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INDEPENDENT PLANNING COMMISSION

PUBLIC MEETING

RE: KARIONG SAND AND SOIL SUPPLIES FACILITY PROJECT (SSD-8660)

PANEL: **DIANNE LEESON (Chair)**
PETER COCHRANE

LOCATION: **VIA VIDEO CONFERENCE**

DATE: **10.00 AM, TUESDAY, 9 NOVEMBER 2021**

MS D. LEESON: Good morning, and welcome to the Independent Planning Commission's electronic public meeting into the State significant development application for the Kariong Sand and Soil Supplies Facility Project, SSD-8660. I am Dianne Leeson, and I'm the Chair of this Independent Planning Commission panel.
5 Joining me is my fellow Commissioner, Peter Cochrane. We form the Commission panel appointed to determine this application. Before we begin, I would like to acknowledge the traditional custodians of the lands on which we variously meet and pay my respects to their Elders past, present and emerging and to the Elders from other communities who may be participating today.

10 Davis Earthmoving & Quarrying Proprietary Limited, the applicant, proposes the construction and operation of a resource recovery facility and a building products and landscaping supplies facility at 90 Gindurra Road, Somersby, located in the Central Coast Council Local Government Area. The site is approximately four
15 kilometres west of Gosford within the Somersby Industrial Park and covers 10.8 hectares of land zoned IN1, general industrial under the Gosford Local Environmental Plan 2014. I note that the Department of Planning, Industry and Environment in its assessment report has concluded that the application is
20 approvable, subject to conditions.

In line with the regulations introduced in response to the ongoing COVID-19 pandemic, we have moved this public meeting online with registered speakers provided the opportunity to present to the panel via telephone and video conference. In the interests of openness and transparency, we are live streaming proceedings on
25 the Commission's website. A full transcript of today's meeting will also be published on the Commission's website in the next few days. The Commission was established by the New South Wales Government on the 1st of March 2018 as a standalone statutory body operating independently of the Department of Planning, Industry and Environment and other agencies.

30 The Commission plays an important role in strengthening transparency and independence in the decision-making process for major development and land use planning in New South Wales. The key functions of the Commission include
35 determining State significant development applications, conducting public hearings and public meetings for development applications and other matters, and providing independent expert advice on any other planning and development matter when requested by the Minister for Planning or the Planning Secretary. The Commission is the consent authority for this State significant development application because
40 more than 50 unique public submissions were received.

It's important to note that the Commission is not involved in the Department's assessment of SSD applications, nor in the preparation of the assessment reports. Commissioners make an annual declaration of interest identifying potential conflicts with their appointed role. For the record, no conflicts of interest have been identified
45 in relation to our determination of this application. You can find additional information on the way we manage potential conflicts on our website.

This public meeting forms one part of the Commission's process. We have also undertaken a virtual site inspection and met with the Department and the applicant. An in-person site inspection is being conducted by the Commission tomorrow. Transcripts of all these meetings and the virtual site inspection have been published
5 on our website. The notes and photographs from the in-person site inspection will also be published on the website in the next few days. After the public meeting, we may convene with relevantly stakeholders if clarification or additional information is required on matters raised.

10 Following the public meeting, we will endeavour to determine the application as soon as possible, noting that there may be delay if we find that additional information is needed. Written submissions on this matter will be accepted by the Commission up to 5 pm Australian Eastern Daylight Time on Tuesday the 16th of November
15 2021. We invite interested individuals and groups to make any submission they consider appropriate during this public meeting. The Commission is particularly interested by submissions that are responsive to the Department's assessment report and recommended conditions of consent.

20 All submissions made to the Department during the exhibition of the environmental impact statement and response to submissions report have been made available to the Commission. As such, today's speakers are encouraged to avoid repeating or restating submissions they've previously made on this application. The Commission must emphasise that there are certain matters that by law it is not permitted to take
25 into account when making its determination and, therefore, submissions on such matters cannot be considered. These factors include the reputation of the applicant and any past planning law breaches by the applicant.

Before we get underway, I would like to outline how today's public meeting will be run. We will first hear from the Department of Planning, Industry and Environment
30 on the findings of its whole of government assessment of the application currently before the Commission. We will hear from the applicant second. We will then proceed to hear from our registered speakers. While we will endeavour to stick to our published schedule, this will be dependent on registered speakers being ready to present at their allocated time.

35 I will introduce each speaker when it's their turn to present to the panel. Everyone has been advised in advance how long they have to speak. A bell will sound when a speaker has one minute remaining. A second bell will sound when a speaker's time has expired. To ensure everyone receives their fair share of time, I will enforce
40 timekeeping rules. I do reserve the right to allow additional time as required to hear new information. In order to help us better understand your submissions, it would be helpful if each speaker could tell us whether they are representing a particular community group or business and what their interest in the project is.

45 If you have a copy of your speaking notes or any additional material to support your presentation, it would be appreciated if you would provide a copy to the Commission. And please note any information given to us may made be public. The

Commission's privacy statement governs our approach to managing your information. Our privacy statement is available at our website. Thank you. And it's now time to call our first speaker, and I will call Chris Ritchie, the Director of Industry Assessments from the Department of Planning, Industry and Environment,
5 who will give us a presentation on the Department's assessment and findings, followed by a short period for questions. Chris, do we have you?

10 MR C. RITCHIE: Yes. I'm here. I'm just going to share my presentation. And if you can let me know you can see my screen.

MS LEESON: We can. Thank you.

15 MR RITCHIE: That's great. Chris Ritchie. I'm from the Department of Planning, and I'm one of the assessment directors in the Department.

MS LEESON: Thank you, Chris. I was just going to ask could you put it to full screen. Thank you.

20 MR RITCHIE: Yes. There you are. So I'm going to present the Department's assessment, and I thank the Commission for giving the Department an opportunity, and good morning, ladies and gentlemen on the call. The Department has undertaken this assessment in accordance with the Environmental Planning and Assessment Act, and as the Commission has mentioned already, it is what we classify as a State significant development, which means that the Department is responsible for
25 assessing the project. That assessment is done in consultation with a number of other government agencies, particularly those that also may need to give another form of approval or licence for the project.

30 The decision rests with the Independent Planning Commission, given that there was more than 50 submissions and objection, and in terms of the process, there's a bit of a diagram down the bottom that illustrates the process and where we're at at the moment. So we've been through a public exhibition with the assessment, a response to submissions, the Department has made an assessment and a recommendation, and now we're meeting with the Commission and presenting the Department's report.
35

Just to sort of recap with the project – and there's a map to illustrate to location. I'm sure a lot of you are familiar with the location of the proposal itself. But the proposal is basically for a resource recovery facility, looking to process up to 200,000 tonnes of material per annum. The site itself is roughly 10.8 hectares, and it's located in the
40 Somersby Industrial Park, which is a relatively large industrial precinct which, I think, is one of the largest in the Central Coast area. The project has a capital investment value of about 14.8 million. It proposes to operate during the daytime, or 7 am to 6 pm Monday to Saturday, and there will be five construction jobs and 20 ongoing jobs. The diagram on the screen also illustrates some key sort of
45 infrastructure and aspects near the proposal, so you can see the context of the site in relation to road infrastructure and some sensitive receivers to the east.

In terms of the public exhibition, there was a fair bit of response to the first exhibition, which occurred in 2019, where the Department received about 432 submissions, the majority of which were objecting, so about 98 per cent. The Department also received advice from various agencies, including the EPA. A site visit was also conducted by the Department's assessment staff and a meeting with some landowners on-site in about February.

In terms of the engagement, the Department, as I said, received quite a significant response, and I will touch on it later, but there was also some changes to the project in response to a lot of community issues that were raised, but equally a lot of issues raised by the Department and other agencies, such as the EPA. That, in our view, warranted a further exhibition of the response, which occurred in 2020, of which at that time we received 165 submissions, with about 25 per cent objecting, 73 supporting, again, advice from various agencies, including the council and the EPA. And the Department also notified previous submitters and landowners and submitters to the original exhibition in 2019.

As I mentioned before, the response in terms of the first exhibition and the issues raised by the Department and the likes of the EPA resulted in a number of changes to the project, and some of these changes were sort of recommended or adopted by the applicant, but equally the Department raised the need to improve a number of environmental performances of the site in terms of trying to manage some of the impacts of the project, and the table on the screen now tries to simplify and show those changes from the original to what was amended with the amended proposal.

So in the first instance, we've got the notion of the annual throughput going from one stage of up to 200,000 tonnes to three stages, so a progressive increase over time, starting at 100 and then going to 200,000 as part of stage 3. Changing from 24 hour, seven day a week operation to a daytime operation, so 7 am to 6 pm. And also in terms of the original layout and operation of the site, a lot of it was what we call open aired in terms of how the project would store material or how material would be processed on the site. So that, again, changed to enclosing a lot of those more active sort of activities in terms of crushing and grinding works to basically enclose them into some sort of controlled environment, but also a lot of those structures, given what was occurring, would have dust suppression and misting systems to control emissions from the site.

There was also a lot of changes to the site access with the view of trying to basically manage access into the site, particularly by heavy vehicles, to ensure that, you know, there was appropriate upgrades and access would be restricted to really a right-hand turn and a left-hand egress out of the site, and a lot of that was to control vehicle movements on Debenham Road South in particular, and a lot of that had stemmed from issues raised, again, by the community, and I will touch on that later as part of the presentation. In terms of the key issues that the Department considered were key to the project, which is in our assessment report – so you've got operational air and noise, traffic and access, water management. And other issues that were also

considered included those listed on the screen, such as biodiversity, groundwater and bushfire management.

5 The screen here illustrates the site in context of some receivers that are located nearby, and as I mentioned before, the project is located in the Somersby industrial area or estate, and it is – being on the eastern side of that estate, which is a relatively large industrial complex, it is in a bit of a transition area to some of the receivers to the east. So that became a key focus of the Department’s assessment is in terms of what the project may mean in terms of the impacts on those receivers, and as I’ve
10 sort of touched on before, there were a lot of changes that stemmed from the exhibition and issues raised by ourselves, the Department and other agencies, such as the EPA, to manage some of those impacts, and will touch on those a bit more in the slides coming forward.

