

# OBJECTION TO THE DEVELOPMENT APPLICATION FOR THE INTENSIFICATION AND EXPANSION OF THE INGLEBURN RESOURCE RECOVERY FACILITY

16 Kerr Road Ingleburn, NSW 2565

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## INTRODUCTION

This document is a written objection to **Development Application SSD-8593** (Development Application) which is seeking approval from the Independent Planning Commission to receive and process 225,000 tonnes of hazardous and contaminated waste per annum at 16 Kerr Road Ingleburn, NSW 2565, Lot 16 DP717203 (the Site).

**THE OBJECTOR:** This objection is written on behalf of the landowner of 15 Kerr Road Ingleburn, NSW 2565 (the Landowner). The Landowner has three tenants on his property, all who require unfettered access to the Site. This is particularly the case for one tenant, who is responsible for servicing vehicles for the Australian Defence Force. This tenant provides an important service to the Defence Force and if access is not available at all times, the tenant will be unable to operate effectively.

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**THE APPLICANT:** Bulk Recovery Solutions Pty Limited (BRS)

**THE SITE:** The Site to which the Development Application applies has an area of approximately 1.295 hectares, is located on a roundabout at the end of Kerr Road and is zoned IN1 General Industrial. The Development Application seeks to significantly intensify and expand upon the current Development Consent (DA.: 948/2015/DA-I/B) for the Site. The size of the Site and its geographical location are clearly not conducive to the type of operation proposed under the Development Application.

This objection will outline to the Independent Planning Commission, the specific reasons why this Development Application must be refused. In doing so, the negative impacts that the operation will have on the surrounding area will be highlighted and the Site's shortcomings to operate at the scale proposed will be made clear.

**Note:** In calculating the increase in heavy vehicle movements, this objection has relied upon the figures contained in the Applicants EIS. We are of the view that these numbers are likely understated and therefore believe that the total increase in heavy vehicle movement will be far greater than 17,728 movements per annum.

**Note:** Attached to this objection is a petition which objects to any application that seeks to intensify and expand upon the current operations at 16 Kerr Road. This petition was carried out on 9 July 2019 and has been signed by 42 local residents.

## THE DEVELOPMENT APPLICATION

The Development Application seeks to significantly intensify the volume of waste that can be received at the Site and significantly expand the categories of hazardous and restricted waste that can be received at the Site. If approved, an additional 17,728 Heavy Vehicle Movements (18 metre to 25 metre trucks) will occur each year. The key elements of the proposal and the impact that the development will have on the local community are outlined below:

1. An increase in the volume of hazardous and restricted solid waste and hazardous and restricted liquid waste that can be received from 30,000TPA to 225,000TPA. This will increase the scale of the operation by 750%.
  - a. This will result in an additional 17,728 heavy vehicle movements from the Site per annum. Significantly, these heavy vehicles will be carrying contaminated waste which creates a significantly higher risk for road users in the affected area.
  - b. Importantly, if an accident occurs, the fact that these vehicles are carrying hazardous and restricted waste elevates the possibility of serious harm occurring.
2. An increase in stockpiling from 5,000 tonnes at any one time to 30,000 tonnes at any one time. In our view, by storing waste products external to the onsite building, the Applicant has demonstrated an inability to comply with the conditions under the current Development Consent. Given this failure, it is beyond the realm of possibility that 30,000 tonnes of waste could be stored internally (as would be required if this Development Application was approved).
3. An expansion in the types of hazardous and restricted waste that may be accepted by the Site. The Development Application seeks to expand the types of waste that can be received to include extremely hazardous waste products such as **liquid containing asbestos**. In our view, the storage of waste of this nature on a site that is exposed to flooding exposes the local community and environment to an unacceptable level risk.
  - a. In addition to **liquid containing asbestos**, the Development Application seeks approval to accept 40 other hazardous waste products, including; gross pollutants, contaminated soils, grit from sewage treatment, sewage sludge, waste oil/hydrocarbons, leachate and oily waters.
4. An increase in operational hours to allow greater levels of solid waste processing (screening and crushing) and the treatment of hazardous wastes such as potential acid sulfate soils (PASS) and acid sulfate soils (ASS).
  - a. If the operation is successful, the amount of solid waste processing that occurs will increase by more than 7 times the current levels. To achieve this, more machines will be needed to process the contaminated waste and the hours of operation will need to be extended. In our view, this will result in a significant increase in noise and air pollution which will have a negative impact on the environment and the health of the local community.

5. An increase in operational hours to allow for greater processing of hazardous liquid wastes, including hydrocarbon impacted waste. This is seriously concerning as the liquid waste processing of hazardous and highly contaminated liquid waste may produce contaminated runoffs. If this runoff is not properly controlled, it may flow into the stormwater drains in the surrounding area. If this occurs, the contamination would likely make its way into the Bunbury Creek and cause irreversible damage to the waterways that make up the Georges River Catchment Area.
  - a. We also believe that Bulk Recovery Solutions, through washing Kerr Road with their watercart are causing contaminated water to enter the stormwater system. For evidence of the watercart washing Kerr Road see Appendix I.
6. A 195,000TPA increase in the transfer of hazardous and restricted solid wastes and hazardous liquid wastes. This equates to an increase of 17,728 heavy truck movements to and from the site per annum. This is incredibly concerning as Kerr Road is already struggling to accommodate the movement of heavy vehicles along the road. The failure to accommodate current levels is due to Kerr Road being a cul-de-sac and only having one entry point.
7. A 24 hour operation for the processing of drilling mud and sludge waste. Although it is proposed that this operation will take place solely indoors, sounds will inevitably be emitted from the Site at various times. In addition, as a matter of policy, 24 hour industrial operations should not be permitted when they are conducted within 60 metres of residential dwellings.
8. An extension of the operation of the concrete batching plant from 3am (loading and unloading, trucks and operation of front end loaders. Concrete batching produces turbid and highly alkaline wastewater, dust emissions and noise (EPA South Australia). Given that these are recognised outputs of concrete batching plants and the Site is located within 60 metres of a residential dwelling, the proposal that hours of operation be allowed to start at 3am is offensive.
9. New concrete batching equipment for existing 50,000tpa of concrete production.

