



# Coastal **Design Link**

**PROVIDING LINKS BETWEEN BUSINESS AND GOVERNMENT**

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Submission 7th Dec 2021



Attn: Dianne Leeson  
IPC Panel Chairperson  
NSW Independent Planning Commission  
Level 3, 201 Elizabeth Street  
Sydney NSW 2000

7<sup>th</sup> December 2021

## **Re: Kariong Sand & Soil Supplies Facility (SSD-8660) – IPC Submission**

Dear Dianne,

This letter has been prepared as a submission addressing the proposed State Significant development for the Kariong Sand & Soil Supplies Facility situated at number 90 Gindurra Road, Somersby (SSD-8660).

Design Link offers this communication on behalf of the nearby land owners of 260 Debenham Road, a close and highly sensitive receptor to the proposed development with a strong interest in ensuring that the integrity of their peaceful rural property remains intact with regard to this type of development being considered for approval.

We have reviewed the latest response from the NSW Department of Planning, Industry & Environment ('the Department') regarding the proposed development and we appreciate the opportunity that the IPC has provided to re-engage and provide additional commentary relating to the proposal.

Upon review of the Department's response, we have significant concerns about the process of air quality assessment that has been undertaken by the Department as part of the proposed development.

We understand that the Department has had access to the specialist report originally prepared by Todoroski Air Sciences ('Todoroski') in September of 2020 and a more recent updated report by Todoroski on November 15<sup>th</sup> 2021. These reports were prepared on behalf of multiple land owners in the area surrounding the proposed development site.

The original report raised a wide variety of concerns relating to the types of data used and assumptions that were made during the assessment the potential impacts of the proposed development. The report indicated that there were fundamental problems in these areas and that accurate assessment of the impacts could not be reliably obtained without significant revisions to the information and methodologies being used.

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Subsequently, the Department obtained two independent reviews of the Todoroski report (from EMM and ERM) and, coupled with some amendments to the proposed development, concluded that they were satisfied with the air quality assessment for the proposal.

The updated Todoroski report from 15<sup>th</sup> November 2021 provides what is frankly a scathing indictment of the aforementioned independent reviews and identifies that there is a number of significant problems with the fundamental process by which the air quality assessment of the proposed development has taken place. These problems were outlined in the original Todoroski report and, most importantly, *were not adequately addressed by the independent reviews or proposal amendments*. Indeed, the updated Todoroski report identifies that in some cases, not only were these problems not adequately addressed, but were in fact not addressed *at all*.

We find it disturbing that even after Departmental review and the employment of two independent reviewers, such basic problems can persist with the air quality assessment of the proposed development. The problems outlined in the updated Todoroski report are significant and fundamental in their nature. They undermine the credibility of the very baseline that has been used for assessing the impacts of the potential property.

The most recent response from the Department has come after apparently reviewing the updated Todoroski report. This being the case, we must question how the Department can remain content that the proposed development will not have excessive adverse impacts on nearby receptors in light of the fact that an experienced, highly qualified specialist has identified a wide range of significant and very *basic* problems with the way in which the proposed development has been assessed.

There has been no detail provided to support the Department's latest response, which appears to simply ignore the severity of the issues raised by the updated Todoroski report and does not address them at all, other than with a passing mention of the report in general. The nature of the issues raised by Todoroski, both originally and in the updated report, are so fundamentally problematic that they cannot reasonably be dismissed and they must be dealt with in order for proper assessment of the development to occur.

With the abundant evidence contained in the Todoroski reports of fundamental problems in the baseline air quality assessments of the proposed development, we must again express deep concern with the direction the assessment has taken. In our professional opinion, the response from the Department does not deal with the identified issues and it is completely bewildering as to how the proposed development can be considered 'satisfactory' in this regard.

It is self-evident that there are fundamental problems with the air quality assessment process and that the opinions provided by the Department along with the independent reviewers cannot co-exist with those of Todoroski Air Sciences. There are strong contradictions in the information being provided about air quality assessment that must be resolved before the development can be advanced.

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We respectfully request that the Independent Planning Commission take into account the contradictory nature of the available information on the matter of air quality assessment for the proposed development and suggest that the proposed development be re-assessed with a view to addressing the fundamental flaws outlined by Todoroski Air Sciences.

Thank you very much.

Kind Regards,

Rod Wall  
Regional Development Advocate  
Coastal Design Link