

Office of the Independent Planning Commission NSW
Suite 15.02 Level 15 135 King Street
Sydney NSW 2001

Via email: Bradley.james@ipcn.nsw.gov.au

Attn: Brad James Principal Case Manager

Re Kariong Sand and Soil Supplies Facility SSD 8660

Thank you for your time and efforts with the residents site inspection last Wednesday and the opportunity to provide a further written submission to the above application.

This submission has been prepared on behalf of all of the residents who attended the site visit with you and appreciate your time and interest in the matter from their perspective. To assist the commission the map below illustrates the different properties and their location in relation to the proposed development.

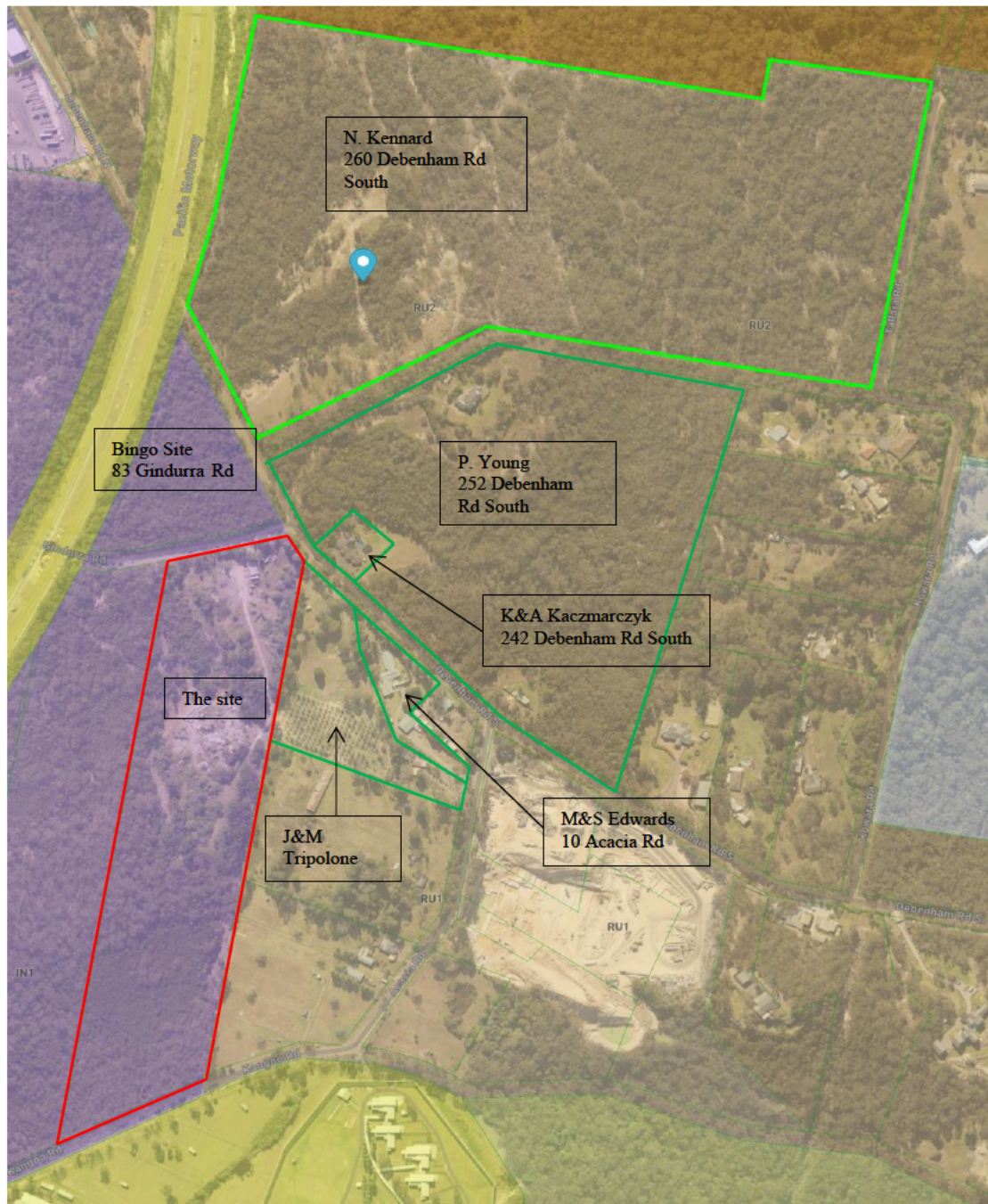
As the most affected neighbouring properties, our overall point is that the development should not be approved as the impacts of the proposed development on the health of our families, the ability for us to have a quiet and peaceful enjoyment of our properties and the maintenance of the clean water and air we rely upon will not be possible and that the proposed development is simply being proposed in the wrong area, as can be seen from report from Todoroski Air Sciences, such facilities located in the middle of an industrial estate have difficulty complying with standard air quality criteria, even when modern and best practise operations are employed, let alone on a boundary surrounded by residential activities. Further we believe the development poorly fails to meet the planning principles contained in *Seaside Property Developments Pty Ltd v Wyong Shire Council*¹ and should not enjoy the prospect of an approval on these grounds alone. Our arguments are:-

- I. The current design, for the proposed development on the site (as outlined in the application) fails to meet as a minimum standard best practise in materials recycling in anyway. Items that should be fully enclosed are proposed with large openings or have significant portions of the operating areas located outside of any enclosure.
- II. The operating activities proposed to be used on site fail to meet best practise guidelines as a minimum standard. The application as submitted does not identify best practise or modern equipment being used or designed so as to minimise impacts to adjoining and adjacent residential properties.
- III. The proposed procedures to be implemented on site to manage the operations and mitigate any impacts fail to meet best practise guidelines as a minimum standard.