## THE OBJECTION

The changes proposed by the Development Application raise serious environmental and safety concerns. These concerns are elevated because, in our view, the Applicant has already demonstrated that he is incompetent and has failed to comply with the current Development Consent. The concerns that will be highlighted by this objection are listed below:

1. Existing operation is not complying with the current Development Consent. They are breaching the consent in various areas including:
  - a. Deliveries (B-doubles and other heavy vehicles are having to wait on Kerr Road prior to entering the Site);
  - b. There are insufficient car spaces on site;

- c. Stockpiling and processing are occurring externally from the building; and
  - d. Contaminated water is draining into the stormwater system.
- 2. There has been minimal to no community consultation.
- 3. The Site area is too small to accommodate any increase in operational capacity without creating unacceptable safety risks and burdening nearby roads.
- 4. Land zoned IN1 General industrial is not suitable for a development of the size proposed.
- 5. Kerr Road cannot sustain current vehicle movements and can certainly not accommodate an additional 17,728 heavy vehicle movements per annum. These heavy vehicles will be composed of trucks ranging from 18 metres to 25 metres.
- 6. The time required to unload incoming waste, if done in accordance with the EPA Waste Management Guidelines will inevitably result in truck lines forming along Kerr Road and potentially spilling over into Aero Road.
  - a. Truck lines beginning at the entry point of the Site and extending along Kerr Road have been observed on multiple occasions. Logic dictates that with an increase of more than 7 times the current incoming volume, this problem will likely become significantly worse.
- 7. An additional 17,728 heavy vehicle movements from the M5 to Kerr Road will likely have a negatively impact the local community, local roads and businesses in the area.
- 8. Brooks Road cannot sustain any further increase in heavy vehicle movements.
- 9. The wheel wash bay is failing to adequately clean trucks that leave the Site. As a result, contaminated particles are being transported from the Site on to nearby roads.
- 10. The access to the Site is too narrow for two weighbridges.
- 11. The Site's access is too narrow to accommodate two weighbridges while also allowing for a safe walkway for drivers moving between their vehicles (parked on the weighbridge) and the weighbridge office. Consequently, we believe that drivers exiting their vehicles, while on the weighbridge, are being exposed to an unacceptably high level of risk. Due to the constraints faced by the Applicant in terms of the width of the access point, we do not believe that this safety risk can be suitably mitigated.
  - a. Moreover, when the weighbridges are in operation, there is no additional access point. In the event of an emergency, this prevents emergency services from accessing the Site quickly.
- 12. An increase in volume from 30,000TPA to 225,000TPA will likely result in an increased risk of air contamination. In our view, this is a serious health concern for employees of nearby businesses and local residents.



13. An increase in operations will, in all probability lead to an increase in noise pollution. This will negatively impact on residents and the operation of nearby businesses.
14. Contamination of stormwater systems due to an inability to manage the levels of incoming and outgoing hazardous waste.
15. The location of the Site is subject to flooding. It is our view that open stockpiles on land that is subject to flooding should never be permitted due to the risk that they pose to the environment.
16. In our view, the proposed plans to construct an awning on the Site to enclose the open stockpiles would not comply with NSW building codes.
17. The Applicant has failed to comply with previous conditions relating to fencing and tree lines. In our view, the Applicant has chosen not to comply with these conditions in an effort to make more space available for the processing and storing of hazardous and restricted waste.
18. Reports commissioned by the Applicant are not reliable.
19. Final Comments.

## THE EXISTING OPERATION IS FAILING TO MEET A NUMBER OF REQUIREMENTS UNDER THE CURRENT DEVELOPMENT APPLICATION

The current operation is licenced to receive 30,000TPA of waste per annum and store 5,000 tonnes of waste at any one time. This is significantly less than what the Development Application proposes, which is the receipt of 225,000TPA of hazardous and restricted waste and the storage of 30,000 tonnes of waste product onsite at any one time. We believe that the Applicant is currently failing to meet a number of conditions that are attached to the current Development Consent (DA No.:948/2015/DA-I and DA.: 948/2015/DA-I/B). The following outlines where we believe the Applicant has breached the conditions of the current Development Consent.

### **Clause 6: Deliveries**

- a. Under Clause 6 Deliveries, the operator must ensure that all vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads. Appendix A and Appendix B both demonstrate that vehicles awaiting unloading are not doing so in accordance with Clause 6 and that therefore, the operator is in breach of the current DA.
- b. Again, under Clause 6 Deliveries, the operator is required to place a traffic sign adjacent to the driveway at the entrance of the property advising drivers of the information contained in Clause 6. At the time of observations, no sign was present.



#### **Clause 16: Car Spaces**

- a. Under clause 16, all car park spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended). As Appendix C demonstrates, there has been a failure by the operator to comply with this clause. Specifically, there are an insufficient number of car park spaces and those car park spaces which can be observed have not been line marked nor made available to all users of the site (Appendix D). Moreover, as depicted by Appendix E, staff have been parking off-site on private property which we presume to be owned by the State Rail Authority.

#### **Clause 17: External Areas**

- a. Under Clause 17 External Areas, the operator of the site shall ensure that all external areas are kept in a clean condition with no build-up of sediment or waste product materials. In particular, the operator shall ensure that any sediment or waste lost during arrival/departure of vehicles from the site is cleaned in a timely manner and not allowed to enter the stormwater system to ensure no adverse impact to the stormwater system. The operator is breaching this requirement primarily in 2 areas;
  - i. There are numerous open stockpiles in external areas throughout the site (see Appendix F and G);
  - ii. The current processes used by the operator to mitigate sediment migrating off-site to stormwater is insufficient and resulting in environmental harm (See Appendix E).

