

Summary of residents' concerns and Council response

1 Location of submitters



2 Consideration of issues raised

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<p>Truck deliveries would greatly impact on the quality of the surrounding streets and roads, further deteriorate road surface quality and the gravel edges of Brisbane Road and worsen the already ineffective substandard stormwater drainage.</p>	<p>A Traffic Impact Assessment (TIA) accompanies the DA. The assessment considered the impacts the proposal would have on the road network. The TIA concludes that the generated traffic movements are minimal and well within the road carrying capability of Brisbane Road, Edward Street and the broader road network. Therefore, the proposal would not result in an adverse impact on the road network.</p> <p>Council's Traffic Section has no objection with the proposal and has confirmed that the anticipated traffic movements due to the proposed development are likely to be accommodated within the existing and proposed road network within the Riverstone Industrial Area. Once Loftus Street is connected to Windsor Road, access to the area from the major arterial corridor will be available. Truck and dog access will be available along this route to get to this development.</p> <p>A Stormwater Management Plan has been prepared for the DA in accordance with Council's policies and requirements, to mitigate and</p>

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	<p>minimise adverse impacts on stormwater drainage. This has been assessed by Council's engineers who are satisfied with the arrangements subject to conditions.</p>
<p>The Waste Management Facility would potentially create substandard air quality from airborne dust and particulates, therefore contributing to long term health problems for staff both on site and within neighbouring businesses.</p>	<p>An Air Quality Impact Assessment (AQIA) was submitted with the DA. It analysed the proposed construction and operation of the proposal and its impacts on air quality. This assessment analysed both risks to local and regional air quality and presented a range of recommended mitigation measures to minimise those impacts where required and relevant. The assessment found that the proposed layout and operation will be sufficiently controlled to ensure that air quality exceedances would not be experienced as a result of the proposal operation. Therefore there are no expected negative impacts on the health and wellbeing of staff both on site and within neighbouring businesses. A Mechanical Ventilation Assessment (MVA) also accompanied the DA that considered potential impacts within the proposed building to occupants of the building.</p> <p>In summary, the AQIA and MVA conclude that the proposal would not result in any unreasonable air quality impacts to the broader locality or to occupants of the proposed facility, subject to carrying out suggested mitigation measures. They also conclude that relevant health and safety regulations and legislated air quality standards would not be breached.</p> <p>These assessments have been carefully reviewed by Council's Environmental Health Unit and the EPA, who are both satisfied with the proposed mitigation measures subject to them being included in the conditions of consent, including limiting the operating hours of the business.</p>
<p>Parked and waiting truck deliveries are going to add to the already inadequate street parking for neighbouring businesses on both Edward Street and Brisbane Road.</p>	<p>The TIA states that a maximum of 25 truck and dogs will deliver materials to the site per day, which equates to an average of 1 trip per hour. Our proposed limited operating hours will result in an average of 2 trucks delivering materials to the site per hour per day. As illustrated on the Architectural Plans, the proposed development has capacity for 2 trucks to park on the site at a time. This and the low number of trucks visiting the site will ensure that there will be minor, if any, impacts to street parking in the locality. Council's Traffic Section has no objections with the proposal and has confirmed that the anticipated traffic movements due to the proposed development are likely to be accommodated within the existing and proposed road network within the Riverstone Industrial Area.</p> <p>However, a condition of consent has been included to ensure that a maximum of 2 truck and dogs are allowed on the site at any one time. Deliveries can be staggered with the use of radio communication between delivery drivers and the employees at this crushing facility. Deliveries to the site should be pre-booked when a demolition job is proposed, with booking times confirmed on the day. These operational procedures will be conditioned to be included in the Operational Plan of Management.</p>
<p>Safety concerns regarding pedestrian access on both sides of Brisbane Road. There are currently no footpaths for residents and workers from neighbouring streets and businesses to successfully safely navigate past the expected trucks delivering materials.</p>	<p>A condition of consent has been included that requires footpaths to be constructed around the property frontage, including intersection treatment in accordance with BCC Standard- A(BS)104M-September 2002.</p>