We ask the commission to review the application and proposed conditions of consent as recommended by the DPIE and resolve to refuse the consent on the basis of the above nonconformities and the adverse impacts to the local community and adjoining and adjacent properties. If the commission believes that the proponent and applicant have demonstrated compliance with the best practise guidelines and can demonstrate such, any approval issued **MUST** not only ensure best practise is complied with as outlined by the proponent in his submission to the IPC hearing 9th November 2021 but the conditions imposed must ensure the

¹ *Seaside property Developments Pty Ltd v Wyong Shire Council*¹ [2004] NSWLEC 117

protection of the health, well-being and enjoyment of the residential developments on the adjoining and adjacent properties as outlined in this submission.



We have further restricted our submission to the following areas where we believe the application fails to ameliorate or address the impacts to the adjoining or adjacent residential homes and properties. We believe that these areas have not been suitably addressed in the DPIE report or recommendations and as a result should be further sufficient grounds for the application as submitted being refused by the IPC.:

1. Noise,

² Map plan illustrating nearest affected residents – Source Mecone Mosaic

2. Dust and emissions,
3. Zone boundary interface,
4. Vibration, and
5. Proposed conditions of consent

Noise

According to the applicants reports³ associated with the development the following noise is likely at the nearest receptors:

12 Acacia Road

Day period (7am to 6pm Monday to Saturday) – 45dBA

242 Debenham Road South

Day period (7am to 6pm Monday to Saturday) – 48dBA

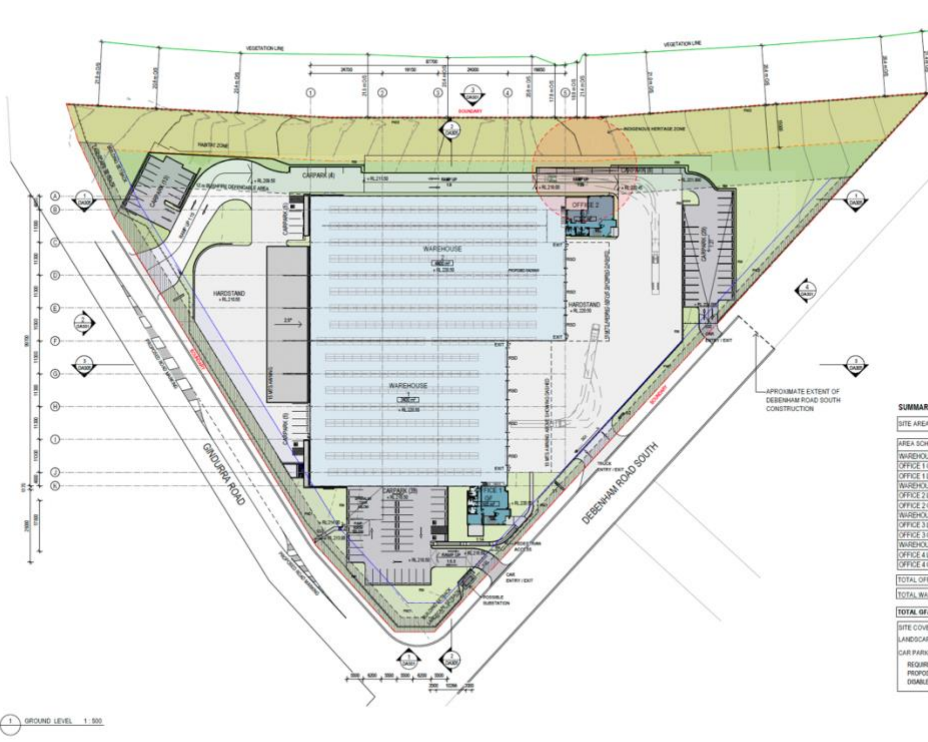
Noise levels at 12 Acacia Road are predicted to be 3dBA below the relevant trigger noise criteria. Noise levels at 242 Debenham Road South are predicted to be 48dBA, which is the trigger value criteria. The location of the model predictions is the property boundary, or the most affected point within 30m of the house (where the house is more than 30m from the property boundary). The report fails to identify the noise impacts to the approved dual occupancy development located at 10 Acacia Rd which is within 120m of the proposed development as can be seen from the map plan above. This would appear to be a major failing of the model and the noise analysis and the report as a result fails to address these impacts. These residents have a right to the quiet and peaceful enjoyment of their lands along with their neighbours, however the applicant has failed to address the impacts to this property in the application as submitted and therefore the DPIE has not addressed impacts to this property in the report or its recommendations.

To expect residents to endure the noise impacts from this development for the times as proposed within the conditions of consent is unreasonable and coupled with the cumulative impacts associated with this proposal and the proposal recently approved by the Central Coast Local Planning Panel⁴ for Skylife developments on the site opposite in Gindurra road will create an environment of noise impacts affecting these properties and the residents for extended periods beyond the individual impacts and definitely not within what would normally be anticipated or accepted in a rural/residential environment. We remain concerned that the noise impacts are already at the threshold level of the property at 242 Debenham Road South and are within 3dB(A) of the premises at 12 Acacia Road already without regard or consideration of the developments which have been approved and not yet commenced which will add to the cumulative noise impacts to the occupants and inhabitants of these dwellings. As a minimum the noise levels at these receptors should be reduced to somewhere close to the background noise levels as measured at the external face of the dwelling and external living areas at around 43dB(A).