15 In terms of operational air quality, now, the development, as we are aware, would accept C&D waste material, so potential air-related issues related to air quality impacts from dust and particulate emissions, and the key sources were deemed to be concrete crushing activity, screening activities, vehicle movements and general handling of material. Now, it was a key issue raised in public submissions,
20 particularly from the crushing of concrete and silica dust generation. Now, the community – and we acknowledge that the community did seek some of their own independent advice in terms of supporting the issues that they had raised, and we did look at that quite carefully with the EPA. The applicant equally attained some additional air quality advice, and equally the Department in acknowledging those
25 concerns raised by the community engaged its own independent party to ensure that the concerns that were raised in those submissions were given careful consideration.

From a mitigation point of view, there’s quite a bit of proposed mitigation measures to try and control emissions from the site, but equally, as I touched on before, there
30 were some changes to the project, and a lot of that was particularly targeted at trying to control and manage the emissions from the site from an air quality point of view. So as I touched on, that included closures of activities and dust suppression on particularly those types of operations that might generate dust. And from an assessment point of view, the table there illustrates some of those key air emissions
35 issues that we look at and how it compares to the criteria, and as we can see – and that criteria is set by the EPA in their policies. The Department’s assessment found that those criteria would be satisfied.

40 Notwithstanding – and this is a bit of a theme in those key issues I touched on in terms of air, noise and water in particular. There are some very strict performance-based conditions that are looking to basically continue to observe and manage how the project will progress over time, so one of the key recommendations for the conditions including the site having its own metrological station on-site to give a lot more sort of accurate information in terms of weather patterns and behaviours.
45 There’s a lot of particular conditions around monitoring and air limits that will have to be met as part of an environmental protection licence that the EPA has advised could be granted for the project.

And there's a lot of progressive requirements on the applicant to basically demonstrate performance as they've increased through the stages of the project, going from 100,000 to 150 and 150 to 200. There's a lot of monitoring and verification requirements to ensure the project is performing as expected and as predicted and required by those criteria and limits that I've mentioned before. And a lot of that requires the applicant to provide information, which is more realistic information, which the Department will check and ensure those criteria and provisions are being met.

10 Another key issue for the assessment was noise, with front end loaders moving and grinding works occurring on-site. Then emissions from the site was a key issue that we considered. Again, the community did engage an independent party to give them some advice, which the Department looked at carefully. The changes, too, in terms of enclosing some of those materials or operations were, again, aimed at trying to control any noise emissions from the site, and in addition, there's an array of what we call barriers around some of that noisy operations, as well as the noise on that eastern boundary to, again, control operations. And just to point out again, one of those key changes is not allowing 24 hour but only daytime. It means there will be no night-time operations.

20 We acknowledge that there are some residents nearby and, again, we focused our assessment quite closely on noise to ensure the noise criteria specified by the policies could be met, and the Department was satisfied that based on the information that we had and equally the EPA were as well that that noise criteria could be met. Again, there are some strict mitigation measures geared at trying to, again, control noise to those acceptable criteria. Again, performance-based measures that require a progressive development of the site over a period of time to ensure that the noise criteria is being maintained and that if there are any instances or noise that is getting a little bit high that there's appropriate controls in place, and the Department needs to be satisfied that that is occurring before any stage can be progressed.

35 This figure here illustrates some of those controls that I mentioned, so the green marking on that figure illustrates some barriers, and that's aimed at around some of that noise, you know, aspects of the site. The eastern boundary there, we can see the noise wall which runs from south to north, so the different colours indicating the height of that wall, to, again, control emissions from the site, noting that the sensitive receivers are located on that eastern side.

40 Again, another key issue and particularly with the community was around traffic and access. So the figure on the right illustrates the key access infrastructure arrangements to the site, with the pink road indicating the major motorway and access coming off Wisemans Ferry Road and Gindurra Road. Again, the community did engage and get some independent traffic advice. The assessment did find that a lot of the – or the intersections that will be used as part of the project will still meet appropriate level of service. And again, strict conditions were added, again, to control the impact of – or potential impact of traffic on the local community.

So this figure here tries to illustrates some of those strict requirements that are included as part of the Department's recommendation. So if you look at accessing down Gindurra Road, there can only be a right-hand turn in for heavy vehicles. There is – we're not recommending any vehicles use Debenham Road South. So the

5 right-hand turn is geared at – and intersection arrangements to manage and control that. Equally, all vehicles coming out of the site will have to go left to exit the site, and, again, that's aimed at sort of steering away any community members – or any traffic away from the community as well.

10 There are also some strict conditions around those access arrangements which are in the Department's recommendation. There's the requirement of having a traffic operational management plan and a construction management plan to ensure that haul routes are specified and access is understood to control and manage traffic

15 some verification requirements in terms of traffic generation numbers, again, as required as part of that progressive staged increase of the project over time.

Now, from a water management point of view, the site includes a comprehensive water management system which essentially is designed to collect, treat, recycle and

20 reuse water within the site. The management system that I've just described includes six broad catchments, and depending on the level of risk – depends on, I suppose, the details around that water management system. And that effectively is aimed at separating clean and dirty water, maximising harvesting and reuse of water on-site. And one of the key aspects that we wanted to manage as part of our assessment and

25 recommendations was potential impacts on that Melaleuca forest located to the west of the site. Detailed conditions are also recommended to manage water management. Again, the notion of that progressive staging is geared at ensuring that the performance measures that the applicant has to abide by in terms of key discharge policies and management requirements is monitored over time to ensure that those

30 requirements are met.

Other assessment issues in the Department's report which we've been through in detail is around biodiversity, as displayed on the screen, Aboriginal heritage, bushfire management and visual. Now, there is a lot of strict conditions in the Department's

35 recommendation. So I've mentioned a lot around the staging, how there's no allowance for increase unless the criteria and performance has been met. A lot of the details around verification will actually utilise real information from the previous stages, which will be inputted as part of the request by the applicant to progress to the next stage.

40 The key part of our Department's assessment and recommendation is we have heard and listened to the community's concerns, and we've geared the assessment information we've asked for and conditions around managing those issues that were raised, and as I've mentioned before, enclosing key aspects, not having 24 hours, not

45 having access on certain roads and having noise controls around the site. Now, I know there's a lot on this figure, but that's an illustration to try and explain and visualise the progression from stage 1 to 2 and 3 and the various steps that will be

required for the applicant to justify and verify that progressing to the next stage will satisfy the particular criteria and performance measures specified by the conditions and the licences. At each stage, the Department will have a role in assessing and making sure that that has been done right and that that criteria is being met.

5

A quick overview of the outcomes and restrictions around the Department's recommendation. I've mentioned the access and use of some of those key road infrastructure near the residential locations, the no right turn lane out of the site to, again, control traffic, the performance measures in terms of progressing over a period of time from stage 1 to 2 and 3 to, again, control and make sure that the site is performing as expected and the idea of having a lot of mitigation around dust and noise control to, again, manage impacts from the site.

10

Touching on quickly – there are a broad range of benefits to the project in terms of diversion of material away from landfill, capital investment value and jobs as well. Quickly over the valuation, the Department has done a detailed assessment of the project. We've considered carefully the community issues raised and advice from agencies. We do acknowledge that after that there is still concerns within the community and some of those concerns still exist despite, I suppose, the outcomes of the Department's assessment and recommendation. However, the Department has made some changes to the project since the EIS was first received and exhibited with the view to making and reducing potential impacts of the project. With those changes and a raft of conditions, the Department considers the impacts can be managed to an acceptable level.

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As an overall, the Department considers the project achieves an appropriate balance between providing critical waste infrastructure for the region, associated benefits while trying to manage those impacts as I've described. As such, the report provided to the IPC has recommended that it is approvable, subject to those conditions that have been recommended. So that is the Department's presentation.

30

MS LEESON: Thank you, Chris. Thank you for that. We went a little over time, but I think it was well worth hearing it all for the benefit of both the Commissioners and the community. Peter, do you have any questions of the Department? I have a couple of questions, if I can. You talked a couple of times about the involvement of the EPA, and you have a number of draft conditions in there that go to environmental matters. Can you confirm that you've picked up all of the EPAs issues in the conditions as drafted?

35

MR RITCHIE: As a broad response, I would say that we have included the key aspects of what the EPA has recommended, noting that the applicant will need to obtain a separate licence from the EPA, which will prescribe in a lot more detail some of those environment licence conditions that the applicant will need to address and satisfy. So in terms of recommendations around air emissions and noise, then I would say the Department has incorporated the requirements of what the EPA have recommended.

40

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MS LEESON: Thank you. And the second question I have is acknowledging that the proposal is now not a 24 hour facility and air quality has been a significant issue of concern for many members of the community, there's a misting system proposed. My question is whether it's evident now or whether it will be covered in a plan of management about how that misting system would operate overnight, so when the site is not occupied, is it automated misting systems for the open areas? You may not have the answer to that now. It may be intended to be covered in a plan of management, but I seek your comments on that.

10 MR RITCHIE: There certainly is the notion of having a plan – or an air quality management plan. So the conditions themselves have four key components. So you've got an air quality management plan, you've got a monitoring requirement, you've got a verification requirement, and then the staging sort of increase requirement. So I would say a lot of the details on how that misting will work will be prescribed in that first management plan that I mentioned, but in terms of it 15 operating of a night-time, I would generally say it's if and when there's a physical activity occurring and that's when the misting will be required, but I daresay the details on how that's going to work will be described more in that management plan that the Department will be required to receive to our satisfaction.

20 MS LEESON: Thank you. Thank you. I have no further questions for the Department, so unless you do, we will - - -

MR P. COCHRANE: Actually, Chris, I do have one question for you. In the project noise trigger levels for each receiver, which is table 9 in the Department's assessment report, it refers to industrial receivers, and it has quite a high threshold of noise level. And my question is the industrial users are actually a little further away than the rural residential users, and yet the industrial users have a higher project noise trigger level. Could you explain that, please.