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<p>A State Significant Development Application has been submitted with Planning NSW at the same property that proposes a tonnage rate of 500,000 tonnes per annum of VENM and ENM. The proponents are likely to operate the crushing facility to process an annual amount in excess of 90,000 tonnes as per the EIS.</p>	<p>The only application under assessment for the subject site at the present time is DA-18-01855. The proponent of DA-18-01855 is considering a separate State Significant Development (SSD) proposal through an application to the Department of Planning, Industry and Environment (DPIE), proposing to crush up to 500,000 tonnes of material at the subject site, but this application has not yet been finalised and has not been submitted for assessment. The applicant has advised that its submission is not imminent and may not proceed in any capacity. The Department of Planning, Industry and Environment has confirmed that the State Significant Development Application is still in its early stages, at the Planning Secretary's Environmental Assessment Requirements (SEARs) request stage. This current DA before the Panel does not pre-empt any support or approval of the SSD. These are separate applications being determined by separate consent authorities.</p> <p>Therefore, only this current application is being considered here.</p>
<p>The impacts of the crushing facility are incompatible with the commercial uses immediately adjacent to the site and the nearby residential areas. The nature and scale of the proposed crushing facility, the loss of amenity, the health and acoustic impacts make this proposed development unsuitable for the site.</p>	<p>The proposed development is located centrally in an established industrial area which is zoned IN1 General Industrial, where waste management facilities are permissible with consent. The site and its locality are not commercial either in general terms or in statutory town planning terminology. The site is surrounded by a range of typical industrial land uses, including metal fabrication, food manufacturing, heavy vehicle storage, scrap metal collection, as well as large vehicle wrecking yards such as at the intersection of Edward Street and Hamilton Street.</p> <p>The proposal satisfies the zone's objectives. As such, the proposed development is compatible and consistent with the industrial activities in this locality and the immediately surrounding developments. The proposal's appearance is similar to typical industrial developments and will create economic and employment opportunities.</p> <p>The closest residential area is located 246 m away. The proposed development will not be visible from existing and proposed residential developments. An entire block of industrial buildings separates the site from the closest residential lots.</p> <p>The proposed development comprises a fully enclosed building in which all operations will be undertaken, which will minimise adverse impacts on surrounding developments. Potential health impacts have been assessed in the Air Quality Impact Assessment and acoustic and vibration impacts have been assessed in the Acoustic and Vibration Assessment (AVA). Both health and acoustic impacts have been assessed in these accompanying reports to be negligible subject to recommended mitigation measures which have been added as conditions of consent, including limited hours of operation and <u>not</u> the 24 hour, 7 day a week operation proposed by the applicant.</p>
<p>The EIS, ancillary documents and Traffic Report contradict one another in material details, including truck movements, tonnes being processed by the proposed crushing facility and hours of operation. The EIS states that one third-party "medium rigid vehicle" up to 19 m in length would attend the site per hour on average (based on 25 trucks over 24 hours). However, throughout the EIS Report the vehicle is described</p>	<p>The applicant has acknowledged that there are some inconsistencies in the Environmental Impact Statement (EIS) with regard to the type of delivery vehicles attending the proposal. The applicant has made amendments to the EIS to clarify that only 'truck and dog' medium rigid vehicles will attend the site to deliver materials for processing or to collect processed materials. The applicant has advised that the proposal does not rely on heavy rigid or semi rigid vehicles to deliver materials for processing or collect materials which have been processed. An operational condition of consent has been included to ensure that only 'truck and dogs' will be used to service the facility.</p> <p>Truck and dog vehicles are the most common form of service vehicles used given that they allow more capacity than heavy rigid vehicles and provide the manoeuvrability typically required to source such materials</p>