³ Waves Consulting, July 2021, Document No. 60.00741.06 RPT1R5.DOCX

⁴ Central Coast Local Planning Panel meeting 08/04/2021 DA 59244/2020

CENTRAL COAST COUNCIL
 DEVELOPMENT CONSENT
 Application No. 18/04/0018
 Date of Consent: 18/04/2021
 Plan Approval subject to conditions and the
 requirements of s. 159(1)(b) & 159(2)



- CONSTRAINTS**
- HABITAT ZONE
 - BUSHFIRE DEFENDABLE AREA
 - INDIGENOUS HERITAGE ZONE
 - BUILDING SETBACK
 - LANDSCAPE SETBACK

- GENERAL NOTES**
- 1. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 2. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 3. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 4. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 5. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 6. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 7. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 8. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 9. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 10. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 11. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 12. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 13. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 14. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 15. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 16. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 17. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 18. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 19. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 20. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 21. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 22. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 23. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 24. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 25. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 26. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 27. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 28. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 29. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 30. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 31. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 32. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 33. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 34. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 35. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 36. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 37. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 38. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 39. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 40. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 41. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 42. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 43. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 44. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 45. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 46. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 47. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 48. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 49. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 50. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 51. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 52. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 53. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 54. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 55. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 56. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 57. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 58. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 59. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 60. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 61. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 62. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 63. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 64. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 65. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 66. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 67. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 68. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 69. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 70. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 71. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 72. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 73. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 74. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 75. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 76. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 77. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 78. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 79. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 80. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 81. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 82. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 83. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 84. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 85. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 86. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 87. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 88. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 89. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 90. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 91. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 92. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 93. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 94. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 95. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 96. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 97. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 98. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 99. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET
 - 100. NEW BLACK PVC COATED CORRUGATED 1.8mm SHEET

SUMMARY

SITE AREA	25,588 sqm
AREA SCHEDULE	
WAREHOUSE 1	GROUND LEVEL 3400 sqm
OFFICE 1.0	GROUND LEVEL 185 sqm
OFFICE 1.1	OFFICE LEVEL 02 184 sqm
WAREHOUSE 2	GROUND LEVEL 4440 sqm
OFFICE 2.1	OFFICE LEVEL 02 185 sqm
OFFICE 2.2	GROUND LEVEL 197 sqm
WAREHOUSE 3	LOWER LEVEL 1148 sqm
OFFICE 3.1	OFFICE LEVEL 01 185 sqm
OFFICE 3.2	LOWER LEVEL 107 sqm
WAREHOUSE 4	LOWER LEVEL 1148 sqm
OFFICE 4.1	OFFICE LEVEL 01 187 sqm
OFFICE 4.2	LOWER LEVEL 109 sqm
TOTAL OFFICES	1374 sqm
TOTAL WAREHOUSE	5594 sqm
TOTAL GFA	11492 sqm
SITE COVERAGE	45%
LANDSCAPE	8,580 sqm - 33.4%
CAR PARKING	
REQUIRED	68 CARS
PROPOSED	102 CARS
DISABLED PROPOSED	4 CARS

1 GROUND LEVEL 1:500

PROPOSED INDUSTRIAL DEVELOPMENT
 83 GINDURRA ROAD, SOMERSBY, NSW, 2250

THE SITE PLAN UPPER LEVEL
 DATE: 01/12/2020
 AS ISSUED @ A1 20/08 04/01 1

5

CENTRAL COAST COUNCIL
 DEVELOPMENT CONSENT
 Application No. 18/04/0018
 Date of Consent: 18/04/2021
 Plan Approval subject to conditions and the
 requirements of s. 159(1)(b) & 159(2)



INDICATIVE EXTERNAL FINISHES SCHEDULE

1	CONCRETE PANELS NATURAL FINISH	4	METAL WALL CLADDING - PREFINISHED COLORBOND	7	ROLLER SHUTTER DOOR TO MATCH COLORBOND	10	WINDOW HOODS - BLACK FINISH
2	METAL DECK ROOF - PREFINISHED COLORBOND	5	TRUSS ROOF	8	TRUSS ROOF	11	TRUSS ROOF
3	TRUSS ROOF	6	TRUSS ROOF	9	TRUSS ROOF	12	TRUSS ROOF

PROPOSED INDUSTRIAL DEVELOPMENT
 83 GINDURRA ROAD, SOMERSBY, NSW, 2250

THE ELEVATIONS
 DATE: 01/12/2020
 AS ISSUED @ A1 20/08 04/01 1

6

⁵ Site plan - Approved industrial development 83 Gindurra Rd Somersby.

⁶ Elevations – Approved Industrial Development 83 Gindurra Road Somersby.

Dust and Emissions

Given the strong concerns held by the immediate community of adjoining and adjacent residents we have had the dust and emissions from the proposed development peer reviewed by Mr Aleks Todoroski from Todoroski Air Sciences. Mr Todoroski's full report⁷ is attached to this submission as an appendix.

The conclusions of this report are;-

- I. The meteorological data used by the applicant is flawed in this case as there is no reliable meteorological foundation upon which to build the air dispersion assessment, making the modelling results unreliable. This unrepresentative meteorological data cannot be quantified using only the available information; re-modelling would be needed to assess and determine the real impacts to adjoining properties.
- II. The meteorological issue alone has potential to lead to more than double the predicted incremental impacts for the proposal. It should be noted that only a relatively modest increase in the predicted impacts would be needed to cause unacceptable cumulative impacts, given that the predicted cumulative impacts already exceed the criteria (on a high dust day) or are relatively close to it otherwise. Also, as outlined later, there are many other factors that are likely to cause even higher than predicted impacts, and when the combined effects of these factors are considered, the impacts may not be adequately dealt with by staged operations starting at half scale.
- III. The facility as designed is far from best practise. There are many aspects of the facility design that will cause excess and otherwise avoidable particulate impacts. None of these are adequately addressed in the responses, the final design of the ERMN and EMM reviews, which only consider mitigation of specific individual aspects, whilst neglecting the inherently poor overall design that is the key cause of the problem. The facility MUST be designed as best practise if it has any chance of having minimal impact on the adjoining and adjacent properties.
- IV. There are various technical issues contained within the applicants' expert reports that have meant that the impact of this proposed facility is under estimated. These under estimations are of such magnitude and complexity that the application must be reassessed with the correct data to ensure the protection of the adjoining and adjacent properties.
- V. Ultimately the proposed conditions fail because they do not require best practice design for the facility, as would be reasonable in this situation, or at any other industrial/ residential interface. In any case, some of the migration measures specified in the conditions are not achievable due to the poor design of the facility, (e.g. requirements for no silt track on a site without completely paved cleanable roads, where dirty and clean wheel paths are overlapping and crossing and there is no wheel wash, etc.), which simply highlights the core problem with the design in this location.