30 MR RITCHIE: So depending on the land use, basically it will depend on the type of, I suppose, criteria that you're aiming to achieve. There's probably more details I can come back to the Commission on to describe how the policy works in a lot more detail. But in essence, there's an appreciation that those industrial users are equally 35 generating a particular level of noise, and from a community or sensitive receiver point of view, being that, you know, they might be home 24 hours or a lot of the time and – it's a different way of trying to sort of manage that noise to a more acceptable level. In terms of in this instance why that noise is sort of registering at that particular criteria compared to the sensitive receivers or community, then the Department can go away and provide a bit more details for the Commission.

MS LEESON: Thank you, Chris. And if you could provide that in the next few days, that would be appreciated, so that the Commission can take that into account as we deliberate. I'd like to thank the Department for their time this morning, and we'll 45 move to our second speaker, who is Eric Davis, the CEO of Davis Earthmoving & Quarrying Proprietary Limited.

MR E. DAVIS: Good morning, everyone. I'm Eric Davis, the CEO of Davis Earthmoving. Firstly, I'd like to thank the public for the feedback we've received on our facility. We've made some considerable changes to the site to address all the public's concerns and had several peer reviews done on all the key issues. Mark will
5 go through the changes shortly, which will cover them off for you on a slideshow there. I'd also like to thank the people that have given the overwhelming amount of support for the project. It's heart-warming and encouraging for our family. So many people are behind this project. Even the little local gestures of support, like Stacks Takeaway in Somersby offering to put information flyers and banners in their shop
10 window. We will also form a committee to have ongoing quarterly meetings to ensure any future concerns can be addressed.

This facility will create a broad range of jobs for locals young and old. For example, mechanical apprenticeships and qualified mechanics, welder apprenticeships and
15 qualified welders, trainee truckdrivers and experienced truckdrivers, trainee operators and experienced operators, labourer positions with the opportunities to upskill in the direction they would like to go in, administration and accounting positions, sales positions and cleaning staff will all be needed for this project. Also, local subcontractors will be needed to be used. We'll need laboratory services, fuel
20 delivery service, auto electricians, plumbers, painters, tyre fitters, hydraulic hoses and fitting repairs will need to be done on an ongoing basis.

We have already had discussions with the local youth detention centre about taking people on day release to work on our site, giving them an opportunity to create a
25 career for themselves. Currently, we support the Central Coast Riding School for the Disabled and do what we can to help Jenny out with site and keeping upkeep on her roads and the general facility. Once our site is up and running, our family are looking forward to the opportunity to help the community with what we can. And that's all. Thank you for your time.

30 MS LEESON: Thank you, Eric. I think you have Mark Jackson to make a presentation on your behalf.

MR DAVIS: Yes. Thank you.

35 MS LEESON: Okay. If we can turn to that now. Thank you.

DR M. JACKSON: Yes. Thanks, Commissioner Leeson and Cochrane, for the opportunity to make a brief presentation to the public meeting just to highlight a little
40 bit more background to the proposed development and how the development has actually changed in response to community feedback. I'd just like to thank the Department of Planning and Chris Ritchie and his team for his guidance and support through this process, too. So hopefully everyone can see that shared screen now. That's coming through okay?

45 MS LEESON: Yes, it is. Thank you.

DR JACKSON: Okay. Thank you, Commissioner. I will just go to the next slide. So I will quickly run through a little bit about the applicant and the need for the project, and then we'll touch on the proposed development area. I'll highlight the environmental controls proposed to be put into place and the additional controls
5 adopted in response to community feedback. I know the Department has touched on those quite comprehensively, so I will just do a quick flyover without repeating them too much. We'll have a look at the staged increase in operations to validate the performance and provide that assurance to the community that the site is going to be managed according to best practice and all conditions of consent. I will touch on the
10 ongoing monitoring and environmental management commitments and how to seek some further information about the project. About the applicant. So Kariong Sand and Soil Supplies is - - -

MS LEESON: Excuse me, Mark. Excuse me, Mark. Just before you continue, I'd
15 just like to make sure that you understand there's a 15 minute timeslot so that we can keep our - - -

DR JACKSON: Absolutely.

20 MS LEESON: - - - program today and just to tailor your presentation accordingly.

DR JACKSON: Absolutely, Commissioner.

MS LEESON: Thank you.
25

DR JACKSON: That's okay.

MS LEESON: Thank you.

30 DR JACKSON: So about the applicant. So David Earthmoving & Quarrying, as we've heard this morning, is the applicant, and they'll be operating the Kariong Sand and Soil Supplies business. And Mrs Sue Davis will talk a little bit in a moment in relation to the background to the family and their commitment to the project and this part of Somersby as well. So in terms of project need, there is a significant need for
35 more recycling infrastructure on the Central Coast. Recycling rates are quite low on the Hunter and Central Coast, about 44 per cent. Government has made strong commitments to increase recycling to 80 per cent by 2030, and, therefore, significant infrastructure is going to be required to target an increase of recycling of up to 460-
40 odd thousand tonnes a year.

Now, I've just got some statistics there. Look, recycling is not only beneficial for the environment, but it's good for jobs and the economy, with recycling creating just over nine jobs per 10,000 tonnes of waste recycled as opposed to disposing waste and landfill, which creates a lot fewer jobs. Now, this slide just highlights the range
45 of different sort of products which will be manufactured and sold commercially from the facility, so it includes a range of landscaping and building supply products like aggregate and road base, drainage material, sands and mulches, which will go into a

range of sort of domestic landscaping and also commercial landscaping and building projects.

5 Chris touched on the proposed development area, but that's just an overlay of the proposed development on the site, just highlighting that the rear bushland to the south will be retained as a buffer between the site and the Kariong township, which is over a kilometre away, and we'll talk about some of the environmental controls in just a moment. So we've got a 3D render here which is just providing a artist's representation of the proposed development once fully built. So I'm not going to go through every single control here. I know that Chris has gone through a number of these already. But access controls are integrated within the proposal, such that there is a right turn treatment into the site.

15 There is a concrete barrier preventing trucks exiting the site and using local roads past rural dwellings, so that will be prevented. And there will be a driver training program and an operational traffic management plan which will need to be implemented, too. As the Department has mentioned, air quality and dust management and noise are key issues that the community has raised during the exhibition process, and the proposed development highlights and has adopted a series of environmental controls to make sure that those matters are well managed.

25 So I'd just like to highlight some of those particular aspects which have been adopted in response to community submissions. So the process involving timber shredding or timber processing are located at maximum distance from dwellings at the rear of the site. That operation is fully enclosed in terms of the mulching operation. There's additional noise walls built around the operation as well, in addition to the five metre noise wall, which I hope you can see there, on the eastern side of the site. There's additional enclosures and infrastructure around the concrete processing plant as well here, which I'm highlighting, significant changes to water management systems, such that there's significant on-site detention and recycling of water across the whole site to maximise dust control and ensuring air quality impacts are absolutely minimised.

35 Waste receipt into the site will be from obviously Gindurra Road over the weighbridge into the site along a concrete hardstand, and those materials will be tipped and inspected in this tip and spread building. Those materials will then be stored in these bays and transferred to various parts of the site, such as timber mulching, concrete recycling and also secondary sorting in this fully enclosed warehouse as well. So that's just a quick summary of some of the environmental controls which have been adopted to make sure that this proposed development is in line with best practice.

45 I have a summary here of the additional controls implemented which I've already sort of partly touched on. But just elaborating on some of these in particular, there will be a weather station on-site, as the Department has mentioned, as well as a commitment to staged operational increases, subject to the verification of performance, and that's quite a critical aspect of the development which has been

adopted as a draft consent condition. And there is a commitment to continuous monitoring of noise and air quality associated with the project as well to make sure that the operator is on top of those issues at all times, and if there are issues which have been detected, they can be managed immediately on-site.

5

As I mentioned before and summarised by the Department as well perhaps a little bit better, there is three separate stages of approval subject to ongoing post-commissioning audits and also verification studies to validate that the site is operating in accordance with the conditions of consent and best practice as well. So those three stages are stage 1 in relation to scale up to 100,000 tonnes per annum, stage 2 is up to 150,000 tonnes per annum, and stage 3 is up to 200,000 tonnes per annum as well. And it's really important to highlight these stages provide the opportunity to potentially implement additional mitigation measure should they be required to better control the environmental impacts of the development.

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As I mentioned before, there is a significant series of commitments the proponent is – or has offered to make in relation to this development, and the Department has touched on some of those operational management plans or environmental management plans for the development which will need to be implemented post-approval, so they're all listed there, as well as ongoing environmental monitoring of those aspects which I've highlighted. And also it's important to note that the applicant has made a commitment to establish a community consultative committee, where that will meet once a quarter to take the feedback from the community in relation to any matters which they feel need to be better managed on the site, and that will provide a forum for two-way feedback in relation to the performance of the development.

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So that's just a quick summary of the main changes to the development. I would encourage members of the community to touch base with Kariong Sand and Soil Supplies via their website, which is kept up-to-date with the latest information and developments, and, of course, you know, having a talk to the applicant or our office at any time. Thank you very much, Commissioners, and I'm happy to take questions if there's any.

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MS LEESON: Thank you. Thanks very much. Peter, do you have any questions for - - -

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MR COCHRANE: Thanks. Thanks, Di. Thanks, Mark. Just a couple of questions. On the western boundary with the – where there is a noise wall that you showed, is the proposed bioswale on the inside or outside of the site – or on the inside or outside of that western noise wall? It's not entirely clear on the diagrams.

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DR JACKSON: Yes. Sorry, Commissioner Cochrane. Yes. You can just see that bioswale graphically shown here along the western side. So that is, like, a – it's, like, a grassed little sloping drain which is vegetated. So all the stormwater runoff which is received from the open areas associated with the landscape supplies and also the process area drains towards, so it goes through a gross pollutant tract, then that clean

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water goes through that filter. That filter strip or the bioswale is within the site and it's within the retaining wall which is built on the western side of the site. So it's within the boundary. It's approximately five metres wide, I believe, and that will be maintained for the life of the development. And it's a really important sort of water quality management feature of the development.