#### **Clause 18: Wastewater**

- a. Under Clause 18 Wastewater, the operator of the site shall ensure that no wastewater is discharged into either sewer or the stormwater system. Should wastewater be required to be discharged into the sewer system, all applicable permits shall be obtained from Sydney Water, including a Trade Waste Agreement. As Appendix H demonstrates, wastewater is flowing into the stormwater drain.

The failure of the operator to comply with the above conditions should create serious doubts in the mind of the Independent Planning Commission to approve the Development Application before them. This is particularly the case given that the scale of the operation proposed is more than 7 times large than the existing development consent.

It is also noted that the Development Application was approved on the basis that there would be no external stockpiles. We believe that Benbow Environmental concluded that the operation would not pose a risk to the environment on the basis that all storage of product would be internal. As the photos in the Appendices demonstrate, the operator has clearly been ambivalent to this requirement.

Finally, we believe that the failure by the Operator to comply with the conditions of their Development Application has resulted in contaminated materials migrating off-site and contaminating stormwater systems. If the Development Application is approved we believe that the potential for a catastrophic

environmental accident to occur will significantly increase. This is particularly the case given that under the new Development Application, the Applicant has sought permission to store extremely hazardous wastes such as liquid containing asbestos.

## LACK OF COMMUNITY CONSULTATION

Engaged community consultation is a central pillar of the Development Application process and should be taken very seriously by Applicants seeking development approval. As part of the community consultation process, Applicants are required to deliver a letter to premises that may be impacted by the proposed development. The landowner of 15 Kerr Road, the property next door to the Applicant has not received any letter of this nature. Importantly, no tenant of 15 Kerr Road has received such a letter. Given the proximity of 15 Kerr Road to the development, the Applicant should have sought to consult with the landowner of 15 Kerr Road. In our view, the above demonstrates that the Applicant has little to no concern for the interests of neighbouring properties and the impact that the proposed development will have on surrounding properties/businesses. In our view, it is highly unlikely that the Applicant diligently carried out the letterbox drop that is required under the regulation.

The apparent failure by the Applicant in this regard is, we believe, evidence of a general disregard for the concerns and wellbeing of neighbouring property owners and tenants. It demonstrates a willingness on behalf of the applicant to be non-compliant for the sake of convenience. Such behaviour should raise doubts in the mind of the Independent Planning Commission about the Applicants capacity to operate a resource recovery facility safely.

In addition to the above, the **CONTENT OF THE LETTER** that was allegedly sent out to properties in the area is grossly inadequate. The letter clearly lacks the necessary details required to allow neighbours and residents to gain an understanding of the true nature of the development. In this regard, three areas of grave concern are:

1. The letter merely states that there will be an increase in the volume of waste accepted. It does not state that the increase will be from 30,000tpa to 225,000tpa.
2. The letter grossly understates the hazardous nature of the waste that would be received if the Development Application was to be approved.
3. The notion that a 750% increase in operational capacity will not impact on the noise and air quality of the area is, in our view, laughable.

We do not believe that the Applicant has attempted to consult all neighbouring property owners, and thus are of the view, that the applicant has no interest in ensuring that the local area is not adversely impacted by the development. Moreover, it deprives residents and the local community of the opportunity to make an informed decision on whether they should object to the Development Application.

## BROOKS ROAD CANNOT SUSTAIN AN INCREASE IN HEAVY VEHICLE MOVEMENTS

In our view, an additional 17,728 heavy vehicle movements per annum along the local roads will have an extremely negative impact on the safety of local roads. This is particularly the case because there are no traffic lights along the proposed route – all intersections are give way intersections or roundabouts. In our view, this infrastructure is simply cannot handle any extra vehicle movement, let alone 17,728 heavy vehicle (18m and 25m) movements.

Most of the vehicles making their way to the Site will exit from and return to the M5 via Brooks Road. The following photos were taken on 4 July at approximately 11am and clearly show that Brooks Road is already struggling to deal with the current vehicle movements. The failure of the Road to accommodate the vehicle movements is highlighted by Appendixes P, Q and R, which demonstrate severe bottlenecks forming on Brooks Road. If the Development Application is allowed to go ahead and 17,728 additional heavy vehicle movements occur, this problem will be exacerbated. In all likelihood, bottlenecks will begin to run all the way back to the M5 exit. This will create an unsafe environment for road users and have a negative impact on the operational activity of local businesses.

## THE SITE CANNOT SUSTAIN OPERATIONAL ACTIVITY OF THE SCALE PROPOSED

16 Kerr Road is approximately 1.295 hectares and is located in an area zoned IN1 General Industrial. The location and size of the Site is not suitable for an operation of the scale proposed by the Development Application. Specifically, in our view, there is no possible way that the Site is capable of managing 20,454 truck movements per annum transporting 225,000 tonnes of hazardous and restricted waste to the Site and 225,000 tonnes from the Site per annum.

The current operation is licenced to receive 30,000 of waste per annum and store up to 5000 tonnes of waste at any one time. The Development Application that has been submitted to the Independent Planning Commission seeks to expand these limits to allow 225,000TPA of hazardous and restricted waste to be accepted and to store 30,000 tonnes of waste on site at any one time. The photos in the Appendices demonstrate that the Site is overcrowded and that the Applicant is failing to operate a safe and environmentally responsible workplace. We believe that this failure is a combination of the Applicants incompetence and the size constraints of the Site. Given the current safety and environmental problems that exist at the Site under the current tonnage limits, the Independent Planning Commission cannot be satisfied that with a sevenfold increase in operational capacity the Site operators will be able to maintain a safe and environmentally friendly work site.

In addition to the above, The EIS, at page 83, states that 30 car spaces will be provided on site. There is simply not sufficient space to accommodate 30 car spaces without jeopardising the safety of the operation. As demonstrated by Appendix E, staff are already using an area located outside the Site's boundary for parking. Moreover, the location of 22 car spaces outlined in the plans for site development would not be safely accessible due to the operational activity occurring on the site. See Appendix D for a photo of the area where the 22 space car park is proposed.