Zone Boundary Interface

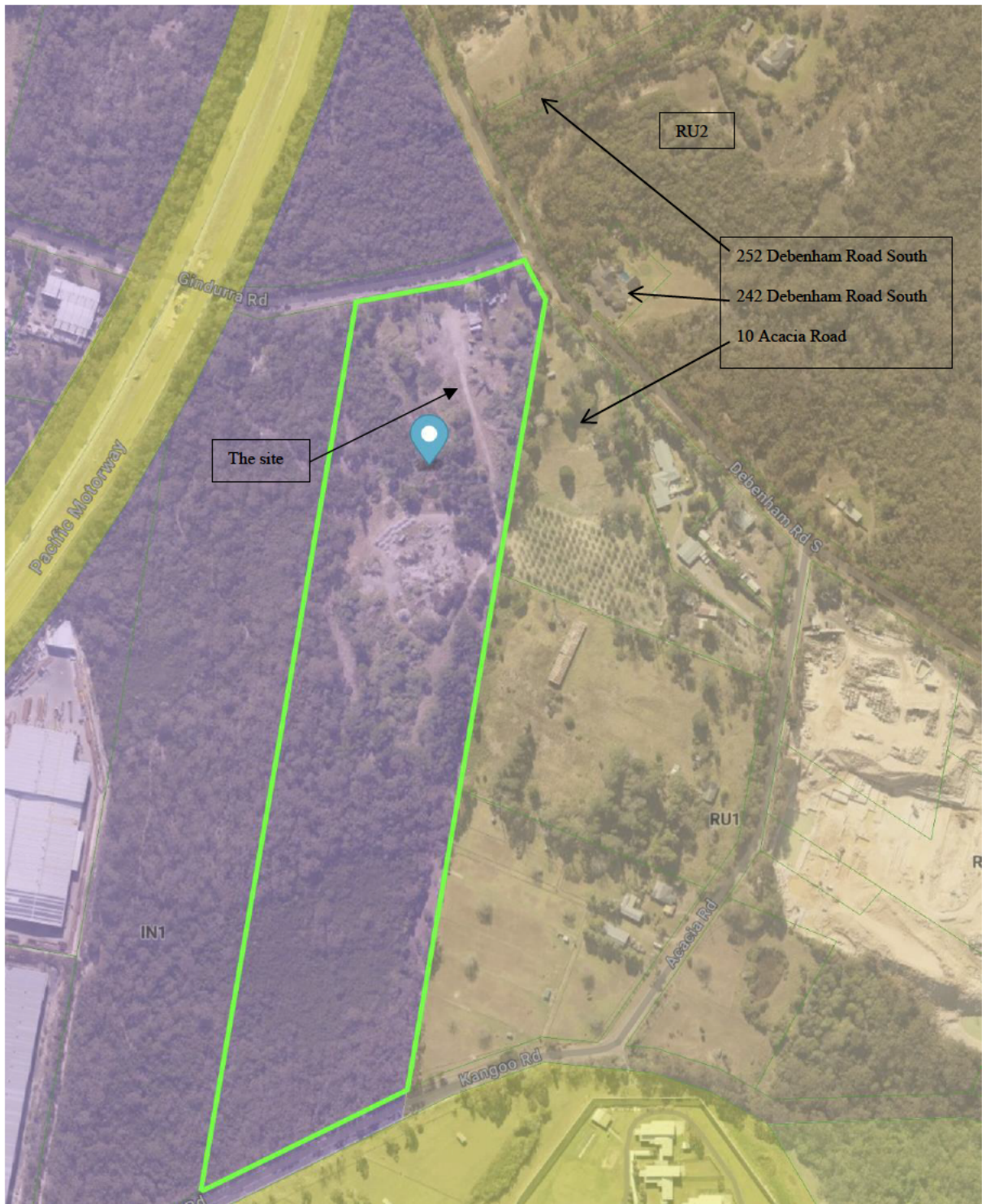
As has been correctly pointed out by the applicant in the application and from Mr Davis' submission to the IPC hearing 9th November 2021, this development sits on the northern most boundary of the current Somersby Industrial Park. The land adjoining the development to the North and East of the proposed site, currently enjoy zonings of RU1 –primary Production and RU2 – Rural Landscape under the Gosford LEP 2014 as can be seen from the below image. There have been some long-held planning principles that apply to developments that are proposed on zoning boundaries such as what is being proposed in this application. We are aware and accepting of the fact that the land adjacent to our land

⁷ Report of Todoroski Air Sciences dates 15/11/21

is zoned for industrial development and that we will at some stage see the land developed for an industrial purpose. At the same time, we would hope that the owners of the land zoned industrial would be aware of the fact that ours and other lands adjoining and adjacent to them are zoned RU1 and Ru2 and as a result the owners of this land would accept that they would at some stage see the development of our lands for rural and residential purposes as well.

Recently the land and environment court has upheld the planning principle that was established in *Seaside property Developments Pty Ltd v Wyong Shire Council*⁸ [in several matters. Under this case the principle that was established that property owners on either side of a zone boundary can expect to “enjoy” the provisions of the planning instrument as it applies to their land and that they also accept that the development permitted on the adjoining lands may differ (in some cases significantly) from their own. This is a 2-way approach where both “sides of the fence” need to take into account the principle and consider the impacts to the property on the other side of the zone boundary. This DOES NOT appear to have occurred in this instance. We are being asked to accept that simply because this land is zoned industrial, industrial developments were always going to happen and always going to impact this land as they are a permitted use and adjoining properties will just have to accept and to a degree put up with the impacts associated. The principle actually says that impacts both ways need to be accepted and managed to an effective way that permits and enables the enjoyment and use of all the lands.