MR COCHRANE: Thank you.

MS LEESON: I have a couple of question from my perspective. Thank you. You talked about an area of hardstand. Is the entire site to be hardstand, all the external areas, or just that traffic path for the heavy vehicles?

DR JACKSON: Thanks, Commissioner Leeson. So there's a mix of hardstand types proposed across the development. So we have a concrete hardstand which is proposed for the entrance driveway, car park, around the warehouse through to the tip and spread building here, and this is the most trafficked areas of the site. The product storage bays at the front of the site for landscape supplies, as well as the centre of the site and the rear of the site associated with waste storage, we have a sealed asphalt pavement proposed beneath those areas. And the rest of the site comprises a crushed concrete hardstand to support sort of all-weather operations across the site. And I should also mention, Commissioner, the whole site has a layer of geotextile membrane beneath it to provide basically a water impervious barrier between the site and groundwater to make sure that groundwater is protected at all times.

MS LEESON: Thank you. You did explain the membrane issue to us in our stakeholder meeting last week. I was interested to just clarify the extent of sealed hardstand, and that's done it for me. Thank you very much. The Department referenced earlier fully enclosed areas for the crushing equipment and the mulching. In your slide, you referenced it as additional enclosed areas. Can you just clarify whether those two buildings are intended to be fully enclosed or partially enclosed?

DR JACKSON: Yes. Thanks, Commissioner. So you can see here, for example, this is the timber mulching building. So the building is actually enclosed fully at the loading side. So we have a series of sliding doors which will enclose around an enclosed conveyor. Eric, you might be able to explain it a little bit better perhaps in terms of the level of enclosure around that part of the operation. Did you want to make a comment?

MR DAVIS: Yes, Mark. I can take over. So the tip and spread building is a three-sided building to allow the trucks to back into and tip into. The mulcher and crusher building is fully enclosed with obviously an infeed hopper which is sealed around it and an outer conveyor which is sealed around it. So there is a conveyor coming out of the building, but that's enclosed as much as we can. The crusher unit itself is fully enclosed in the two buildings. What changed was originally the crusher and the mulcher building had complete open ends, so we've sealed those ends due to the

community feedback we got. We've sealed the crusher and the mulcher building now.

5 MS LEESON: Thank you. That clarifies it well. The other question I have you may have heard me ask the Department was around the misting, the overnight issues and controls of wind and airborne particulates in the evening. Given that you're not
- - -

10 MR DAVIS: Yes.

MS LEESON: - - - a 24 hour facility, can you explain how you intend to operate overnight? I know you've committed to a monitoring station, but it's the overnight condition I'm interested to understand a little more.

15 MR DAVIS: Yes. That's fine. The site will be wired up with Kambus and cameras, and the monitoring stations will be linked back to us. We'll have certain triggers that will trigger the sprinkler systems automatically. We will generally water the whole site before leaving, and we'll be monitoring weather conditions. So
20 if we know it's going to be a windy night, we'll put measures in place to turn the sprinklers on and everything. But it will all be remote control or computerised. It will automatically come on in windy conditions, all the sprinklers, through Kambus.

MS LEESON: Thank you very much. Thank you. I have no further questions. Thank you. So we might move to our next speaker, Sue Davis, and then after that
25 presentation, we will have a short break. So Sue Davis. Thank you.

MS S. DAVIS: Good morning, Commissioners and members from the public. My name is Sue Davis. I am the director of Davis Earthmoving & Quarrying Proprietary Limited, and I am Eric Davis' mother. Thank you for the opportunity to speak on
30 behalf of the proponent, Kariong - - -

MS LEESON: Ms Davis, can I just ask - - -

35 MS DAVIS: - - - Sand and Soil Supplies.

MS LEESON: Sorry to interrupt. Can I just ask you - - -

MS DAVIS: Yes.

40 MS LEESON: - - - to speak up a little. You're a little difficult to hear.

MS DAVIS: Okay then. Thank you.

45 MS LEESON: That's better. Thank you.

MS DAVIS: My late husband, Ray, started our business back in 1975. I have been working full-time in our family business for the past 40 plus years. I've been

personally involved in all aspects in the day-to-day running of our business, and our family has worked to continue Ray's vision for a sustainable future. We have a reputation for always conducting ourselves honestly and ethically, abiding by relevant acts and regulations, with strict safety policies and responsible management.

5 When our business is operating the Kariong Sand and Soil Supplies Facility, it will be no different.

10 Whilst we originally started out in earthmoving and quarrying, we soon progressed our business into recycling, realising the importance of recycling materials rather than extracting raw products from the earth. Our business was recycling well before anyone else. We imported our first recycling crusher from Germany in the late 1980s, which was one of the first of its kind in Australia. The company went on to expand its fleet of equipment to handle various recycling activities involved in the circular economy.

15 Our company invested in environment equipment built specifically for the purpose of maximising recovery of waste resources and producing ecologically sustainable products. We have been specialising in the service of waste reduction and recycling operations for decades at various sites for councils and private companies around
20 New South Wales. Our family has always had a vision to operate its own facility, and after years of gaining knowledge and experience in the use of the latest innovative technology, we have identified how we can do it effectively and efficiently.

25 We purchased our property at 90 Gindurra Road, Somersby in 2017 as it had an approved DA for recycling that existed since 1992 and it was a running recycling facility. There is a historical use on this site for recycling. We saw the potential that we could improve this facility and enhance it by bringing it up to a state-of-the-art development. The property is an industrial zone located in the Somersby Industrial
30 Park, which I believe makes it very suitable for our proposal for a recycling facility. We have invested a lot of time, money and energy into designing this facility to the highest possible standards. It will be a leader in its field using best practice methods. You may ask where can we see a similar facility? They are very limited to find one that meets the standards we have, as our facility is using best practice, the latest
35 technology, ideas and features.

Over many years, we have engaged with a range of consultants who are experts in their field. We have had reports prepared and peer reviewed on all of the key issues. We have engaged with the community, listened to concerns and improved our
40 designs and systems to mitigate these concerns and to ensure our operations and procedures will be of the highest level. The staging of processing capacity will ensure key environmental practices are met before progressing to the next stage. We will create jobs, support the local community and service the region of the Central Coast in providing a service for recycling building construction waste and supplying
45 recycled materials for use back into the community. And it's very encouraging that the Department of Planning, Industry and Environment has recommended our

proposal for approval, subject to conditions. I am confident the proposed facility stands up on its own merit. Thank you.

5 MS LEESON: Thank you, Mr Davis. Any questions from the Commission? No. Thank you very much. There are no questions from the Commission for you, Mrs Davis. We will now take a short break, and we will resume at 11.25 with Mr Laurie Bowtell. So we will resume at 11.25. Thank you.

10 **RECORDING SUSPENDED** [10.56 am]

RECORDING RESUMED [11.25 am]

15 MS LEESON: Welcome back. We'll continue our public meeting into Kariong Sand and Soil Supplies Facility Project. Our next speaker is Laurie Bowtell. I hope I've pronounced that correctly. This is an audio presentation only, so we'll hand across to you now. Thanks, Mr Bowtell.

20 MR L. BOWTELL: Good morning, Commissioner. My name is Laurie Bowtell. My family and I have been operating a wholesale soil and potting mix and mulch business since the late 80s. We've been working with Eric Davis probably since 2001, 2002 and continued to and have a good – have a very good relationship. But
25 what I'd like to talk more about is climate action. Unwittingly, we've been drafted into it. Like, for instance, I'll just talk about cement for a moment. Cement uses huge amounts of electricity to produce it, like, more than aluminium, and then cement is the main component of concrete, which is sand, cement, aggregate and coal boiler ash. Now, any reduction in that production from new to recycling has got
30 to be applauded.

Now, the next thing is we buy – we don't – yes – we buy the mulches off Eric for our base mix for our soil mixes. We've been doing – and the reason why we do that is it's a very, very good product. It's virtually about 99 per cent contaminant-free.
35 And we use fairly large volumes of it. That goes in probably three or four of our soil mixes and a couple of the potting mixes. Now, over the years, we have – those potting mixes and soil mixes have contributed to the growing of millions and millions of plants, trees and square metres of turf. Now, I don't know what the exact figures are or how much carbon we reduced or whatever, but it is a massive amount.
40 And people like us and Eric, we're the bread and butter of climate action. We don't go around – we don't go running around with cardboard placards which are made out of woodchip or jumping in plastic boats and going and taking on a big ship or any of that sort – or defacing road barriers and things like that. We do it for a living, and we've got to do it every day.

45 Now, he makes the best quality stuff, and, look, it is to our benefit if he sets a new yard up at Kariong because it just takes out half a dozen trips or more a week for us

to go to Sydney, which has got to be a – well, it will reduce our carbon footprint, if I want to put it that way, but ideally it's a lot less fuel and time and not having to go physically into Sydney. Now, we produce – I'm not sure – probably at this time of the year 1500 cubic metres of mixes a week. It's probably a little bit less during
5 winter obviously. COVID has increased our demand for one reason or another, which I'm not sure – I can't really explain. I suppose people are trapped at home. We rely on good quality products from the Davis family, and we've got a very good relationship with them.

10 Now, if we were to leave our – if this yard gets legs at Kariong, we've got a set of traffic lights at Heatherbrae, a set of traffic lights at Hexham, and that's it. No more lights, no more turning, anything. We're straight to his yard. And when we get to Kariong, it's two right-hand turns, and we're in his yard. So it's just – from our personal point of view, it's just a lot better than having to travel into Sydney. But
15 I'm not sure – I've never sat down and worked out what our carbon footprint is. There hasn't been a need to do it so far. But we – in our business, we were doing it long before all this climate change thing started, and now unwittingly we're right in the middle of it. And like I say, dealing with the Davises, I wish everybody else we dealt with was as good as those people. I don't know.

20 I'm not sure that there's a real lot more that I could add to that, but – yes. Yes. It's just – look, I mean, it will help us greatly. That's the bottom line, but, you know, everyone – I can't understand – I'd like to know where there's a better site to do it. It's – and Eric has done such a good job. Because some of the places we do go to,
25 getting some material are very, very dodgy, especially compared to this setup. This setup is probably one of the better ones I've seen. So that's about all I can add to the – that's about all I can add actually.