## LAND ZONED IN1 GENERAL INDUSTRIAL IS NOT SUITABLE FOR THE PROPOSED DEVELOPMENT

It is acknowledged that the Site is operating under a valid development consent. It is also acknowledged that a Resource Recovery Facility development is permissible on land zoned IN1 General Industrial under the SEPP. Regardless, it is still necessary to give weight to the Campbelltown LEP under which Resource and Recovery Facilities are not permissible on land zoned IN1 General Industrial. While permissible, it is submitted that any application to intensify or expand upon the Site's current Development Consent should be refused. A number of cogent reasons for why such an application should be refused are outlined below:

1. Other development in the area zoned IN1 General Industrial reflects the Campbelltown LEP and as such is of a relatively light industrial nature. For example, businesses in the surrounding area include; service centres, transport operators, engineering, manufacturing and wholesale businesses and hospitality services. Significantly, a Happy Clown Kindergarten centre is located on Aero Road, approximately 200 metres from the Kerr Road/Aero Rd intersection.
2. The proposed development is in incredibly close proximity to low density and medium density dwellings.
3. The pavement design of the roads is insufficient for truck movements in and out of the facility resulting in additional maintenance costs for the community. Based on the calculations used in the Traffic Impact Assessment which was commissioned by the applicant, 11,250 truck movements per annum will result from incoming waste and 9,375 truck movements per annum will be required to transport waste from the Site (assuming that 25 metre trucks are used to transport waste from the Site).
4. Kerr Road is a cul-de-sac and only has one access point.
5. Kerr Road is too narrow to allow heavy vehicles to pass each other safely. As demonstrated by Appendix U, it is not possible for vehicles to stay within their own lane when travelling along Kerr Road. In our view, this presents an unacceptable safety risk to other road users, and any development that results in an increase in vehicle movement along this stretch of road should be refused.
6. The operation will, in all probability, have a negative impact on the local road infrastructure and create additional costs to the local council and community.

## KERR ROAD CANNOT SUSTAIN CURRENT TRUCK MOVEMENTS, LET ALONE AN INCREASE IN HEAVY TRUCK MOVEMENTS

Kerr Road is a cul-de-sac and cannot sustain the type of operation that the Development Application proposes. The Development Application will result in an increase of 17,728 heavy vehicle movements (including 25 metre b-doubles) turning at the Aero Road/Kerr Road intersection. An increase in truck

movements, in particular, an increase in b-doubles along Kerr Road will, in our view, create an unacceptable safety risk to other road users. The idea that this Development can exist harmoniously with other developments in the area becomes even more preposterous upon the recognition that the site is located on a roundabout at the end of this cul-de-sac. Moreover, as demonstrated by annexure T, the roundabout at the end of Kerr Road often has cars parked around it which makes it difficult for large trucks to navigate around the roundabout.

Moreover, the Traffic Impact Assessment commissioned by the Applicant did not provide a sufficiently comprehensive assessment of the impact that the increased flow of traffic would have on Kerr Road. In relation to the Traffic Assessment, this objection takes issue with the following:

1. The Traffic Impact Assessment did not include a study on the Aero Rd and Kerr Road intersection. Kerr Road connects to Aero Road via a give way controlled T-intersection (Traffic Impact Assessment, 2018 p. 6). This give way intersection cannot safely accommodate the increase in 25 metre b-double movements that would arise in the event that this development application was approved.
2. The Traffic Impact Assessment at page 12 states that 'all roads are two-lane two-way roads except Williamson Road and Henderson Road which effectively operate as four-lane, two-way roads. This is not the case; it is clear that Kerr Road is not a two-lane two-way road and movement of B-doubles is not appropriate for a road of this width. The interaction of trucks and local traffic is a serious concern. The safety of vehicle movements, particularly along Kerr Road will be jeopardised.

Finally, Annexure U illustrates that cars/heavy vehicles use Kerr Road as a place to park. With an increase of 17,728 trucks per annum along this road, the safety risk to persons getting in and out their vehicles is unacceptable. Annexure U also demonstrates that when vehicles are parked along the road, it becomes too narrow to safely accommodate the two-way flow of 25 metre b-doubles.

### [An increase in heavy vehicle movement will negatively impact other businesses located on Kerr Road](#)

A number of local businesses are seriously concerned that the Development Application, if approved, would negatively impact their businesses. Attached to this objection are four letters, each of which outline the concerns that certain business owners have in relation to the proposed development.

## [THE TIME REQUIRED TO UNLOAD INCOMING WASTE PRODUCTS WOULD NECESSARILY RESULT IN TRUCKS HAVING TO QUEUE ON KERR ROAD AND OTHER NEARBY STREETS](#)

The Development Application seeks to expand the amount of hazardous and restricted waste received at the site from 30,000tpa to 225,000ta. This corresponds to a sevenfold increase in the volume of waste, truck movements and operational activity currently conducted at the Site. Upon physical

inspection of Kerr Road (23<sup>rd</sup> July 2019), it was observed that trucks were waiting for entry to the site along Kerr Road. Given that such activity is already occurring, we believe that Site operators will continue to blatantly ignore public safety and its legal obligations when dealing with waste materials.

Also, the Site operator cannot control the incoming and outgoing truck movements from the Site. Because of this, there will inevitably be peak times where large influxes of heavy vehicles arrive at the Site to dispose of waste products. When this occurs, bottlenecks will likely form at the entrance of the Site and heavy vehicles will form a line out of the Site, onto the roundabout and down Kerr Road. This will likely prevent access to a number of businesses located on Kerr Road. Tenants of 15 Kerr Road have already brought this issue to the attention of the landowner, and if the volume of incoming waste increases by more than 7 times, it will, in our view be impossible to prevent this problem from reoccurring.