⁸ *Seaside property Developments Pty Ltd v Wyong Shire Council*⁸ [2004] NSWLEC 117



9

This principle has recently been reinforced in other matters before the court. In *DeAngelis v Wingecaribee Shire*¹⁰ where the impacts of the proposed development on to residentially zoned lands was considered excessive with regards to Bulk height and scale. Again in *Gamas v Leichardt Council*¹¹ the court was led to find that the commercial development adjacent to residentially zoned development had adverse impacts with bulk and scale, visual and audial impacts and that the

⁹ Zoning plan – Source Mecone Mosaic

¹⁰ *DeAngelis v Wingecaribee Shire*¹⁰ [2013] NSWLEC 1148

¹¹ *Gamas v Leichardt Council*¹¹ [2005] NSWLEC 597

commercial development needed to consider the impacts in the adjoining zone from that zone perspective but had failed to mitigate them to a satisfactory level.

The ability neighbouring landholders lands (the adjoining and adjacent lands) to be considered for future development of a residential or rural residential nature will now severely be impacted by the impacts and emissions associated with this development. Far from satisfying or considering the planning principle as outline in these recent matters. It is our contention to the IPC that the matters considered in these cases are relevant to the matter you are considering. It is further contended that this matter was not addressed by the Department in their assessment of the application as had it been subject to the assessment the results would have been such that the impacts were too great and as such further amelioration works or development amendments would have been required.

The zone boundary interface matter was a major consideration for the recently approved warehouse development at 83 Gindurra Rd. When considering the DA the LPP was concerned of the impacts to the adjoining and adjacent rural zoned lands and applied a number of specific conditions requiring changes to the application as a result of the impacts on non-industrially zoned land. As was illustrated at the site meeting the cumulative impact of the existing approved development and this proposed development on that zone boundary interface needs to be given due consideration by the commission and addressed in the report from the DPIE.

Vibration.

As was raised with the IPC at the recent site inspection, the vibrations endured by the residents of the adjoining and adjacent properties during the construction of the current industrial building on the site was considered to be excessive and had severe impacts on the enjoyment of the residential amenity enjoyed on these properties.

As a result of these impacts, a review of vibration effects of the proposal has been undertaken for the community by Douglas Partners Pty Ltd¹². The complete report is attached to this submission as an appendix.

The conclusion of the Douglas Partners report are; -

- I. The results of the vibration tests conducted show minimal attenuation over long distances from the source in both north - south and east - west directions, indicative of competent and shallow rock, which can be observed as an exposed sandstone wall at the front of 242 Debenham Rd South. This has the potential to transmit even low-level vibration from the waste recycling plant over a few hundred metres, which would be noticeable in terms of human comfort. If ground-borne nuisance vibration is ongoing and persistent then even very low levels may be disruptive.
- II. Vibrations categorised as continuous are described in NSW-EPA DECC Assessing Vibration: A Technical Guideline, Feb 2006 (Appendix C, Table C1.1) with “preferred” and “maximum” levels being 0.28 mm/s and 0.56 mm/s PPVi respectively. The results from our tests are as follows

260 Debenham Rd South (270 m)	max 0.32 mm/s (160 m), 0.23 mm/s (200 m), 0.14 mm/s
252 Debenham Rd South (470 m)	max 0.55 mm/s (290 m), 0.45 mm/s (283 m), 0.29 mm/s
242 Debenham Rd South (133 m)	max 1.19 mm/s (24 m), 0.50 mm/s (96 m), 0.20 mm/s

¹² Report of Douglas Partners “Vibration Trial Report Gindurra Rd and Debenham Rd South Somersby NSW dated 16th November 2021

10 Acacia Rd max 0.37 mm/s (140 m), 0.20 mm/s (250 m), 0.14 mm/s (285 m)
12 Acacia Rd (soft soil) max 0.12 mm/s (210 m)

- III. Intermittent vibrations are quantified in terms of an estimated Vibration Dose Value (eVDV), which is a compilation of the sum of all amplitudes and frequencies of vibration over a set period of time, usually 1 day and is expressed in term of acceleration (mm/s^2), which can be estimated from velocity if not measured directly. Depending on the equipment that will be running in the crushing plant, either continuous or intermittent vibration calculations / measurements will be relevant.
- IV. The construction of the crusher plant building included excavation to ~3 m below ground level (adjacent the intersection of Gindurra Rd and Debenham Rd South) which would have exposed more vibration-transmissible ground which means less damping effect than for the vibration source used for the trial.

As can be seen from the Douglas Partners report the potential of the proposal to have impacts to the adjoining and adjacent properties and to the mental health and well-being of the residents of these properties.

Proposed Conditions

We have spent some time going through the proposed conditions of consent as you indicated we should at the site meeting. As outlined in this submission we firmly believe that the application as submitted fails to meet the minimum standards required for such developments, fails to ameliorate the impacts to adjoining and adjacent properties and the recommendations do not satisfactorily negate these impacts and as a result the application should be refused any consent until such evidence can be provided illustrating the above matters have been satisfactorily addressed. **IF** the commission accepts that these impacts have been shown to be addressed and ameliorated and resolves to approve the development as recommended by the DPIE we believe that some of the conditions need to be reinforced as proposed below for the reasons outlined, and additional conditions need to be imposed to ensure the health, well-being and amenity to the adjoining and adjacent properties and residents. (We have adopted the numbering from the report for ease of referencing).

B1. Prior to the commencement of operation, the Applicant must install a suitable meteorological station on the site in consultation with the EPA that:

- (a) complies with the requirements in the latest version of the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (as may be updated or replaced from time to time);*
- and*
- (b) is capable of continuous real-time measurement of air temperature, wind direction, wind speed, solar radiation, rainfall and relative humidity, and any other requirements specified in the EPL.*

We believe that this condition needs an additional subclause to enable the data to be published in real time on a site where the community is able to access the information and advise the applicant of adverse conditions affecting the properties.

Reason:

We believe that this will not only improve the transparency of the operations and the meteorological conditions but will also enable the local community to advise when conditions are adverse outside of normal operating times and also where differing climatic conditions are being experienced on the other lands.