MS LEESON: Thank you, Mr Bowtell. I just have one question. You mentioned
30 how you access the yard or would access the yard, and I think you said that effectively it's two right turns and you're facility. Can you just describe the route that you would take to get from Port Stephens – particularly the last couple of kilometres, the route you would take from Port Stephens into the site?

35 MR BOWTELL: Yes. Yes. Well, we're just north of Raymond Terrace, probably 10 kilometres north of Raymond Terrace. We're just off the Pacific Highway. We turn right onto the Pacific Highway from our yard here. We've got a roundabout in Heatherbrae, a set of traffic lights at McDonald's in Heatherbrae, and we've got
40 Hexham Bridge lights, and then it's just M1 basically to the Gosford turnoff. We go down the offramp – down the offramp at Gosford at Somersby. You turn right there. That takes you into the Somersby Estate. You go up the road a little bit, turn – I think there might be a roundabout somewhere through there. You turn right again, and then you're basically in Eric's yard.

45 MS LEESON: So to be clear, you would come along Gindurra Road from the west, then turn into the site with a right-hand turn.

MR BOWTELL: Yes. From the east. So we take the offramp – we take the offramp off the M1 going southbound, which is on the – so you're on the Gosford side of the M1, and you turn right there and go underneath the M1 back up to Eric's.

5 MS LEESON: Okay. I think I'm clear. It's intended – or the Department has recommended conditions that would indicate a right turn only into the property and a left turn out of the property only. Is that how you would approach the site now?

MR BOWTELL: Yes. Yes. Definitely. Yes.

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MS LEESON: Okay. Thank you. I just wanted to be clear and understand your intended means of access to the site. Thank you for that. Mr Cochrane.

MR BOWTELL: Okay. Thank you.

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MS LEESON: Just a moment. We have another question, please, Mr Bowtell.

MR COCHRANE: Hi, Laurie. Peter Cochrane. Thank you for your presentation. Reducing carbon emissions seems to be very important to you. Can you indicate
20 how your customers see that? Is that a reflection of your personal view or is that a whole of business feeling?

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MR BOWTELL: I think generally most of our customers agree with it. I mean, some people aren't – some of the people we deal with are very doubtful about
25 climate change. I probably am a bit myself. But we know our actions are contributing – our actions are contributing to improving things. That's the main thing. Like, I couldn't tell you – we've got one customer – excuse me – a couple of potting mix customers up the coast who plant thousands and thousands of trees in our
30 pox mixture every week. So how – no one has really sort of commented to me and said, look, how much we're improving the environment or done the numbers on it. I've got no doubt at some time we'll have to. But they're aware of what we're doing, but whether it's their main focus I'm not sure.

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MR COCHRANE: Okay. No. Thank you very much.

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MS LEESON: Thank you. And - - -

MR BOWTELL: Thank you.

40 MS LEESON: And thanks for your time and presentation this morning, Mr Bowtell. We'll now call Adam Lowe, and I understand Mr Lowe is also going to do this presentation by phone, given some technical difficulties this morning. Can we hear from Mr Lowe, please.

45 MR A. LOWE: Yes. Good morning.

MS LEESON: Good morning.

MR LOWE: Hello.

MS LEESON: Good morning. Welcome to the Commission. Could we – we'd like to invite you to make your presentation now. Thank you.

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MR LOWE: Yes. Thank you, Commissioner. Can you hear me okay?

MS LEESON: We can. Thank you.

10 MR LOWE: Excellent. I'll start with an introduction. As you know, my name is Adam Lowe. I'm sole director of Adam Lowe Earthmoving Proprietary Limited. And as it turns out, I'm also a neighbour now on the eastern boundary of the proposed facility, so I'm wearing two hats today. I'm an associate and a client and a customer of Davis Earthmoving & Quarrying, and I have become a personal friend
15 as well over a 20 year relationship with the Davis family, in which I have found the family to be very honest, diligent and professional with the utmost integrity, running a late model fleet of very well-maintained equipment. They have been leaders in the recycling industry for many years and serviced many government departments as well. I met the Davis family in recycling. I've owned crushers and a slow speed
20 shredder myself, recycling the mattresses, etcetera, for government departments and councils, and have always maintained a very good relationship.

This facility at Somersby, I believe, will be state of the art and set a new industry standard. There is only one other that is anything like it that I know about. And I
25 also believe there is demand for this facility at Somersby, and I know that numerous clients are looking forward to this facility opening. Some people have suggested there are better places for it. I cannot understand where it would be better than in an industrial estate. And there was also a lot of opposition originally that I do not know was justified and there was a lot of signage and, I think, a lot of misinformation put
30 out. I have a number of staff that live at Kariong, and I was born and bred on the Central Coast, and we've run our business here for the last 30 years. I know many, many people, and I haven't seen really – I've seen minimal concern and opposition. The stringent standards that have been put in place and the monitoring standards, I have no concerns, and I will be a neighbour. We have just purchased 10 acres right
35 next door.

So the other things. I don't want to repeat too much of what's been said already, but also obviously this creates jobs, it's going to provide a recycling service that as Laurie and a number of other people said is definitely required recycling. What else
40 is there? I don't know if people realise that this facility was used for exactly these purposes for the last 15 to 20 years on that site.

MS LEESON: Are you still there, Mr Lowe?

45 MR LOWE: Commissioner, can you still hear me okay?

MS LEESON: Yes, we can. Thank you.

MR LOWE: Good. Okay. Yes. So this facility was used for the last 15 to 20 years for crushing concrete, doing soil mixes, mulching, etcetera, and I don't think that was done in a very professional way by the previous people. But I think it was, you know – the impacts were so little that most people didn't even realise it was being done
5 there.

MS LEESON: Thank you, Mr Lowe. That was the one minute signal for you. Are you almost complete?

10 MR LOWE: Yes. I didn't hear that, but anyway. So I'm pretty well complete. Just to say – yes – I support this proposed facility in the highest way and wish them well.

MS LEESON: Thank you very much. Thank you for giving us your time this morning. We'll now move – sorry. Did you have a question? Sorry. If you're still
15 there, Mr Lowe, we have a question.

MR COCHRANE: Just one question. It's - - -

MR LOWE: Certainly.
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MR COCHRANE: - - - Peter Cochrane. You've just bought 10 acres adjacent to the property. Will you be a resident then?

MR LOWE: Adjoining the property. Not exactly sure at this stage, Peter.
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MR COCHRANE: Okay. Thank you.

MR LOWE: Thank you.

30 MS LEESON: Thank you. I apologise for that. We have no further questions, so, again, thank you for your time this morning. We'll now move to Matthew Gilsenan. Mr Gilsenan, you have five minutes for your presentation.

MR M. GILSENAN: Thank you. Hello.
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MS LEESON: Good morning.

MR GILSENAN: My name is Matt. I'm a carpenter, and I have a construction business. I'm also a property owner on the Central Coast. I do support the facility.
40 The facility is located in an ideal area in the Somersby Industrial Park. From a builder's point of view, there's just so much waste that comes off the site, so to be able to take it to a facility like Kariong Sand and Soil and recycle it and, you know, tip off and pick up in the same load, it's just really ideal for us. To see more opportunities like this is going to be great. So personally, I'd like to, you know, take
45 less and put less, you know, building material in landfills, so a facility like this is just going to be, you know, great for the future, great for future generations.

So I have building jobs coming up in the area, so, you know, I'm going to be taking advantage of this site once it's up and running to be able to, like I said, tip off in one load and then, you know, fill up in the other. That's just going to be, you know, cost effective and just great, great for the, you know, construction industry itself. We've
5 worked for the Davis – we've worked with the Davis family for over six years. They've done all our excavations, and we've bought recycled products off them previously. So reading through all the assessments and everything, you know, I fully support what they've done and the effort that they've gone to, and with the New South Wales Department of Planning, you know, giving it the tick of approval, I
10 hope everyone sort of gets behind it and, you know, supports it as well.

MS LEESON: Thank you. Was there anything else you wanted to - - -

MR GILSENAN: No. That's it.
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MS LEESON: - - - advise the Commission? No? All right. Thank you very much, Mr Gilseman. Now, we might be a fraction ahead of time. No. We're good for time. We'll now call Sheryl Edwards. Ms Edwards. And you'll have five minutes - - -

20 MS S. EDWARDS: Hi. How are you?

MS LEESON: - - - to present to the Commission. Very well. Thank you. Yourself?

25 MS EDWARDS: Yes. Not too bad. Not too bad.

MS LEESON: Thank you.

MS EDWARDS: As you know, I'm Sheryl Edwards, and I actually live on an
30 adjoining property at 10 Acacia Road, Somersby. We're only 110 metres from the boundary approximately of this development. I suppose I come from a different aspect to the people that have previously presented this morning. I come from a residential perspective here, which to us is a massive concern. We're all for protecting the environment and we're all for recycling and all that sort of stuff, but
35 this development for us – as a personal family, we have seven members that live here – is a major issue for us. My concern is particularly – or the family's concern is the dust, noise and vibration issues that will come from this site. It is definitely something that will happen.

40 We have had – in the development of stage 1, we have noticed emissions that were in our home through a Dyson fan that measured VOCs in one of our closed rooms in our house, and it did actually notify us that the levels weren't very good, that the air quality was poor to very poor at times when that site was under construction to start with. I suppose our concerns to you as the Commission are where are the guarantees
45 us as a residential rural resident that's lived on my family property for 21 years – how are we going to be guaranteed that we are going to have our tranquil, peaceful life that we have had for the past 20 years? I don't think at this stage anyone can

really convince us that that is going to be what we will experience here. We already have dust issues from the current site that is there now.