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<p>as a heavy rigid truck. The Traffic Report indicates that there will be a maximum of 5 truck movements per hour between 9 am and 4 pm.</p>	<p>(e.g. city based construction sites).</p> <p>The applicant has stated that the submission is also incorrect in stating that a "maximum of 5 truck movements per hour between 9 am and 4 pm" is proposed in the application. The submission has referenced only part of the comment in the TIA in relation to delivery vehicles attending the site. The applicant has clarified that the TIA is referring to the 5 truck and dogs per hour scenario. The 5 truck and dogs attending the site per hour scenario is only when the site is at its "busiest", and not the usual scenario as suggested in the submission.</p> <p>The applicant has advised that, as mentioned in the TIA, the most likely servicing scenario is 1 - 2 truck and dogs per hour (1 truck and dog on average during the course of 24 hours), and a total of 25 truck and dogs per day. On those occasions when 5 truck and dogs attend the site per hour, they can nevertheless be appropriately accommodated by the existing road network or the site itself. This is because it is highly unlikely that 5 vehicles would attend the subject site all at once, but rather during the course of the hour. Deliveries to/from the site in these instances are to be staggered and will be enforced via conditions of consent.</p> <p>As discussed above, 2 truck and dog vehicles can be accommodated on the subject site at any one time, should it be required. Both truck and dogs could be accommodated within the proposed facility and would not have to occupy driveway space. According to the proponent, typical unloading/loading times at the site where materials would be processed is 7 - 8 minutes per truck and dog. This includes truck and dog accessing the site, traversing the weighbridge, unloading/loading, checks for spoil, and then exiting the site. In this case, 2 truck and dogs could be on site within a 15 - 16 minute period. This provides for approximately 45 minutes for the remaining 3 truck and dogs, in the 5 deliveries per hour busiest scenario, to access the site. Therefore there is ample time to accommodate the remaining 3 truck and dogs and this would prevent the likelihood of on-street queuing.</p> <p>As mentioned above, Council's Traffic Section has no objections to the proposal and has confirmed that the anticipated traffic movements due to the proposed development are likely to be accommodated within the existing and proposed road network within the Riverstone Industrial Area.</p> <p>Conditions of consent have been added to control truck movements to the site by including a truck booking system as part of the Plan of Management, that will require trucks to be pre-booked to access the site in a systematic and orderly fashion.</p>
<p>The air quality report states that there will be a maximum of 5 trucks per hour totalling 175 tonnes, this equates to 35 tonnes of material being escorted per truck. It also means that the loads would be coming in truck and dog heavy rigid trucks (rather than medium rigid as stated in the EIS Report). At 9 hours of delivery processing a day for 365 days, this would be 574,875 tonnes per annum.</p>	<p>Council cannot police the 5 truck and dogs per hour scenario from occurring, which would be a rare occasion and not the norm. Rather, it is expected that the proposal would accommodate 1 - 2 vehicles per hour during the typical 9 am to 4 pm period. Conditions of consent have been added to include a booking system in the Plan of Management to control truck movements to the facility, in order to prevent queuing occurring in the street.</p> <p>The EIS and all related supporting material are clear that the proposal is to accommodate 90,000 tonnes annually, only. The EPA licence will stipulate that only 90,000 tonnes are processed at the subject site. Operational conditions of consent have also been included to ensure that no more than 90,000 tonnes are to be processed at the facility annually. Any intent to increase capacity would be subject to a separate DA and enforcement action by Council and the EPA if breached.</p>

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<p>The processing capacity of 90,000 tonnes annually is much less than the proposed crushing machine can produce. Such operation suggests that the proponent intends to operate the crushing machine to approximately 4% of its capacity. The proponent is likely to operate the crushing facility to process an annual amount in excess of 90,000 tonnes.</p>	<p>The subject application proposes to process 90,000 tonnes of material annually, regardless of the processing potential of the crusher. As discussed above, the EPA licence will stipulate that only 90,000 tonnes are processed at the subject site. Operational conditions of consent have also been included limiting the site's processing capacity to the proposed 90,000 tonnes annually. Any intent to increase capacity would be subject to a separate DA.</p>
<p>The location of the proposed crushing facility is unsuitable for a crushing plant. Brisbane Street has limited parking and typically fully parked on both sides during business hours. When fully parked there is approximately 6 metres between the cars. This means that delivery trucks will have to queue on the streets, particularly during periods where there will be up to 5 truck deliveries per hour which is hazardous for the public.</p>	<p>While this point is valid, it is considered that truck movements can be accommodated on Brisbane Road, Edward Street, the surrounding road network generally, as well as on site. This has been confirmed by Council's Traffic Section subject to conditions.</p> <p>Notwithstanding this, a condition of consent has been included to ensure that a maximum of 2 truck and dogs are allowed on the site at any one time and staggering of vehicles is required to ensure that no more than 2 truck and dogs are allowed on the site at any one time. This will be required as part of the Plan of Management that will also require trucks to be pre-booked in advance in order to make their deliveries or make collections, thereby controlling truck movements.</p>
<p>The location of the proposed crushing facility is unsuitable for a crushing plant. The businesses surrounding the proposed development on Loftus Street, Brisbane Street and Edward Street are small factories with on site staff and a diverse range of commercial enterprises. A crushing plant development that is loud and dirty will impact all surrounding businesses.</p>	<p>As has been discussed earlier, the proposal would not unreasonably impact on the amenity of immediately adjoining lots, nor the broader context. Specifically, the air quality assessment concludes that the proposal would not breach relevant air quality standards and, similarly, the acoustic and vibration assessment confirms that the relevant goals would not be breached.</p> <p>The subject site is within an IN1 General Industrial land use zone, within which waste or resource management facilities are permissible with consent. The proposal has been found to satisfy the objectives of the zone. Except for delivery vehicles attending the site, all processes associated with the proposal will take place entirely within the proposed warehouse. As such, noise and potential dust impacts are able to be managed.</p> <p>The proposal, in terms of character and potential impacts, is similar to several other land uses already operating in the locality, such as:</p> <ul style="list-style-type: none"> ▪ Hanson Precast (precast concrete panel manufacturing) at 214 Riverstone Parade, Riverstone ▪ Australian Metal Recycling Industries Pty Ltd (scrap metal recycling) at 1/4 Princes Street, Riverstone ▪ Metal Merchants Pty Ltd (scrap metal recycling) at 17/19 Loftus St, Riverstone ▪ Riverstone Motor Wreckers (car wrecking yard) at 32 - 35 Edward St, Riverstone ▪ Car wrecking yard at 63 - 73 Edward Street, Riverstone. <p>The conditions of consent and EPA licensing will ensure the operation is properly managed.</p>