B4. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;*
- (b) all trucks entering or leaving the site with loads have their loads covered;*
- (c) trucks associated with the development do not track dirt onto the public road;*
- (d) public roads used by these trucks are kept clean; and*
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.*

We believe that this condition needs an additional subclause requiring that all heavy vehicles delivering to and from the site must only enter or leave the site via an appropriate wheel washing and undercarriage washing unit.

Reason:

To ensure that any dust accumulated on the wheels or underside of the vehicles can be removed before they are allowed to create a nuisance or health concern to adjoining and adjacent properties or the roadways leading to greater dust emissions as a result of the development.

Hours of Work

B13. The Applicant must comply with the hours detailed in **Table 1**, unless otherwise agreed in writing by the Planning Secretary.

Table 1 Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday Saturday	7 am to 6 pm 8 am to 1 pm
Operation: Waste Delivery and Landscape Supplies Sale	Monday – Saturday Sunday and Public Holidays	7 am to 6 pm Closed
Operation: Waste Processing	Monday – Friday Saturday – Sunday and Public Holidays	8 am to 5 pm Closed

We believe that this condition should read as follows

Activity	Day	Time
Earthworks and construction	Monday – Friday Saturday	7 am to 5 pm 8 am to 12 pm
Operation: Waste Delivery and Landscape Supplies Sale *	Monday – Saturday Sunday and Public Holidays	9 am to 5 pm Closed
Operation: Waste Processing	Monday – Friday Saturday – Sunday and Public Holidays	8 am to 4 pm Closed

* Heavy vehicle deliveries to and from the site should be restricted so as to not be on the road during the period of operation of the school bus.

Reason:

We believe that this is a reasonable period of time for the affected properties to be able to enjoy the peace and quiet of their properties without the impacts of noise, dust and vibration. We are also seriously concerned with the potential impacts and conflicts with the school bus route and the traveling safety of school children and conflict with heavy vehicles. This should not be of major concern as the applicant outlined at the public hearing that deliveries to the site would not normally occur before 10.00 am.

B14. Works outside of the hours identified in Condition B13 may be undertaken in the following circumstances:

- (a) works that are inaudible at the nearest sensitive receivers;
- (b) works agreed to in writing by the Planning Secretary;
- (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

We believe that this condition needs an additional subclause requiring that the applicant also be required to notify the adjoining owners within a 160m radius of the anticipated non-compliances with the condition in B13.

Reason:

To ensure that the residents are kept informed of the non-compliances and the reasoning behind such. We also believe that this will save many complaints to the EPA pollution hotline and the DPIE compliance areas.

- B16. *Vibration caused by construction at any residence or structure outside the site must be limited to:*
- (a) *for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); and*
 - (b) *for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: a technical guideline (DEC, 2006) (as may be updated or replaced from time to time).*

We believe that additional provisions need to be included in this condition

- (c.) That a pre-construction dilapidation report be completed on all residential premises within 200m from the external boundary of the site. Such report is to be provided to the property owner and the DPIE prior to any works commencing on site.
- (d) The vibration monitoring equipment be provided at the premises of the nearest affected property to measure any vibration caused during the construction and operation. Where vibration is detected which exceeds the acceptable levels all works are to cease onsite until certified by a suitably qualified geophysical engineer.

Reason:

To ensure that adequate evidence will exist as to the damage to existing dwellings pre construction and operations and that if undue vibrations are caused there will be a process to remedy such actions and to ensure the protection of the adjoining and adjacent residential buildings.

B21. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in **Table 2**.

Note:

Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological Conditions) of the NSW Noise Policy for Industry (EPA, 2017) and Australian Standard AS 1055:2018 Acoustics - Description and measurement of environmental noise (as may be updated or replaced from time to time). Refer to Figure 3 in Appendix 1 for the location of residential sensitive receivers.

Table 2 Noise Limits dB(A)

Location	Day LAeq(15 minute)
All residential receivers	48
Frank Baxter Juvenile Justice Centre	48
Central Coast Riding for the Disabled Centre	When in use: 53
Industrial	When in use: 68

We believe that the noise levels as proposed in the conditions are too generous and impacting on the residential properties in the vicinity. This condition should be amended as proposed:

Table 2 Noise Limits dB(A)

Location	Day LAeq(15 minute)
All residential receivers	43
Frank Baxter Juvenile Justice Centre	48

Central Coast Riding for the Disabled Centre	When in use: 53
Industrial	When in use: 68

Reason:

To ensure minimal noise impacts to the residential receivers and will go somewhere towards compensating for the cumulative impact of this proposed development and that approved at 83 Gindurra road. We understand that this noise level as indicated will be somewhere similar to the average background noise levels already experienced in the locality.

We believe that an additional condition needs to be added under the roadworks and access conditions or similar location. This condition should read:

In line with best practise the entire site is to be sealed with either concrete or AC. Such sealing of the site is to be completed prior to the delivery of any materials on site. Sealing with concrete does not include the use of crushed recycled concrete road base material or similar.

Reason:

To assist with the dispersal of dust from the site with the predominant prevailing winds coming from the west.

B61. The Applicant must ensure the development complies with the relevant provisions of Planning for Bush Fire Protection 2019 and implement the recommendations and development requirements in accordance with Bushfire Hazard Assessment prepared by Bushfire Planning & Design dated 27 July 2020.

We would like to see this condition have to following included:

That during days designated as high fire danger or catastrophic fire danger that the applicant to ensure that a management plan for operations on site on these days is approved by the RFS and NSWFR

B62. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.

We would like to see some additional strength to this condition:

The dangerous goods and fuels stored on site are to be housed in an enclosure that is designed to withstand the impacts of a bushfire.

Reason:

To ensure the protection to the adjoining and adjacent residential dwellings as a result of bushfire or other disaster impacting the property.