5 We've got three asthmatics that live on the property. One of them is my 78 year old mother, who is an asthmatic. I have a daughter that's just had to have major sinus surgery due to the pollution of dust within the area currently with what's there, as no measures are being taken at the moment to keep it dampened down, I suppose, in the current situation that it's sitting at. I've got a 78 year old father that has metastatic prostate cancer as well that is now in his bones. Another son has allergies as well.
10 So my concern is we invested obviously our life. This is our home. It's where I've brought my family up with. It's where our neighbours – we're all in the same boat. There's three or four or five of us basically probably that are hugely impacted here that live here seven days a week.

15 How can we be guaranteed that this property will not give levels of dust, noise and vibration above levels that are required for such area? And how are we expected to live here and have a normal life, entertaining life when there's 164 trucks a day, eight – 7 till 6 weekdays, 8 till 1 on a Saturday and then, you know – how can anyone guarantee this for us? What are the precautions, shall I say, that are in place that can
20 give us 100 per cent guarantee that I'm going to be able to live my healthy, tranquil life in my property that I bought 20 years ago with this development that is going on?

MS LEESON: Thanks, Ms Edwards. Is that the extent of your presentation?

25 MS EDWARDS: Well, basically, yes. I mean, we need to be guaranteed. And I as an owner also – one major thing I need to be guaranteed of is we will not have any vibration through our house. That has been an issue in the past. It has been raised numerously with both Mr Davis and Mark Jackson. There is continual paper trail of everything that has gone on previously. I can't explain the sound of the vibration
30 that actually comes through my whole property. It is something that drives you insane. That's all basically I could say. Your windows shake, your floors shake, your benches shake, your china cabinets shake, and they will – they know – Mark Jackson knows. They've been here and they've experienced that.

35 So I suppose is there parameters or is there definite conditions on this company when this happens that in construction we will be assured that there will be no dilapidations to properties and there will be no vibrations felt? We're on sandstone seams here. A geotech report would actually clarify that for you. So are those reports part of the construction of the second section? Do they have to have geotech
40 reports done and all that sort of stuff? And are we able to be given information, I suppose, and the results of these reports?

MS LEESON: Thank you very much. You've raised some interesting issues there. Can I just ask – you mentioned you've experienced vibration and noise to this point.
45 Was that under the previous operation or subsequent to that under this current operation?

MS EDWARDS: It was - - -

MS LEESON: It wasn't clear.

5 MS EDWARDS: So under the previous operation in putting the first shed on, we
still get – on occasion you will often get – if they're doing different bits and bobs
because they haven't really done much, shall I say, since they've put the submission
in for this second section. But under the first construction that went ahead – and
10 that's what just concerns me because I know there's going to have to be a lot of
groundwork done obviously down into the ground for putting new sheds in again and
other bits and pieces like that.

The boom that comes from the backend of the dogs and trucks when they unload is
quite frightful. If you're not prepared for one of those trucks to dump, let me tell you
15 that boom comes straight down the hill to us because we're situated below where the
construction is at the current time. But it does just concern me. When we are – we
are on a sandstone seam. Vibration travels down a sandstone seam. So if there is
any heavy earthworks that are going to happen in this second stage of construction,
what damage is going to happen to adjoining properties?

20

MS LEESON: So if I understand correctly, you have two issues in that regard. One
is around the actual construction of the facility, and then the other issue is around the
receival and unloading of trucks with their materials in the operational phase.

25 MS EDWARDS: Yes. That will be right. So the construction is going to obviously
be a concern to us in regards to vibration issues. But vibration then can be, I would
say, an issue for all of us on an ongoing, continual basis depending on what they're
doing, if they're using packing machines. There's lots of different things that could
obviously be pinpointed down to what could cause vibration. There's the noise issue
30 that we're going to probably have continually, which is what you're going to get
from the trucks for the 11 hours a day. The dust is going to be a major, major issue
for us as well. So there's quite a few health issues and environmental impacts, I
suppose, to the area in regards to those sorts of emissions.

35 MS LEESON: So, Ms Edwards, as the Department indicated this morning, after
they've done their assessment, they're recommending approval of this facility, and
one of the things we do like to hear from participants in these meetings that are
concerned about projects is whether they've had a chance to look at the
recommended conditions of approval and whether there are any issues that you might
40 identify there for the Commission to have close regard to. Have you had an
opportunity to look at the conditions and offer any comment - - -

MS EDWARDS: Personally, I - - -

45 MS LEESON: - - - to address the issues that you've raised?

MS EDWARDS: Well, personally, I probably haven't read through them with a fine-tooth comb, but I know there's conditions on the place if it does happen. But there was conditions put on them when they built the first site, and we had to continually ring because we had piles of dust clouds blowing over our properties, and we got excuses, "Sorry. This machine broke down. Sorry. We're using that machine." So I suppose from past experience that we have had, we need guarantee that this is not going to happen. I mean I need guarantee that I'm not going to be lying in bed and have this vibration that is completely droning through the base of my house. How can they guarantee that?

10 MS LEESON: Thank you. I think you've made that point quite well. Peter, do you have any questions for Ms Edwards?

15 MR COCHRANE: No. It's just – I encourage you to look at the conditions and provide us with any comments that you've got on their adequacy or not. That would be really appreciated. Thank you.

MS EDWARDS: Okay. All right then. I'll have more of a detailed look at that and definitely get back with anything else.

20 MS LEESON: And I will in a closing statement remind participants that – how public submissions can be made, but in case you're not on the line at the end of today's meeting - - -

25 MS EDWARDS: Yes.

MS LEESON: - - - I encourage you, as Mr Cochrane has, to have a look at the conditions and to make a further submission in the timeframe that we have. So thank you very much for your time today.

30 MS EDWARDS: No worries. Thank you.

MS LEESON: No. Thank you. We'll now move to Andrew Baxter. And, Mr Baxter, you've sought and been granted five minutes, I think, to speak today. So welcome. And we'll hand across to you.

35 MR A. BAXTER: Yes. Good morning. How are you going?

MS LEESON: Fine. Thank you.

40 MR BAXTER: Obviously I come from the perspective that I worked with the Gosford City Council and Central Coast Council for 32 years. So I'm sort of coming from a little bit of a different perspective. I don't work for council now, and I'm not talking on behalf of council. I'm now retired. But I just know the importance of these types of facilities. Like, I was involved in road construction works, and the importance now of being able to recycle materials and cart them to a facility like this – council currently cart a lot of their concrete to a site at West Gosford there that

does recycling, but they have a limited capacity and also don't take a lot of ridge gravels and road bases that come off roads that are mixed that can be recycled materials added and then carted back and then reused on the sites. That sort of ability would be fantastic for local government works and I'm sure contractors as well that are involved in roadworks.

This sort of a site – we used to do a lot of our own minor recycling, but council could never get a DA approved to be able to do it on a proper basis. So when I heard that this facility was being proposed, I must admit I was very happy to hear because of the way it was being constructed and the opportunities that it offered to contractors and the local government. Like, I can't guarantee local government can use it, but if I was them, I would be anxious to see something like this get up off the ground because it would be such an advantage because there is a limited lifespan on the local quarries at Kulnura and Peats Ridge. There's two quarries up there that you buy the quarry materials from, road bases. But I don't have the exact dates, but the last time I was talking to the one at Kulnura, there's only, like, a 10 year lifespan left on that quarry. So to keep sort of carting newly quarried materials to reuse on jobs and then just dispose of materials that are quite capable to be reused because you don't have a facility like this on the Central Coast is really wasteful.

I was involved actually just prior to retiring for three years actually upgrading all the roads. I was the section manager of construction, and I supervised the management of the reconstruction of the roads for councils to upgrade all the roads for the industrial area in the Somersby area, and they spent something like \$20 million on the upgrades of the roads up there, which included Gindurra Road up past where this proposal is, Somersby Falls Road, Chivers Road, Wisemans Ferry Road, and there was another one that runs off there. But anyway. That doesn't matter. But – so all these roads have been upgraded to attract this kind of business to the Somersby industrial area. This is why the council invested all that money in that area to attract people to come and start these type of businesses up on the Somersby area, to attract companies, to create jobs.

So like, you know, they've invested the money in the roads to be able to compensate for the additional trucks and deliveries and things that are going to be carried out not just for this particular job but obviously a lot of other ones that you see now that are going ahead up in that area. So I would see that, you know, this sort of proposal and the way it has been proposed, the type of facility it is, the infrastructure that they're putting on-site to contain the dust and vibration and those sort of things appears to be me to be second to none just from what I've read that they're proposing to do. I only wish that I could have done something like that at council, but they wouldn't have had the money to be able to put in for something like this.

And it's sort of unfortunate for that area around Somersby because there are a few properties not just close to this one but where there's other businesses and factories that are being built that, you know, don't want to see their quiet lifestyle go. But I think that was – as soon as council decided that was going to be the Somersby industrial area and upgraded the roads and infrastructure to attract this kind of

business, I think that was always going to be the case. It was always going to change, the demographics of that area. I mean, none of us like to see change, but unfortunately, to attract these sort of businesses and just – in fact, I don't know whether you're aware, but just sort of east of where this proposal is, there's also a
5 sandstone quarry as well which is run currently by Gosford Quarries which is quite a big area. I don't know whether you're aware of that area down there. They certainly don't have the constraints this proposal has. But just so you're aware, there are other types of these sort of industries already in that area as well.

10 MS LEESON: Yes. Thank you, Mr Baxter. We are mindful of time, and I think that unless there's a different point you want to make, we've heard from you. We are doing a site inspection tomorrow, and we are aware of the Gosford quarry to the east of the site, so we'll make sure that we do have a look at that on our visit
15 tomorrow. So if there's nothing else from you, thank you very much for your time this morning, and we'll keep moving through our meeting.

MR BAXTER: No problem. Yes. Five minutes goes awfully quick, but thank you very much for your time and enjoy the rest of your day.

20 MS LEESON: Thank you very much. Thanks for your time.

MR BAXTER: Thank you. Bye-bye.

MS LEESON: We will now move to Frank Tripolone. Mr Tripolone – I'm sorry –
25 you have five minutes, and there will be a one minute bell - - -

MR F. TRIPOLONE: Tripolone. Thank you.