In relation to this complaint, the following outlines a number of relevant observations:

1. Because the proposal is for a recycling (resource recovery) operation, the operation is required to implement the EPA inspection requirements (EPA Standards for Managing Construction Waste in NSW). Because of the time required to properly carry out this inspection, the operation would not be able to prevent a build-up of trucks outside the site premises.
2. Drawing no. SITE02 indicates that there will be 9 queuing stations positions throughout the site, this is an insufficient number of queuing spaces to mitigate the possibility of a line of trucks spilling out onto Kerr Road. In addition, a physical inspection of the site reveals that the proposed queuing areas do not work in practice.
3. On the 24th of June 2019 a physical inspection of the property was carried out. At approximately 12:15 PM a truck was witnessed blocking the roundabout while waiting to gain access to 16 Kerr Road (see appendix A). At approximately 12:20pm, as exiting Kerr Road, another truck (approximately 200 metres down the road) appeared to be waiting for a signal to enter the site at 16 Kerr Road (See Appendix B). Trucks blocking the roundabout while waiting to enter 16 Kerr Road were again observed on 4 July 2019 (Appendix S).
4. There have been multiple reports from the tenants of 15 Kerr Road that, on multiple occasions, they have been blocked from accessing 15 Kerr Road by trucks waiting to gain access to 16 Kerr Road.

In recognition of the above, there is no basis on which the Development Application should be approved. Given that the operator has failed to prevent an overflow of trucks onto Kerr Road under the current tonnage limits, it is clear that if the Development Application is approved, that this issue will only become worse. Due to the size limitations of the Site, no viable solution exists to remedy this problem.

*A former tenant of 15 Kerr Road is willing to provide a signed statement that there have been multiple occasions where trucks have been queued from the Site out onto Kerr Road thereby preventing access to 15 Kerr Road and other nearby premises.*

## THE WHEEL WASH BAY IS INSUFFICIENT

The current wheel wash bay installed at the site is insufficient. The inadequacy of this wheel wash bay is demonstrated by the fact that the Operator is continually required to wash the roundabout that adjoins the Site. We believe that the process of washing the roundabout is causing contaminated waste to enter the stormwater system and is a breach of the Applicants legal obligations under environmental legislation. Moreover, once trucks leave the Site, a water cart proceeds to wash the area which the truck passes out of and the excess water from this process then flows into the sewage drain located at the northern end of the Site. The above demonstrates that the wheel wash is nothing more than a “wheel dip” that results in waste being transmitted onto Kerr Road when vehicles leave the Site. The fact that the Operator has not taken steps to construct an effective wheel wash bay is indicative of his general disregard for the environment and neighbouring properties. Importantly, due to the size of the Site, we believe it would be impossible for the Applicant to install a wheel wash bay capable of ensuring that no dust/contaminated materials are transported from the Site by departing trucks.

As a result of the ineffective wheel wash bay, it appears that trucks leaving the Site are carrying dust particles onto nearby roads. This is particular evidence along Kerr Road and the impact of this is demonstrated by Appendix V. In response to this problem, the Applicant has been using a watercart to wash the adjacent roundabout (Appendix W) and Kerr Road. We are of the view that as a result of this practice, contaminated water is entering the stormwater system.

## INSUFFICIENT ACCESS TO THE SITE

In our view, another insurmountable barrier to this Development Application is that it is impossible for the Applicant to intensify and/or expand the current operations while also ensuring appropriate site access. We believe that the current operation already fails to incorporate appropriate site access, concerns surrounding access will only be exacerbated with an increase in volume – let alone an increase in volume of 195,000TPA and an additional 17,728 heavy vehicle movements. The serious concerns relating to the access of the Site are outlined below:

1. In the plans submitted to the Independent Planning Commission, drawing SITE02 outlines where trucks will queue before proceeding onto the weighbridge. According to drawing SITE02, there are two queue spaces located behind each of the weighbridges. Therefore, assuming that a truck is on each of the weighbridges, it is likely that the only access to the site will regularly be blocked by 4 trucks (B-doubles). In the event of an emergency, we believe that this would severely inhibit the ability of emergency services to quickly access the site.
2. Given that the proposal being sought is for the handling of significant amounts of hazardous and restricted waste, the operation should be considered high risk. The high-risk nature of the operation exacerbates the concerns surrounding the lack of access.
3. All staff car parking is located within the Site and thus, in order to access the car park, staff will invariably have contact with heavy vehicles (e.g. B-doubles). In our view, this poses an unacceptable risk to those employed by the Applicant. Additionally, if approved, the contact



that light vehicles entering the site will have with heavy vehicles will increase sevenfold. On this basis alone, the Development Application should be rejected.

4. Finally, as trucks drive onto the weighbridge, it has been observed that drivers will exit the vehicle and make their way to the weighbridge office. Because of the narrow access, both weighbridges are positioned in incredibly close proximity to one another. Consequently, there is no designated walkway for pedestrians in this area (see Appendix W). In our view, this is incredibly concerning as it means that each driver who exits their vehicle on the weighbridge is exposed to an unacceptable safety risk when walking from his vehicle to the weighbridge office and back again.

Due to the limited size of the Site, we do not believe that it is possible to create a plan for the Site that can ensure that appropriate access for the Site exists, while also preventing trucks waiting to dispose of waste at the site spilling out on to the nearby streets. Evidence of the impossibility of this can be adduced from the fact that trucks are already waiting on adjoining roads prior to entering the Site.

## AIR CONTAMINATION IMPACTING SURROUNDING AREAS

With a dramatic increase in waste comes an increase in hazardous and restricted material. If these materials become airborne, they will likely pose a serious risk to the health of the local community, nearby businesses and the employees of the Applicant. Although the EIS states that all processing will be carried out internally, Appendix G, Appendix N and Appendix O demonstrate that:

1. The internal facility is not kept completely enclosed during operational hours. That is to say, three large roller doors are left open during the hours of operation, which in turn, allow for contaminated materials to make their way out of the internal building.
2. Stockpiles have been developed externally to the building as a result of an overflow of liquid and solid waste coming into the facility (Appendix E, F, G, J and N).
3. Given that there is already an overflow of waste with current tonnage limits, it is impossible to imagine a scenario where a sevenfold increase in the volume of waste would not result in the site being forced to create stockpiles in areas that are not approved stockpile areas under the Development Application.