B76. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan (LMP) to manage the revegetation and landscaping works on-site, to be submitted to the Planning Secretary. The LMP must form part of an OEMP in accordance with Condition C5 and must:

- (a) detail the species to be planted on-site in accordance with the Landscape Plan prepared by Concept Landscape Architects, dated 3 July 2020, Revision G (see Figure 5: in Appendix 1);*
- (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works;*
and
- (c) be consistent with the Applicant's Management and Mitigation Measures detailed at Appendix 2.*

We believe that an additional sub clause needs to be added to this condition:

(d) The applicant is to liaise with the adjoining landholder(s) re the landscaping and screening of the acoustic barrier(s) adjacent to the boundaries to reduce the visual impact of the wall to the adjoining and adjacent residential properties.

In addition to these variations to conditions we firmly believe these additional conditions need to be imposed on any consent to save and protect the community.

A noise logger is to be maintained on the site. The data produced by any logger is to be shared in real time with the adjoining/adjacent property owners within a 160m radius of the site. In addition to the sharing of the data, the data must be made available to the EPA and the DPIE or other ARA on;-

- a) Request following complaints, or*
- b) In a quarterly report to be provided to the community on the operational activities of the site.*

That the applicant set up and fund a community consultative committee. Such committee is to meet on at least a quarterly basis and shall review the data obtained in the meteorological station, vibration monitoring device, dust and emission recording and noise loggers. The committee is to consist of representatives of the community within the immediate vicinity of the development, NSW DPIE and the EPA.

That all plant and equipment (other than NSW unconditional registered vehicles) used or operated on the site associated with the crushing, grinding or mulching of material shall be fitted with a device that effectively manages the impacts of vibrations to adjoining and adjacent residential dwelling houses and their occupants.

That all plant and equipment (other than NSW unconditional registered vehicles) used or operated on the site associated with the crushing, grinding or mulching of material shall use a form of alternative energy to limit the emissions leaving the site an impacting the health and wellbeing of the local community.

That all existing dwellings within a radius of 200m shall be provided with a dilapidation report before a construction certificate can be issued for the development of the site. Such a report is to be provided to the PCA before the issue of any CC.

That after the construction phase a further dilapidation report to those properties is completed. Such reports are to be compared to the reports commissioned prior to construction before the issue of any OC. Where damage has been caused by the development on the site the applicant is to arrange for such repair at their own expense. Such arrangements are to be in place before the OC is issued for the site or any form of development.

We thank the commission for the opportunity to provide this further submission and to highlight areas where we believe and argue that the application is deficient, and these matters alone are sufficient grounds for the IPC to refuse consent to the application as submitted.

Yours faithfully,



Neil J. Kennard

Pricilla G. Kennard

Roger J. Kennard



Denise Kennard

Peter Young

Karl Kaczmarczyk



Sheryl Edwards

Matt Edwards

Alicia Kaczmarczyk

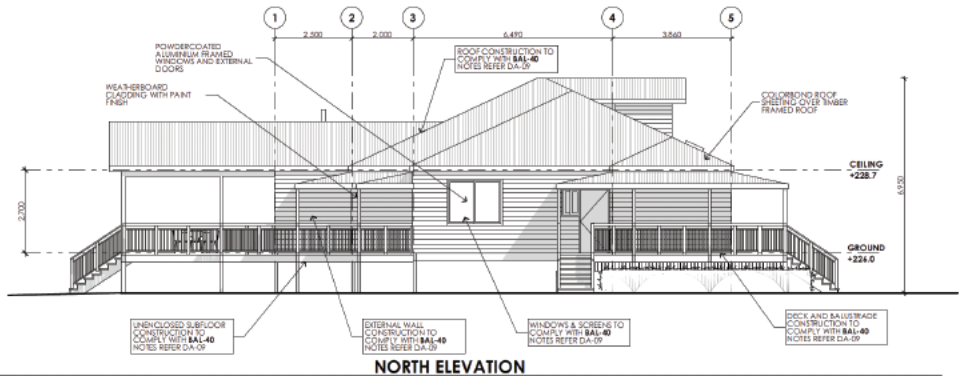
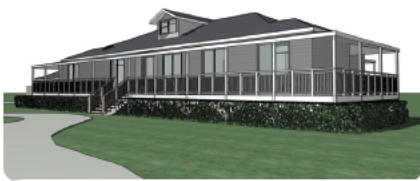


Giuseppe Tripolone

Maria Tripolone

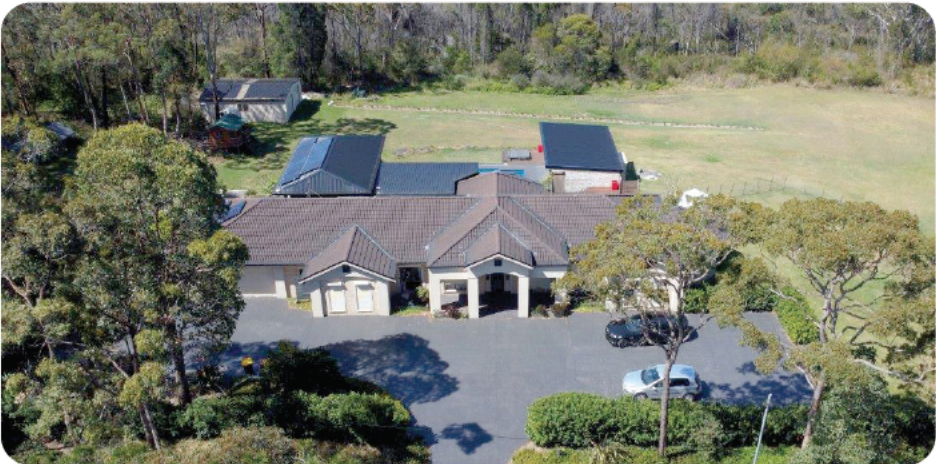
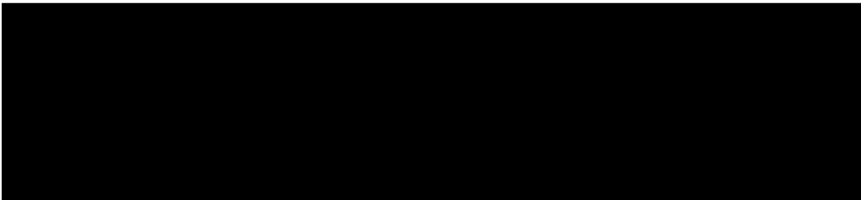
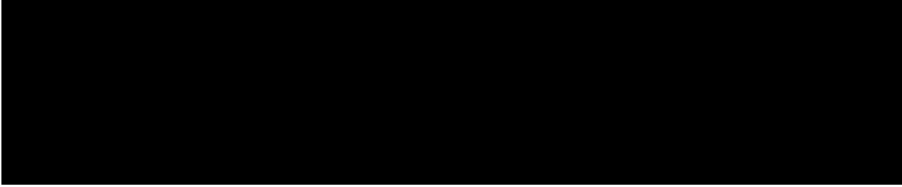
A
**CONCRETE
CRUSHING
FACILITY**
SHOULDN'T BE
IN THE SAME
VICINITY OF
THESE FAMILY HOMES
IN THE SOMERSBY
RURAL / RESIDENTIAL
AREA

