

Project Details

Application Number

SSD-8660

Assessment Type:

State Significant Development

Development Type:

Waste collection, treatment and disposal

Local Government Areas

Central Coast

Exhibition Start:

28/08/2020

Exhibition End: 25/09/2020

We write to object to the aforementioned proposed development located at 90 Gindurra Rd, Somerby mainly due to the impact of:

Noise and Dust...

- **Neither the noise or dust generated can be contained within their site, heavily impacting on neighbouring properties.**

Our family property is zoned Rural and adjoins the proposed development site to the east.

An aerial view of the site clearly identifies residential homes are located within 91metres, 131 metres and 201 metres away respectively. Concrete crushing machines will be located approximately 300metres away from our home. The remaining site will be storage areas and with extreme truck and tractor movements within the yard and surrounding roads.

This development as proposed is planned for the wrong location. It's that simple.



Further reasons for our objections are set out as follows:

A precedent has already been set in Somersby – A previous application has been refused

This current application proposed at 90 Ginurra Rd Somersby should be refused within the Somersby Industrial Zone on the same or similar terms as the Refusal of Davis' previous application for a Resource Recovery Facility at 168 Somersby Falls Road Somersby DA Number 40918/2011

Refer: Joint Regional Planning Panel No2012HCC014 refer copy attached.

This current application is more or less the same as the above application that was refused by the Land and Environment Court.

An excerpt of the refusal states:

- *"The proposal is contrary to the objectives for the existing and proposed industrial zone and will detract from the character of the area due to visual impact, dust and noise generation".*
- *"The proposal may impact existing and future industrial development and result in the loss of employment and have an economic impact on the Somersby Industrial Estate".*
- *"The proposal will affect the local community by:*
 - *Increased heavy traffic on Somersby Falls Road;*
 - *Noise. The acoustic wall may not reduce noise and traffic noise will still be generated;*
 - *Dust. Crushing cement and other products will create health hazards and such dust is carcinogenic and a cause of silicosis;*
 - *Odour. Mulched timber and chicken manure create odours;*
 - *Rubbish. There will be problems with dumped rubbish along roads to the site as well as controls on excess or non-recyclable materials".*

Please read the report in its entirety. This will establish even more reasons to object the proposed development (SSD-8660).

The proposed development does not fit in with the objectives outlined in the Gosford LEP – refer to highlights below. The proposal should be refused, if anything on this basis only.

Zone IN1 General Industrial

Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- **To minimise any adverse effect of industry on other land uses.**
- To support and protect industrial land for industrial uses.
- **To promote ecologically, socially and economically sustainable development.**
- To ensure that retail, commercial or service land uses in industrial areas are of an ancillary nature.
- **To ensure that development is compatible with the desired future character of the zone.**

Nuisance

If approved, the proposed development will interference with our peaceful enjoyment of our own land and may interfere with the environment.

Recent Objections Received

One Thousand One Hundred and Fifty (1150) individual objections received to date cannot be ignored.

Jackson in their report attached to the applicant's submission has dismissed these objections somewhat by stating "However, most of the respondents lived 1km or further from the proposed development".

Further Comment: The objections should be seriously considered in view of the proposed land use and its overall impact on the local area, and especially on the immediate neighbours.

Continuous monitoring of air quality (dust) and noise

The applicant makes reference to "Continuous monitoring of air quality (dust) and noise at the site boundaries" to ensure all criteria are met. These measures are only proposed to keep the neighbours satisfied.

Further Comment: These measures would not be required if there was no threat of noise or dust emanating from the proposed site. These measures would not be necessary if the development was considered a "clean use" with no risk of dust and noise.

Furthermore, the independent peer report authored by **Todoroski Air Sciences dated 22 September, 2020** confirms the applicant among other things has:

- Underestimated the likely levels of dust
- Used incorrect assumptions excess control factors
- Used a modelling approach that is not ideal
- Used Meteorological modelling data in the modelling that is not representative of the locality
- Raised concerns that the proposed development is not fully enclosed and does not meet best Practice Criteria

Studies & Modelling undertaken to date.

The studies and modelling undertaken to date and presented in the application simply satisfy the requirements of the application, but cannot determine the true impact of the development. The studies tick the "right boxes" on the application.

Further Comment: The impact of the proposed development will be unknown until it is fully operational. We do not have faith in the authorities to shut the site down if approved and in operation, nor should we be required to do so, especially if the development can be stopped now. Future expansion of the site and its impacts have not been modelled or taken into consideration.