An increase in material stored out in the open air would prima facie translate to an increase in air pollution. This could potentially have a severe impact on the health of the employees of surrounding businesses, residents and local sporting communities which are located in close proximity to the Site. In our view, the concerns around air pollution should lead to the Independent Planning Commission rejecting the Development Application.

## NOISE CONTAMINATION IMPACTING SURROUNDING AREAS

The increase in operational capacity from 30,000TPA to 225,000TPA of hazardous and restricted waste and from 5,000 tonnes stored at any one time to 30,000T stored at any one time raises serious

concerns in relation to the noise that will be generated from additional trucks entering/leaving the Site. Specifically, it will result in an increase of 17,728 truck movements a year. This brings with it a myriad of additional noises generated from truck engines, air brakes, tarps, tailgates and squawker (reverse beeping). The noise generated from this activity is seriously concerning given the long hours of operation that are proposed in the Development Application.

Adding to the noise generation concerns is that the statistics used to conduct the Noise Assessment do not correspond with the statistics gathered for the Traffic Impact Assessment. The discrepancy is outlined below:

1. Traffic generation calculations approximate that, there will be on average, 212 vehicle trips per day and that the AM peak hour will be 24 inbound trips and 9 outbound trips and that the PM peak will be 9 inbound and 24 outbound trips (page 84).
2. Statistics used for noise assessment: At page 70 of the EIS, it is stated that there will be 144 heavy vehicle movements per day (7am to 10pm) to and from the site along Kerr Road at an average of 14 truck movements per hour. Again, on page 70, it is noted that during the night (10pm to 7am) there will be 72 truck movements at an average of 8 trucks per hour.

In our view, the noise modelling should be rendered invalid because the statistics used to not correlate to the statistics gathered by the Traffic Impact Assessment. If the noise modelling used the Traffic Impact Assessment results, the level of noise generated from the development may exceed the construction noise management levels.

## THE PROPOSED PLANS TO CONSTRUCT AN AWNING ON THE SITE TO ENCLOSE THE OPEN STOCKPILES WOULD NOT COMPLY WITH NSW BUILDING CODES

1. The plans that have been submitted by the Applicant as part of the Development Application propose an awning which extends to the boundary of the Site. The construction of an awning so close to the border of the Site may breach NSW Building Codes.
2. In the event that the awning was found to be permissible under NSW building regulation, the Site, upon construction would, we believe, be in breach of the regulation because too great a portion of the site would be enclosed.
3. An application by the landlord of 15 Kerr Road to construct an awning beyond the building line of the original building was rejected by Campbelltown City Council. If Campbelltown City Council were to exercise their discretion consistently, this would mean that the awning that the Applicant has proposed to construct would be rejected.

## CONTAMINATION OF STORMWATER DRAINS

As previously noted, we believe that the current operation, through their inadequate wheel washing facility and use of their watercart is contaminating the stormwater drains by creating a flow of contaminated liquid that makes its way into stormwater drains.

The Development Application seeks to dramatically increase the amount of hazardous and contaminated waste received at the Site. This will necessarily put a greater burden on the wheel washing facility and water cart. Increased usage of these systems would naturally place a greater amount of pressure on the systems themselves. As such, it is likely that there would be an increase in the amount of contamination leaving the Site via the stormwater drain proportionate to the increase in waste being accepted at the Site.

It is also noted that the EIS states that no dirty water makes its way into the stormwater drain. On page 89, a map outlines the dirty water area of the site. A physical inspection of the site, however, reveals that the dirty water area extends beyond that which is outlined by the map. Further, a water cart was in operation and the excess water was leaving the site via the sewage drain (Appendix H).

Given the constraints that the Operator faces in regard to the size of the Site, we believe that there is no possible way that a wheel wash capable of preventing dust being transmitted onto Kerr Road can be constructed which also ensures that contaminated liquid does not also make its way into the stormwater drain.

## FLOODING

The Site is subject to the 100-year Average Recurrence Interval (ARI) flood in the nearby Bunbury Curran Creek which is located 350 metres away from the Site. The Development Application seeks to significantly intensify the amount of material stored at the site and expand the nature of the material that can be accepted to include a plethora of extremely hazardous waste, including liquid containing asbestos. While the site proposes to place an awning to cover external stockpiles, this would not be sufficient to prevent the material being stored at the Site from contaminating the waterways. In our view, the possibility of a flood of this nature occurring should persuade the Independent Planning Commission to reject the Development Application.

## FENCING

In relation to the space available to the Applicant to conduct their operations, conformance with the fencing requirement is of relevance. The current EIS is silent on how the Site will be fenced, however, a condition of a previous Development Consent (DA No.: 1113/2013/DA-DE) required that security fencing at certain areas was required to be set 3 metres back from the Site's boundary. In addition to this, the landowner of 15 Kerr Road was required to create a tree line on his property behind the fenced area. We believe that 16 Kerr Road would have similar requirements, and if that is the case, the Applicant is failing to comply with other conditions attached to the Site. If this is the case, the Applicant has clearly failed to comply with this. In our view, this is an indication that the Applicant is

already struggling to process the 30,000 tonnes of restricted and hazardous waste that they are permitted to accept at the Site. In our view, this demonstrates that they do not have enough space to process the current volumes of waste received. On this basis, it stands to reason that it would be impossible for the Applicant to process 225,000TPA of waste on the site.