MS LEESON: Thank you very much. Thank you.
30

MR TRIPOLONE: Thank you. Thank you, Commissioners, for allowing me to speak today. I'm a part owner with my parents and my brother at 12 Acacia Road at Somersby. We're a direct neighbour to the subject property to the east. And it's – the applicant's property is on the boundary of Somerville – of the Somersby
35 industrial area. As an overview, we're zoned rural. We've grown an established olive grove that is impacted by the development. My parents are retired. They live at the property. And as I said, they're part owners. They were looking to build a new home on the property, but it looks unlikely at this stage that they will only because of the surrounding development, not that we're objecting to any industrial.
40 When we purchased the property, all the properties located next door were industrial. But I mentioned in my letter of objection in September 2020 – provided an aerial photo of the proposed development site and highlighted that there are homes within 90 metres, 130 metres and 200 metres from the site. We're concerned about the noise and the dust generated by the operation, the scale of the operation. We think
45 it's in the wrong location on the boundary of the industrial estate.

Without going into the detail on the experts' reports, it appears the modelling favours the applicant. We've got concerns around the verification performance and how it may be impossible to police and have the operation stopped if they don't meet those requirements. In essence, the proposal is a quarrying type operation. However, you
5 know, instead of extracting materials from the land on which it sits, the materials are trucked in and processed, creating noise and dust. A lot of the surrounding uses in the industrial estate are "cleaner". A quick overview by Google shows that there is a bridal outlet, a boutique, party hire, kitchen group, Ausgrid, roofing supplies, aluminium and glass manufacturer, CSR Hebel, SULO garbage bins, self-storage,
10 Spotless industries, truck spares, SBA Earthmoving Attachments, nothing that generates noise, dust or is crushing concrete.

At this point, I wish to advise that the applicant has previously had a similar project refused by the Lan and Environment Court at 168 Somersby Falls Road, Somersby,
15 not too far from the subject site. Some of the key points that were raised contrary to the – or to the refusal – and it was DA number 40918/2011 – basically said that the proposal is contrary to the objectives of the existing and proposed industrial zone and will detract from the character of the area due to visual impact, dust and noise generation. It further says that the proposal will affect the local community by noise.
20 It mentions that an acoustic wall similar to what's proposed may not reduce noise and traffic noise which is still generated. And it talks about dust. Crushing cement and other products will create health hazards, and such dust is carcinogenic and causes – or is a cause of silicosis. And they talk about odour and rubbish.

25 At this point, the objectives in the Gosford LEP – or the old Gosford LEP stated the objections – or the objectives of the zone, zone IN1, General Industrial. Without going into too much detail, it basically said "to minimise any adverse effect of industry and other land uses and to ensure that development is compatible with the desired future character of the zone".
30

We're currently experiencing vibration, noise and dust from Gosford Quarries, which we spoke about – or you spoke about recently, to the east of our properties, and at times, the dust is evident in the neighbouring suburb of Kariong. We experience
35 noise and dust from the construction of the proposed site, which is, you know – we acknowledge that during construction, but can only foresee this getting worse if the development is passed. There's not much else there. We're concerned about noise and dust. We're concerned about the fact that it adjoins rural. We don't think that the proposed development should be on a site, even though it's zoned industrial, at the border of the industrial area. And that's about it. Thank you.
40

MS LEESON: Thank you, Mr Tripolone. Did you have any questions for Mr Tripolone? No. I think that's been quite comprehensive, so thank you for your time. You've raised some issues consistently with others, and we'll take that into account. So thank you for your time.
45

MR TRIPOLONE: Thank you.

MS LEESON: And we'll now move to Glen Balneaves. Mr Balneaves, you have five minutes, and a bell will sound at one minute when – to indicate your time is approaching its close.

5 MR G. BALNEAVES: Yes. Thank you, Commissioners. First of all, thank you for giving me the opportunity to say a few words this afternoon. Look, this is something I don't normally get involved with from a political perspective. I run a construction business, and yes, we did build the stage 1 facility for the Davis family. Just a quick
10 outline on my company. Raybal Constructions has been operating as a family business for 49 years, predominately building on the Central Coast. Somersby has probably been our backyard for doing developments, and we've actually done over 70 industrial projects in the Somersby area. So I think we're fairly well-qualified to make comment about the Somersby area. And it's not my argument today to buy into, you know, whether the facility should be approved or not approved. It's like
15 urban expansion. There's obviously some people that aren't going to be happy with it and some people are going to be proactive towards it.

In those years we've done the 70 projects, we've done a lot of – huge cross-sections of international companies relocating to Somersby. We actually built the Australian
20 Reptile Park, we actually built the Somersby Animal Hospital, and we were dealing with some very key environmental issues and different people of different thoughts and opinions in industry and their own businesses. Raybal Constructions were involved in 2005 when the plan of management was introduced by the New South Wales Planning Department, and that was basically – they knew they had an
25 industrial development, they knew they had some environmental things, and because we were a key stakeholder, we were invited to some meetings to discuss how they got the balance right. And I think this proposal is all about getting the balance right.

Now, all I can say is that my project manager is speaking after me in relation to the
30 building of facility 1. We did cop a fair bit of criticism at times as the builders of facility 1. We received a lot of objection and some phone calls from surrounding property owners, and quite often they had no relation to our building works at all. And I think the key issue here is there is a significant sandstone quarry to the east of these properties, and quite often – and the machinery they're using in those quarries
35 far outweigh whatever machinery we use during construction. So I think that will be addressed a little bit further on, and you are visiting the site in times to come.

Look, many years of experience, you know, dealing with firsthand rubbish and building waste, it seems to be more. Everything is pre-packaged. For us in
40 construction, the waste management has made massive developments especially in the last 10 years. You know, 10 years ago, recycling was just starting to be introduced. The Australian Government weren't really pushing it. We have seen in the last five years there is economic benefit for ourselves as builders to sort our rubbish, to recycle the rubbish, and it comes down to our key argument, you know,
45 recycling as opposed to landfill and where does the waste go.

About 10 weeks into the job – I’ll just tell you a quick story – I received a phone call from a very irate lady who was a resident of Mangrove Mountain, which is probably a 10 or 15 minute drive to the top of the mountain, and basically she had a go at us that how dare we as local builders support such an industry, etcetera, etcetera. After
5 discussing to her, I said, well, look, the way I look at it, it’s like this. Are you into landfill or are you into recycling? You’ve got to have an option or a decision in there. And when I spoke to her a little bit after – she sort of started abusing me a little bit – I spoke to her about it, and she told me that she lived on a fairly big property at Mangrove Mountain and her husband had built a house. They lived on
10 the property for many years, and they didn’t want this industry located in their area. I actually asked them the question that when her and her husband built a house, what did she do with the rubbish, and she was hesitant to tell me. And I said, “Well, look, a lot of the farmers up there normally dig holes and they bury rubbish. Is that what you did?” And she hung the phone up on me.

15 So look, it’s a very sensitive argument. The only thing I will say is that, like I said, I’ve dealt with a massive cross-section of people up at Somersby. There’s heavy industry. There’s stacks up there. Like I said, there’s quarries and that in that area. It is about getting the balance right. I do know that the Davis family – I can’t believe
20 the time it’s taken and the patience he’s taken, and all that Eric Davis has said to me, “It’s important we get this right.” And I know he’s invested a lot of money, I believe, to get the balance right. So we need the facility. Many of our jobsites get illegal dumping because there’s not enough competition in that area. At the moment, as builders, we have council landfills that are controlled. It’s quite expensive. And
25 quite often some of our sites we turn up and there’s illegal dumping that’s taken place. So I think competition in this area will stop that, and hopefully, you know, it will be a better thing for the Central Coast.

30 So just one quick closing thing. I met with the New South Wales Planning Commission a couple of years ago at the 75th anniversary of the Australian Reptile Park, and I got introduced to him as one of the key builders in Somersby with the volume that we’ve done, and he actually said to me – he made a point – he said, “We need jobs for the Central residents. We’re widening the M1 for the very last time, and we have to encourage the local government to get some industry and some jobs
35 created on the Central Coast.” So my thought with that is that whilst we’ve got a family here investing a lot of money to create jobs, you know, where does the balance lie in this decision. So thank you for your time.

40 MS LEESON: And thank you very much. Do you have any questions? Thank you, Mr Balneaves. We don’t have any questions of you today, so thanks for your time. And we’ll - - -

MR BALNEAVES: Okay. Thank you very much.

45 MS LEESON: We’ll move on to Gary Bergan, if we can. Mr Bergan.

MR G. BERGAN: Yes. Thank you, Commissioners. As Glen mentioned, I was the project manager for the stage 1 facility up there, and I just want to touch base on the work we carried out there and the instructions I've been given by the Davis family, together with the consultants that are working on the job to what they want to try and achieve. So the projects I've worked on in the past, I've been brought into work on one-off projects that a lot of times do have some environmental concerns or are maybe not the most popular developments that go ahead. The Davis family, Eric in particular, wanted to have this a state-of-the-art facility, and that's what we've looked to produce. In every way when there has been options of construction methodology, he's always erred on better construction methodology, and that's gone through, like, right from the design to the concrete works, to trade waste, to water recycling, really, every single aspect all the way through.

One thing I just wanted to touch base. Sheryl mentioned they did experience some vibration through the construction of stage 1 which did happen, and they are on a rock shelf. And what we found was when we were using, like, vibrating rollers that were – which were specified by the geotechs, they did experience vibration in their building, which we went down and we investigated. So we looked at that, spoke to the geotechnical engineers. So we looked at – we need to find a different methodology of construction. We've got to meet compaction requirements, but these people can't be experiencing vibration. So we went to a larger roller but a static rolling system rather than a vibration rolling system. Once we did that, the vibration issue they were experiencing went away, and we were still getting the compaction results that the geotechnical engineers were looking at us having achieved. So while it probably wasn't ideal, they experienced vibration in the early stages, we did address it, and we came up with a solution that I believed everyone was satisfied with.