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<p>The location of the proposed crushing facility is unsuitable due to the characteristics of the area. The area surrounding the proposed crushing plant is changing from open paddocks to housing projects and shopping centres. The surrounding residents are in increasing numbers visiting the area. This is only likely to increase as each residential project in the area completes.</p>	<p>Land to the east of the Riverstone Industrial Area is changing from farms to low density residential estates in line with the North West Growth Area Precinct Plan. The nearest dwelling or residential zone is 246 m from this site.</p> <p>The EIS has assessed the proposal's potential impacts on the emerging character. The Acoustic and Vibration Assessment, as well as the Air Quality Impact Assessment, assessed the proposal taking into account the changing character and concluded that the relevant standards or policies would be complied with. The only breach occurs when roller doors are open for the entry/exit of truck and dog vehicles, in which case the maximum 70 decibel noise standard for residential zones is exceeded by 0.26 decibels. This breach is only considered acceptable because of the short duration of the noise while a truck enters or leaves the site and the roller door is again closed. There will be a condition included for the roller doors to remain closed at all times apart from when accepting materials or allowing the departing of processed materials.</p> <p>The EPA proposes significantly limited operating hours based on the nearest sensitive receiver, being a residential property less than 300 m away. The operating hours are consistent with other facilities conducting concrete crushing operations within the same proximity to sensitive receivers. These limited operating hours will make a significant difference for the community to ensure no processing occurs or truck movements occur on Sundays and public holidays.</p> <p>The proposal would rely mostly on the roads below for access to Sydney metropolitan sites and not Riverstone's local neighbourhood type roads for access:</p> <ul style="list-style-type: none"> ▪ Garfield Road between Richmond Road and Windsor Road ▪ Loftus Road between Hamilton Road and Windsor Road ▪ Hamilton Road between Bandon Road and Garfield Road East. <p>Based on the above, the proposal is considered to be acceptable regarding the characteristics of the locality and the existing or emerging character of the area subject to conditions.</p>
<p>Loss of amenity: A crushing facility in close proximity to neighbouring commercial premises and nearby residences is incompatible with being a positive contribution to a sense of place. Crushing facilities present a large dust issue, not just for the staff within the crushing facility but for neighbouring businesses and their employees.</p>	<p>The EIS and accompanying specialist reports have addressed potential amenity related impacts in detail and conclude that the proposal will not have any unreasonable amenity impacts. The subject site is within an IN1 General Industrial zone and the proposed land use is permissible.</p> <p>As far as dust emissions are concerned, the AQIA has been assessed by Council's Environmental Health Officers and the EPA, which are both satisfied with the proposed mitigation measures subject to conditions that will prevent dust emissions from the premises.</p>
<p>The proposal includes a ventilator to vent emissions from the crushing unit to directly outside the proposed warehouse. While this may assist with the mitigation of dust within the proposed facility, it also means that the dust is being made airborne and may directly have an impact on the wellbeing and health of employees in neighbouring</p>	<p>This ventilator is intended to exhaust material from the crusher's engine outside of the facility. It is not intended to control dust. The proposal includes several measures to avoid unreasonable dust impacts, as confirmed by the AQIA. They include a total of 17 misters, either on the ceiling or on the ground floor to suppress dust from exiting the proposed facility. The proposal also includes constructing a fully enclosable facility within which all activities will take place, including the storage of processed/unprocessed materials, crushing of materials, as well as loading and unloading of material.</p> <p>Conditions have been included to ensure that dust emissions from the premises are minimised and contained.</p>