## REPORTS COMMISSIONED BY THE APPLICANT ARE NOT RELIABLE

We are concerned that the Traffic Impact Assessment, Air Quality Assessment, Noise Impact Assessment and the Environmental Investigation undertaken by Dirt Doctors are not accurate representations of the true impact that the proposed development will have on the local area. Our concern stems from the fact that each of these reports concludes that the expansion and intensification of the current development will have little to no impact on surrounding areas. Logic dictates that with an increase in volume of more than 7 times the current amount and a corresponding increase of 17,728 truck movements per annum that the local area would experience overcrowding on local roads, increased noise and deterioration of air quality.

Importantly, the consultants that produced these reports were paid by the Applicant. We, therefore, believe that they would have failed to be completely objective and that the methodology employed by the consultants would have likely been geared to produce favourable results for the Applicant. We are of the view that to ensure community justice, independent reports commissioned by the Independent Planning Commission should be commissioned with the Applicant bearing all the costs associated with this process.

## FINAL COMMENTS

This objection has outlined a myriad of cogent reasons as to why Development Application SSD – 8953 should be rejected in its entirety by the Independent Planning Commission. Moreover, no development application seeking to intensify and/or expand the current Development Consent should ever be approved. This is the case because:

1. The Applicant is already breaching a number of conditions of their current Development Consent. In our view, these breaches should raise serious doubts in the mind of the Independent Planning Commission in the ability of the Applicant to operate a larger waste resource recovery facility than they are already licenced to operate.
2. The failure to engage in a robust community consultation process is concerning and shows that the Applicant has no interest in ensuring that the development does not have an adverse impact on surrounding businesses and the local community.
3. The size of the site is too small to accommodate the current operational activity. Any increase in the volume of hazardous and restricted waste received at the Site would only exacerbate the problems that currently exist at the Site. It should also be noted that an increase in restricted and hazardous waste volumes of more than 7 times the current amount and 17,728

extra truck movements per annum would make safe and effective management of the Site impossible.

4. The site is located on land zoned IN1 General Industrial and is within 60 metres of low to medium density residential housing. It is also positioned on a roundabout at the end of a one-entry cul-de-sac. Because of these factors, it is clear that the geographical location of the Site is clearly not conducive to any waste resource recovery operations and certainly not an operation that receives and processes 225,000 tonnes of hazardous and restricted waste per annum.
5. An increase in heavy vehicle movement along any of the local roads, particularly Brooks Road and Kerr Road would create a dangerous environment for other road users.
  - a. An additional 17,728 vehicle movements per annum is not acceptable, local roads cannot sustain this sought of movement. If approved, it is likely that the repair and maintenance cost of local roads will increase. This repair and maintenance will be conducted at the cost of the local community and not the Applicant.
6. Any increase in heavy vehicle movement along Kerr Road would negatively impact surrounding businesses. Heavy vehicles would be lined up along Kerr Road and as demonstrated by Appendixes A, B and S, the roundabout will likely be blocked regularly, thereby preventing access to a number of businesses that are located adjacent to the roundabout.
7. There is only one access point for the Site. This access is over two weighbridges which will both be in operation during hours of operations. This means that there can be no guarantee of fast access in the event of an emergency. Because of this, it is our view that the Applicant will not be able to put into place a safe emergency procedure.
8. If the scale of the operation increases by more than 7 times, it follows that there is a greater risk of dust particles leaving the Site. In our view, the systems proposed by the Applicant to mitigate this risk are insufficient, and the Independent Planning Commission should be seriously concerned with the health risk that the local community will have if the Site causes air contamination in the surrounding area. Concerns should be exacerbated due to the fact that it is proposed that the Site receive hazardous and contaminated waste.
9. In order to be able to process the levels of waste that the Development Application seeks to receive, the Applicant has sought to extend upon the current hours of operation. This necessarily means that noise will be emitted from the Site for longer periods of time. In addition to this, it can be expected that the level of activity at the Site would increase significantly – this would likely mean that the levels of noise emitted from the Site will increase. This again is concerning for local businesses trying to conduct commercial successful ventures and local residents whose wellbeing may suffer as a result of noise increase.
10. The apparent contamination of stormwater drains is a grave environmental concern. As demonstrated by Appendix I, the Applicant is using a watercart to wash Kerr Road. The practice is causing runoff to make its way into the stormwater drains positioned on Kerr Road. Given that the Applicant is clearly failing to prevent heavy vehicles exiting the Site from

carrying dust with them, the Independent Planning Commission should hold serious doubts as to whether the Applicant will be able to prevent this occurring when operating a waste resource facility which receives more than 7 times the waste that is currently being delivered to the Site.

11. In our view, the proposed awning that the Applicant has included in their submission is unlikely to gain approval. This view is formed on the basis of past experience that the owner of 15 Kerr Road has had in relation to seeking approval for awnings on his property. If the awning is not approved, we believe the Applicant will resort to open stockpiling on the Site as is currently occurring. This is concerning as it would lead to a much higher risk of air contamination in the local area.
12. The Site is located in an area that is at risk of flooding. This is concerning because the stockpiles, while proposed to be under an awning will not be fully enclosed. If a flood was to occur, we believe that waste products would be carried off-site and make their way into the local water systems. Drawing on the concerns raised in point 11, this risk would only increase in the event that the Applicant was not able to secure approval for the construction of the awning.
13. Questions should be asked about the objectivity of the reports commissioned by the Applicant. The applicant has paid for the reports, as such, we are concerned that the results presented in the reports may be skewed in favour of the Applicant. Before any decision is made by the Independent Planning Commission, it would be prudent for the Commission to commission their own independent reports at the expense of the Applicant.

Finally, it should be pointed out that if this Development Application is approved by the Independent Planning Commission it will encourage other waste operators to set up major waste resource recovery facilities in areas that are clearly not suitable for such operations. Developments of this nature should be reserved for land zoned IN3 Heavy Industrial as they are inherently dangerous and intrusive operations. If approved the decision will indicate that the rights of the private citizen are being eroded in favour of major developments.