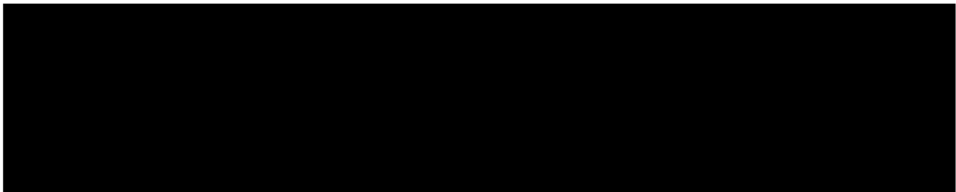
**MAKE THE
RIGHT CALL**



PRISTINE NATURAL OUTLOOK







BLIND BEND - GINDURRA ROAD EAST OF FREEWAY



ENTRY & EXIT POINT FOR B-DOUBLE TRUCKS FROM
RECENTLY APPROVED 3 SHIFT LOGISTICS WAREHOUSE
OPPOSITE 90 GINDURRA ROAD.

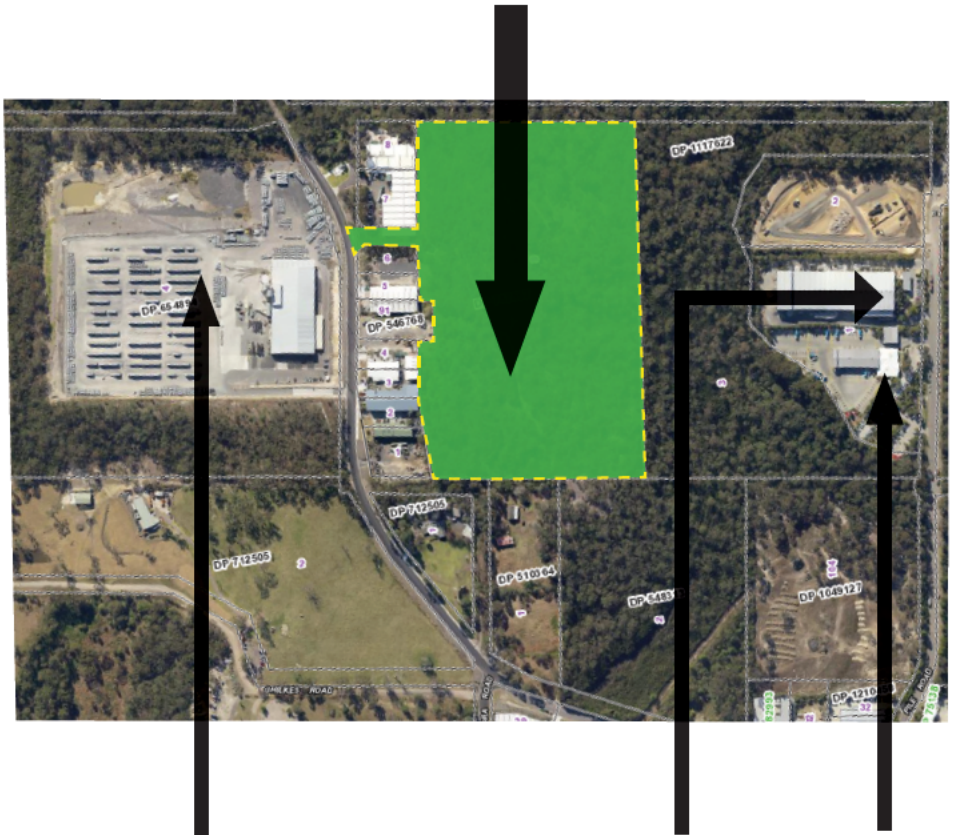


NARROW UNDERPASS - SCHOOL BUSES AND
AMBULANCES ALSO USE THIS ROUTE DAILY ALONG
WITH LOGISTICS B-DOUBLES.

THIS COULD BE A **BLACK SPOT** WITH THE
EXTRA 168 TRUCK & DOGS USING THIS ROUTE - THE FIRST
YEAR ALONE - COLLECTIVELY THIS IS GOING TO BE
COLOSSAL TRUCK MOVEMENTS ALONG THIS STRETCH

ALTERNATIVE SITE 168 SOMERSBY FALLS ROAD

IDEAL CONCRETE CRUSHING & RECYCLING SITE
(ALREADY OWNED BY APPLICANT)
SEE SUBMISSION BY ROD WALL - COASTLINK



EXISTING CONCRETE PIPE
MANUFACTURING PLANT

EXISTING
IQRENEW
RECYCLING
PLANT

EXISTING
CLEANAWAY
RECYCLING
PLANT

"IT'S A NO BRAINER!"

“ MY HUSBAND
WORKS NEARBY A
CONCRETE CRUSHING
PLANT

HE COMES
OUT TO A DUSTY
CAR EACH
AFTERNOON.

KARIONG RESIDENT ”

ENOUGH SAID