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commercial premises and the amenity of the area.	
The wetting of stockpiles with mist within the proposed facility does not control dust emitted into the environment during travel or dust that becomes airborne during tipping processes.	<p>Separate legislation, regulations and public agency requirements apply to potential dust being emitted while processed or unprocessed materials are in transit in customer vehicles. They include the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Clean Air) Regulation 2010, and the NSW Environment Protection Authority. The onus is on the drivers of the customer vehicles to ensure materials do not emit into the environment or they would be liable to fines.</p> <p>Notwithstanding this, conditions of consent have been included that require trucks entering and leaving the premises that are carrying loads to be covered at all times.</p>
The washing process to clean truck wheels does not remove all concrete or soil residue from the water on truck wheels caused by truck movements into and out of the proposed facility. Residue caused by this process and truck movement will be deposited on the streets surrounding the proposed facility.	As detailed in the EIS, the operation of the facility necessitates 25 truck and dog deliveries per day, on average. It is considered that a wheel wash facility, other general maintenance measures listed in the EIS and the low number of deliveries per day will manage dust residue onto surrounding streets. If excessive dust and other materials are left on surrounding streets directly as a result of the facility or the daily deliveries, the site operator will have to take action to respond to any complaint or risk breaching the consent or EPA licence.
<p>The Traffic Report states that during peak hours of operation there will be up to 5 medium or heavy rigid trucks moving through the area.</p> <p>The proposed routes have the trucks coming via the "Riverstone Pde and "Garfield Rd" intersection. This is an extremely busy flat railway crossing with an already significant traffic problem and the additional truck movements being added to this heavily congested intersection is problematic.</p>	<p>Due to the proposal's relatively small processing capacity, the number of deliveries is likely only up to 25 movements a day.</p> <p>As mentioned above, Council's Traffic Section has no objection to the proposal and has confirmed that the anticipated traffic movements due to the proposed development are likely to be accommodated within the existing and proposed road network within the Riverstone Industrial Area.</p>
The mitigation measures outlined in the EIS that will attempt to combat the adverse impact of the acoustics will be ineffective in that they will fail to protect neighbouring premises from being subjected to offensive noise. The Acoustic and Vibration Report predicts that the maximum decibels emitted from the Crusher will be approximately 99 decibels, 29 decibels above the recommended maximum.	<p>It is considered that the proposal would not result in an adverse acoustic impact. The AVA confirms that the proposed concrete crushing machine, in isolation, would generate 99 decibels, and this would exceed the 70 decibel limit provided in the NSW Industrial Noise Policy. However, the AVA then considers a range of mitigation measures, including the crusher's location entirely within the enclosed facility, and determines that its output is 70.26 decibels. The assessment acknowledges that this exceeds the NSW Industrial Noise Policy standard. It concludes, however, that the impacts are not unreasonable largely because the exceedance is minor (i.e. exceeds by 0.26 decibels) and would only occur when the facility's roller doors are open to allow for the entry and/or exit of delivery vehicles.</p> <p>The assessment considers noise impacts from the proposed crushing machine to adjoining properties and the broader locality. In addition, the assessment considers other noise impacts from the proposal, such as noise from truck and dogs or other vehicles traversing the site, as well as conversations between visitors and/or employees on site, say</p>

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	<p>for example, within the car park. In relation to all potential noise impacts, the assessment concludes that the proposal is acceptable.</p> <p>The assessment also considers vibration impacts, including potential impacts to immediately adjoining properties. In this regard, it concludes that transmission of vibrations through the concrete slab that the crusher is to be stored on will be minimal at neighbouring receivers and well below allowable thresholds.</p> <p>Council's EHU Officers and the EPA are satisfied with the proposed mitigation measures in the AVA subject to conditions.</p>
<p>The proposal will have a negative impact on land values. The application will result in traffic issues and emit constant loud noise, vibration and dust from vehicles and the crushing plant. It will reduce the number of businesses that would want to rent the surrounding properties, which will have a strong downward effect on rental incomes and property values.</p>	<p>The subject site and its immediate surrounds are within an IN1 General Industrial zone. The proposal is permitted within the zone and the relevant objectives are satisfied. The proposal's appearance is a typical industrial building and very similar to other facilities in the locality as discussed above.</p> <p>The applicant must operate within the conditions of consent and the EPA licence at all times.</p>
<p>The proposed Plan of Management will not be sufficient to mitigate the negative impacts associated with the development.</p>	<p>Council and the EPA have assessed the EIS and accompanying specialist reports such as the AVA, AQIA, TIA, SEPP 33 assessment and the MVA, which conclude that the proposal will either meet the relevant controls or does not result in any unreasonable impacts. All of the relevant specialists in Council and in the EPA have found the Plan of Management to be satisfactory in terms of mitigating any negative impacts, subject to conditions and appropriate licensing. The Plan of Management will also be amended to include the booking of trucks before arriving to the site to ensure that there is no queuing of trucks waiting to enter the premises.</p>