As far as – dust was, I think, the other point, Sheryl mentioned. I think we need to differentiate between, say, dust generated during our construction, dust generated by adjacent sites and the expectation of what dust would be generated through the operation of this facility once completed, and they are very, very different. So there is a sound wall going in. There's dust suppression going in. Very, very different to construction in the short term. So we did the construction of this during the whole time that the M1 upgrade was going on right adjacent to us. So we were copping dust off the M1 over the top of us, and on days – I was getting, say, complaints for construction dust on days we weren't doing any construction. And going up there and doing visits, we found that there was dust coming across the top of us from the M1 works. So I think that just needs to be looked at and taken into account.

I don't really have a lot more to add to that. Obviously, during a stage 2 and stage 3 design, there would be some construction methodologies that we have to look at. The sandstone shelf was very close to the surface in the stage 1 works. The closer we work towards stage 2 and stage 3, the deeper the sandstone is away from the surface because we're importing fill over the top of it. So where we were excavating into the sandstone in stage 1, we're actually probably four metres or so above the sandstone in stage 2 and stage 3. So my expectation is that the further we move

towards stage 3, vibration would become almost non-existent and particularly if we maintain use of the static rolling system.

5 From an – obviously this facility is a personal interest because we've got a tie-in on construction, but also as an end user – and it was brought up by one of the other builders – it is a facility where it gives us the opportunity to drop off as well as purchase materials for use. It is a huge bonus to have something like that on the coast and in this facility right adjacent to the M1. Thank you, Commissioners. I really don't have too much more to add other than what was said.

10 MS LEESON: Thank you. And thank you for that. Peter, do you have any questions?

15 MR COCHRANE: I have two. Thank you very much, Gary. Two questions. So I get the implication that for the next stages of construction, there won't be a need for vibrating rollers, that the work that needs to be done for compaction could all be done by static rollers, is that correct?

20 MR BERGAN: That's correct.

MR COCHRANE: And secondly, we heard references earlier to the Gosford quarry to the east as being a source of vibration, so what would be causing the vibration there? They would not be using rollers, would they?

25 MR BERGAN: No. But they'd be using rock breakers.

MR COCHRANE: Okay. So they would be sort of acute sources of noise as opposed to continuing vibration sources like a vibrating roller.

30 MR BERGAN: Correct.

MR COCHRANE: Okay. Great. Thank you.

35 MS LEESON: Thank you very much. That was quite informative. We'll now move to Doug Waud. Mr Waud, you've sought – from the Kariong Progress Association. You have 10 minutes. A bell will sound when you have one minute to go, and then we'll wind you up shortly after that. Mr Waud.

40 MR D. WAUD: Okay. Thanks to the panel. Whilst not advocating outright opposition to the development, we are very concerned for the health and safety of the local Kariong and Somersby community. The development location is a mere two kilometres approximately in a straight line to the centre of Kariong where over 6000 people live, and a somewhat shorter distance to the Penang Parklands where you've got over 1000 school students, Penang Parklands workers, Juvenile Justice staff and inmates, the NAISDA college staff and students and various disability service centres.

45

The concern for the community encompasses all aspects of the Kariong Sand & Soil processing of industrial waste materials, the pollution and emissions from the site, the pollution controls and the heavy transport issues and long-term health concerns of the community. We have been assured that the facility will have best practice controls in place for unwanted emissions, pollution, some processing undercover and minimal degradation of the environment.

So let's look at a few points that concern us. We believe that all processing of industrial waste takes place undercover. Correct me if I'm wrong. Ideally, one or more enclosed building would be an ideal situation. The processing areas and outdoor areas, they have to have emission monitoring systems and watering systems, that all pollution and emission levels, air, water, noise, are monitored and comply to best practice standards and incorporate a breach mechanism to trigger shutdowns in the event of dangerous levels exceeded. The degradation of the environment from this heavy recycling process will be an ongoing concern, particularly the possibility of water contamination in the area by virtue of unanticipated weather events, and then the increase of heavy transport and what is transported in the area, as we see it, need to be capped and regulated.

For the health and safety of the local community, we see it as absolutely necessary the involvement of New South Wales Government jurisdictions and local LGA to provide ongoing protection and transparency in the monitoring procedures. We also see as necessary the availability of public reports on pollution and emission data. As far as the natural flora barrier around the complex, we expect it to be in place particularly at the southern end where ideally the local vegetation remains at an acceptable area, say, 50 to 100 metres. That would be the ideal situation.

With the Kariong, Somersby area, it's quite an elevated area above sea level, let's say 200 metres average. The prevailing winds can be quite strong from any direction, particularly from the northwest and southwest. The big concern for residents is airborne particles. We expect that the indoor and outdoor watering systems are adequate and eliminate all possibilities of airborne particles. We make the point that this type of industry is somewhat foreign to the Somersby Industrial Estate, which was based on clean technologies and high tech manufacturing. Should the development go ahead, it's critical -that all facets of the recycling process and heavy transport regulation be set to the strictest standards, which is, I believe, air quality impact assessment and that any breaches result in the processing shutdown and that pollution control jurisdictions can enter the site at any time.

So to conclude, for any new development that employs Central Coast people, we'll always support them. However, there are serious responsibilities of the stakeholders here. The Central Coast has been hoodwinked before with irresponsible operators polluting areas in the hinterland. And I'd just like to say, from our contact with Davis Group, we believe they're a reputable company. There's no doubt about that. And the earlier comments bear that out. But in the event of unsatisfactory outcomes, the local media and residents will make life very difficult for any shortcomings in design, construction and operation of the facility should approval proceed. So that's

what we have to say at this point. We may make a further submission by the cut-off date after that.

5 MS LEESON: Thank you, Mr Waud. And you addressed a lot of issues and concerns there, and I was going to ask you whether you've had an opportunity to look at the recommended draft conditions because, I think, they attempt to go to the heart of some of the issues that you raised. So I do have a question. Have you had a look at those draft - - -

10 MR WAUD: No. No.

MS LEESON: - - - no.

15 MR WAUD: I made a note of that, and we've got a meeting on Wednesday night, so that will be discussed.

MS LEESON: Then if you do decide to make a further submission by the due date, we would encourage you to actually address the recommended conditions in light of the concerns that you've raised.

20

MR WAUD: Yes, we will.

MS LEESON: Okay. Thank you. Peter, do you want to - - -

25 MR WAUD: So thanks to the panel and to Jason for the opportunity to speak. Thank you.

30 MS LEESON: Thank you very much. Thank you. We'll now move to our last speaker, Neil Kennard. Mr Kennard. And we have you down for five minutes to present to the Commission, so thank you.

35 MR N. KENNARD: Thanks for the opportunity, Commissioner Leeson and Commissioner Cochrane. We've had a DA approval for a home in Debenham Road. We've had to put the whole thing on hold because of this application and because of the other application on the other side of Gindurra at number 83. And I'd like to put a few things in perspective. We've heard from supporters of the project, all of whom were either suppliers or customers of the Davises. I've got no question about the Davises as to character, want to be a good neighbour, but none of these have addressed the real issues of dust, vibration. In fact, there's been a couple of

40 statements which have not been according to the truth at all. There was a statement earlier on as to the existing Kariong site sand and soil. There was never an approval by the council to crushing of rock on that site, even though occasionally it has in latter years. The whole thing had lapsed. This is based on false information.

45 Another thing I'd like to point out was that Mr Baxter said they could take their - I know he's retired from council now - take their concrete to a crushing plant at West Gosford. That crushing plant has been closed down by the government - by

government agencies because of the dust blowing off piles of crushed concrete. Now, where is the protection for this dust coming off the material that's already been processed? Why should there – why isn't there hardstand instead of crushed concrete for the trucks coming out from the – on the eastern side of the plant? To
5 consider the number of vehicles and the vibration from the trucks, we've hardly addressed the vibration of a concrete crusher and the noise of the concrete crusher. And you say, well, they've all been investigated, but we live 500 metres or more from where there has been a concrete crusher, and we could hear it as loud as anything. I think it's only fair to take that into consideration.

10 The other thing I'd like to – I think is most important apart from noise, that is, dust and silica. There has been a lot brought up as to the quarry. The quarry was due to close just after or somewhere around 2013. It's still in operation. Won't be forever. We're trying to get – come here for a tranquil life. All our neighbours are affected
15 deeply by what's been proposed. I think Mrs Edwards put it very clearly. She has three members in her family who have dust problems. There's a neighbour a little further away who lives – has had silicosis and had to have one lung replaced already. I cannot see that the real issues have been addressed.

20 I'd like to also mention something as the boundary interface between industrial and residential, in this case rural residential. There must have been some misunderstanding or omission. The Department officers haven't researched the recent Land and Environment Court cases and the impact it has on either side of the zoned boundary and how the Commission would take this into consideration. I just
25 want to – we don't have much time, but I think this is a serious issue where we want industry, industry is good, but this is the wrong place, and the real issues haven't been addressed. Thank you very much.

30 MS LEESON: Thank you, Mr Kennard. Peter, do you have any questions? No.

MR COCHRANE: Thank you, Mr Kennard.

MS LEESON: Okay. No. Thank you very much for your time this morning. We'll take those issues into account as we deliberate on the proposal before us. That
35 actually concludes the public meeting or the presentations this morning, so thank you for that. Thank you to everyone who has participated in this important process. Commissioner Peter Cochrane and I have really appreciated your input. It's been very forthcoming this morning. Thank you, all. Just a reminder that it's not too late to have your say on this application. You'll click onto the Have Your Say portal on
40 our website or you can send us a direct submission via email or post. The deadline for written comments is 5 pm Australian Eastern Daylight Time on Tuesday the 16th of November 2021, so that's next Tuesday.

45 In the interests of openness and transparency, we'll be making a full transcript of this public meeting available on our website in the next few days. At the time of determination, the Commission will publish its statement of reasons for decision on our website, which will outline how the panel took the community's views into

consideration as part of its decision-making process. I would reinforce our earlier comments today about particularly in submissions making any comment on the proposed – or the recommended draft conditions from the Department. And then finally I'd like to thank my fellow Commissioner, Peter Cochrane, and thank you all
5 for watching. So from all of us here at the Commission, enjoy the rest of your day, and good afternoon. Thank you.

RECORDING CONCLUDED

[12.33 pm]