riparian zone and is in breach of the NSW water guidelines.

**Traffic**

Lot 1 of the proposal is to have 4 driveway accesses onto the block with a heavy access of both Mitchell Avenue and Styles street. The access off Mitchell avenue is very close to the intersection between Styles and Mitchell avenue and will back it very difficult for traffic using styles street to negotiate entry and exit into style street.

The proposed slip lane for the heavy vehicle access is located in front of Lot 4 and is not even within the boundary lines of Lot 1.

One of the major problems with the proposal is the facility is already overcrowded and is not coping with the current site throughput. While this application is to increase capacity of Lot 8 by incorporating Lot 1 the business is already using Lot 1, Lot 8 and Lot 10 they also use the keyhole end of Style street which has been designed to allow vehicles to turn around and is a public road to park at least 2 sometimes 3 large articulated trucks.

Lots 1, 8 and 10 are constantly full of plant and equipment and this is with the business operating <90,000 TPA. While queuing is discussed in the application 300,000T pa it quite a large volume for a quarry and its not uncommon for quarries to have substantial ques. Even at the current capacity of 90,000T unlike a quarry there 90,000T coming in and 90,000T going out and there is significant queuing in Styles St

Waste material will be received from building sites which in most cases have limited hours of operation and are 5 days per week and half day on Saturday so in reality all the trucking movements will be condensed into these hours

The business processes waste and then re-sells the materials from its waste processing. The business can only take and process waste if there is sufficient space on site. Thus, to continue processing the business must continually ensure it is selling the processed materials should there be no or slow sales the business will need to stop taking waste. What will happen instead is the business will truck the material to another site while it finds sales for the materials. This will create a situation of double handling and unnecessary truck movements elsewhere on the network and additional greenhouse gas emissions from the unnecessary double handling. A waste processing facility must have adequate storage to prevent this from happening.

As an example assuming there is between 1 and 2 months stock/material on site

| | | |
|---|---|---|
| Stock and Work Progress Material on Site | 25,000T (1 month) | 50,000T (2 Months) |
| Volume assume bulk density of 1.6 | 15,625m3 | 31,250m2 |
| Area assume 6 meter stockpile height (no allowance angle of repose) | 2,604m2 | 5,208m2 |
| The stockpile areas on the plans | Just under 2,800m2 | Just under 2,800m2 |
| With an angle of repose the stockpile foot print areas would need to be larger those calculated above. There is no logical assessment of how the business could managed the volumes being discussed. | | |

Airial photo when the site was licensed to process 30,000 TPA the storage of product is already taking up 25-30% of the available site area. It is inconceivable that the site can fit even 3 times the volume 90,000TPA.

**Sensitive Residential Area**

Page 17 of the GEM reports states the nearest residence as being 200 meters away in Hart street. This is incorrect there is a residence located at 149 Mitchel avenue that is within 75 meters of the activities (Lot 10 is being used by the same business).

**Offensive Industry**

The GEM report states.

*The existing Central Waste Station facility operates under EPL 13013. Recent Noise Impact Assessment and Air Quality Assessments conducted in 2019 for DA 8/2019/653 (Cessnock City Council) demonstrate the proposal would not exceed the amenity criteria for day,*

While in general the site to date has been pretty good with its noise generation there have been some times when they have not used machinery that exceeds the noise thresholds. For example they do have at a rubber tracked excavator that is generally quite however if this machine is broken or not available they revert to using normal tracked excavators refer their own picture;


Steel Tracked Excavators Source document supplied by the applicants

Because the site is too small the proposal includes increasing the stockpile heights this elevates the machinery being used to being above the surrounding building line and tree line an elevated noise source increases the noise distributions.

The following table is from the EMM Consulting report Appendix I Noise Impact, note the Excavator noise estimates. While the table was referring to construction noise, the site currently uses excavators and trucks.

**Table 7.1 Construction noise source sound power levels**

| Noise source | $L_{Aeq}$ sound power level per unit, dB |
|---|---|
| Delivery truck | 105 |
| Light vehicle | 76 |
| Concrete truck | 113 |
| Crane | 106 |
| Bobcat | 100 |
| Excavator | 107 |
| Hand Tools | 97 |

Notes: 1. Within any 15-minute period.
2. Sourced from the EMM sound power level database for similar equipment.

Safe stockpile management will require the machinery to work at high levels on the stockpile and usually not above cab height.

**Community Consultation Report prepared by EMM Consulting.**

The business located at 149 Mitchell Avenue Kurri Kurri and the business located at 499 Varty street Weston 2326 were not notified or contacted in regard to the process. Please note the business located in Mitchell St is less than 75 meters from Lot 8.

I would appear that the community consultation may not have actually been done properly or at all as the first notice these businesses have had in regard to the proposed development is through the NSW department of planning.

**Lot 10 Styles Street**

The current proposal does not mention Lot 10 even though the business located on Lot 8 and Lot 1 is the same business that is located and operating on Lot 10. Hence while there is no reference to Lot 10 Styles street Kurri Kurri this is currently being used in connection with the same business and has been for at least the past 2 years.


Lot 10 has been cleared and developed the clearing included pushing material into the creek to square up the Northern end of the block. These works changed the existing bank line of the creek.

A building has been constructed on the Western side of the boundary the building that has been 90% completed is entirely within the riparian zone. The building is occupied, and the site has been occupied there is no drainage or sediment control, oil trap on site yet mechanicals works are being done on site.

The building does not meet the Building Code of Australia on several aspects.

- The building sits within 1.5 meters of the neighbouring Lot, yet the building construction is not fire rated (at least the roof and gable ends are within 1500mm of the neighbouring property.
- The building's gutter on the Western boundary is not designed to carry the stormwater and has not been connected,

The building is built on flood prone land and is on the upstream or western side of the Lot this will cause increase flood levels on the western neighbour's block.

The council has previously imposed conditions on neighbouring or nearby developments that the fencing in the riparian zone must be >80% open area. Why does this developer get to build a solid structure in the riparian zone?

Summary

The site is too small for the current activities, most of the employee are having to park on the road and the road is being used to permanently park plant and equipment and this is with the additional Lot 10 being used for the same business which is not referred to in the current proposal.

The small site increases the stockpile height which increases noise transmissions and will also increase the risk of dust as the proposed stockpile heights are higher than the surrounding neighbourhood structures.

While the applications describe a state of the art water management system there are no details provided and the current activities on Lot 10 demonstrate clearly there is little regard for sediment or environmental controls.

The most troubling aspect is their factual errors in the proposal ie closest residence, consultation, no reference to Lot 10 etc and the development already is in breach of the state's own guidelines limiting activities on waterfront land and the business. It would appear that this business has been getting favourable treatment.

While controls can be put in place to manage the noise and the dust these are soft controls and require the will of the business to meet its obligations. This business has breached EPA conditions and been fined, the development sits on water front in breach of the guidelines produced by Water NSW. Lot 10 styles street is being used for the business, yet it has not been included in this application, even with Lot 10 and current capacity of <90,000 TPA the development spills onto the public road and footpaths.

Contrary to the statements in the report there is no suitable land available there DP 123 4688 adjoins Lot 8 and has not been developed, DP 1267615 is also nearby. There are also significant opportunities at the old smelter site that would remove all the heavy traffic from the residential area.