In addition to the above, I reiterate my comments and concerns in my objection addressed to Planning Services, NSW Department of Planning and Environment dated 18 March 2019

My reasons are as follows:

- The proposed use of 90 Gindurra Road Somersby is essentially a Tip Facility, bringing with it varying levels of air, soil, water and noise contamination, along with traffic congestion.
- The facility is not an existing resource recovery facility as suggested in the application; the site has had limited use in the past, and the applicant is (cleverly) relying on this past use to justify the new application.

- The site adjoins rural property and will have an extreme impact on the peaceful enjoyment on those rural neighbours.
- The Somersby rural areas are irreplaceable. It's a rare and beautiful rural area.
- The proposed facility is a "dirty" use of industrial land, and is not in keeping with other industrial facilities within the Somersby Industrial Zone.
- Surrounding industrial uses comprise mainly enclosed factories used for less offensive uses, which have a lesser impact on air, soil, water and noise quality etc.
- The application seeks permission to process 200,000 tonnes PA; who will monitor the amount of material entering the site, and if the amount exceeds 200,000 tonnes, what recourse is available to neighbours to lodge complaints and have the facility fined or closed as a result? None, I would assume. So the intention is to stop the application now to alleviate the (future) cost and hardship of "fighting" the applicant on the likely breaches of their application conditions.
- The reports submitted with the application assess the risks and "potential" effects of the project during operation, so all impacts on air, soil, water, noise etc. are assumed.
- No guarantee can be given as to the introduction to the site of hazardous and non-confirming waste (such as asbestos, radioactive material etc) during its proposed operation.
- All mitigation measures recommended in each of the reports cannot be guaranteed as it relies on the user "doing the right thing" and working within the theoretical guidelines. Self-monitoring/reporting does not work.
- The reports, for obvious reasons, are written in a way to favour the applicant. The application relies on experts reports and is biased in favour of the development.
- As neighbours of the site, we have access to the applicant's experts reports that for the layperson are complex and confusing. We hope the reports are challenged by the Approving Authority, and not simply relied on because "the process "requires the reports to be obtained by the applicant.
- The new proposed development is inconsistent with the aims and objectives of the Somersby Business Park
- Usage permissions must take into consideration adjacent uses such as Rural land found immediately neighbouring the applicant's site.

I further object to the following:

- Having a 200,000 tonne per annum waste management and crushing facility bordering rural properties and within 100m of family homes. Totally out of character for the rural living nature of the local natural environment.
- Having reduced air quality due to silica dust, causing future cancer risks. This is against the local council's Future Vision Document* (*L1 - "Promote healthy living" and advocating Getting "Out and about in the fresh air"*)
- 200+ trucks per day travelling through the local roads past local front doors causing increased traffic congestion, also causing noise & vibration to the local residence.
- Reduction in land value caused due to this Resource Recovery Waste Facility in the area.

- Destruction of 1.5 Hectares of the endangered Pygmy-Possum's habitat. This contradicts Local Councils future vision* (*13 - Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management*)
- Offensive smell caused by stockpiling of industrial waste.
- Having this facility within 50 meters from family homes, 100 meters from Riding for the Disabled, 300 meters from the Juvenile Justice Centre, 600-900 metres from Mt Penang Gardens, Event Park and Parklands and Kariong High School and 1200m from Kariong Township, due to the possible Air quality risk and increased truck traffic.
- Bringing a bad name to Somersby as being a crushing/waste dumping area, when it is seen currently as a tourist attraction for Somersby Falls and the Somersby Reptile Park.
- The Height, scale, visual bulk. As it would be a visual eyesore and out of character with the surrounding forest landscape and rural residential blocks.
- The risk of asbestos becoming airborne with earthworks on the property (It has been noted in their own report that asbestos has already been located on site.)

The above comments objecting to the proposal are not exhaustive. We do not have the capacity to employ an extensive panel of experts at considerable expense to challenge the application along with the reports contained within the application.

We ask NSW Planning to reject this development application.

Yours Faithfully,

Frank Tripolone

Frank Tripolone – Signed Electronically
For and on Behalf of Joint Owners
Giuseppe Tripolone, Maria Tripolone, Marc Tripolone & Frank Tripolone

12 Acacia Road Somersby 2250

Dated: 23 September 2020

Refer to attachments:

1. Refusal of Davis' previous application for a Resource Recovery Facility at 168 Somersby Falls Road Somersby DA Number 40918/2011
2. Independent peer report authored by Todoroski Air Sciences dated 22 September, 2020