## APPENDICES

Appendix A – Heavy vehicle waiting blocking roundabout while waiting for entry into the Site



Appendix B – Heavy vehicle waiting on Kerr Road for entry into the Site





Appendix C – view of the Site from 15 Kerr Road



Appendix D – View of the Site from 15 Kerr Road (proposed car park for 30 car spaces marked)



Appendix E – Evidence of Operator using property owned by State Rail for employee parking



Appendix F – Evidence of open stockpiling occurring on the Site





Appendix G – Evidence of open stockpiling occurring on the Site (Pt 2)



Appendix H – Evidence of contaminated run-off going into the sewage system





Appendix I – Watercart washing roundabout on Kerr Road (video available on request)

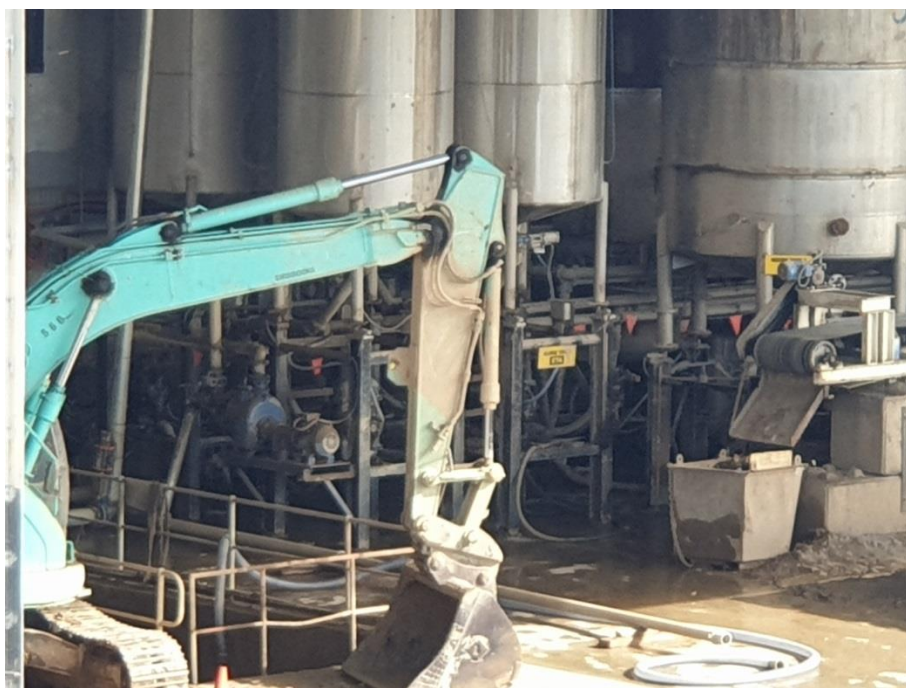




#### Appendix J – Further Evidence of open stockpiling



#### Appendix K – Evidence of external processing



## Appendix L – Evidence of external processing



## Appendix M – Evidence of external processing and open stockpiling





## Appendix N – evidence of open stockpiling



## Appendix O – Evidence of overcrowding and poor containment of internal stockpiles





Appendix P – Evidence of bottleneck at Brooks Road roundabout



Appendix Q - Evidence of bottleneck at Brooks Road roundabout (Part 2)



Appendix R - Evidence of bottleneck at Brooks Road roundabout (Part 3)





Appendix S – Evidence of Truck blocking Kerr Road Roundabout while waiting for entry to the Site



Appendix T – Evidence of cars parked along Kerr Road and on Kerr Road roundabout



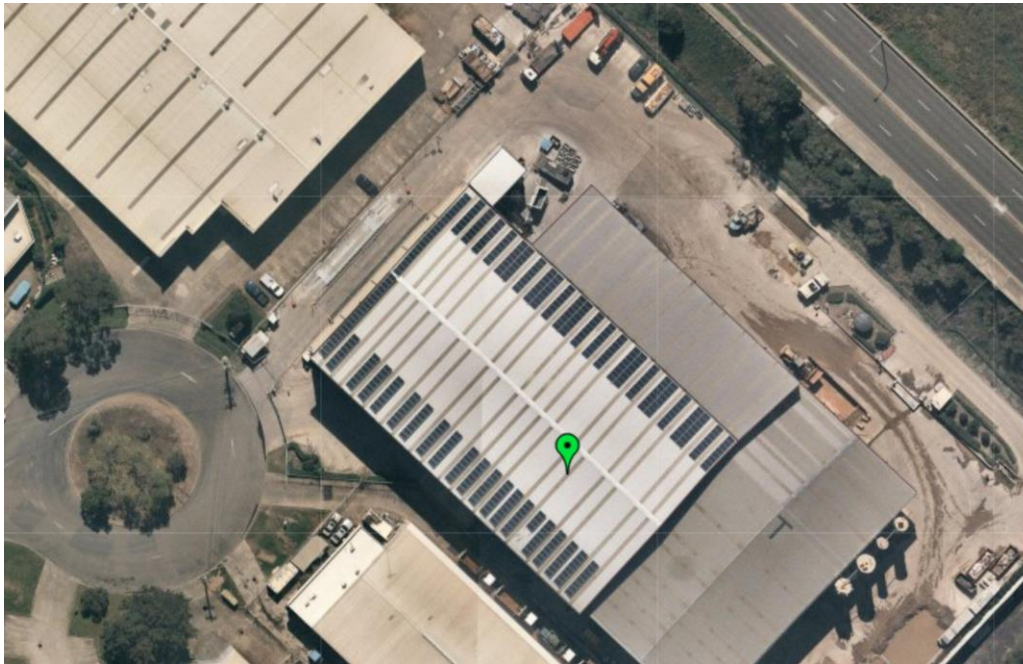
Appendix U – Illustration that Kerr Road is too narrow to safely accommodate an increase in heavy vehicle movement







Appendix V – Evidence of vehicles transmitting dust from 16 Kerr Road onto Kerr Road



Appendix W – Insufficient room for drivers to safely make their way from the weighbridge to the weighbridge office

