

October 28, 2024

Thank you for the opportunity to address the Independent Planning Commission regarding the Plasrefine recycling proposal for Moss Vale.

As a concerned member of the community, I must challenge the assertion of the Department of Planning, Housing & Infrastructure that the proponent has genuinely listened to our concerns or prepared and submitted an adequate Environmental Impact Statement. The reality is that the changes made to the proposal were primarily driven by their inability to secure their preferred access route, not by a sincere effort to address community impacts.

Under the Environmental Planning & Assessment Regulation 2021, the EIS for an SSD project must be prepared having regard to the SSD Guidelines prepared by the Planning Secretary. The EIS should be consistent, prepared to a high standard, comprehensive, and clearly describe the project while reflecting community views. They must contain a technically robust assessment of impacts and justify the project holistically, considering economic, environmental and social factors through the lens of ecologically sustainable development.

However, the EIS for this proposal falls well short of these requirements in critical areas:

The EIS fails to comply with the requirements of the SEARs in its failure to provide:
"a detailed assessment which includes a description of the existing environment, using sufficient baseline data".

This is based on failure to include sufficient baseline data on the level of microplastics in the existing environment, including the existing level of microplastics in surrounding water and air quality.

This is a failure to comply with clause 191 of the EP&A Regulation 2021 which provides that:
"The environmental impact statement **must comply** with the environmental assessment requirements notified under section 176 or section 5.16(4) of the EP&A Act."

The effect of this is that the authority cannot make a valid determination approving the DA in accordance with the requirements of the EP&A Act.

This failure also undermines the commissions ability as consent authority, as required under subsection 4.15(1)(b) of the EP&A Act, to take into consideration the likely impacts of the development, including the environmental impacts on the natural environment. The commission cannot undertake this task, because the EIS does not include the requisite detailed assessment of the existing environment, utilising sufficient baseline data, as required by the SEARs to enable this to occur.

In relation to microplastics, the Department's Assessment Report makes no comment, nor does it provide any substantiated conclusion as to the existing baseline level of microplastics in the environment or whether and where this has been addressed in the EIS. The acceptability of the proposed development's impacts, particularly its significant yet unquantified microplastic generation, remains undetermined.

Without the required baseline data and a thorough analysis in the EIS, it's impossible to draw any valid conclusions about these impacts.

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Secondly,

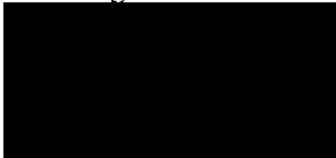
Due to this non-compliance with the SEARs requirements, the EIS lacks sufficient information for the authority to determine if the proposal meets the jurisdictional prerequisite for consent under clause 6.61 of the Biodiversity and Conservation SEPP **has or can be met.**

(1) Development consent must not be granted to development relating to any part of the Sydney Drinking Water Catchment unless the consent authority is satisfied the carrying out of the development would have a neutral or beneficial effect on water quality.

Without a detailed assessment of existing baseline water quality conditions regarding microplastics in the EIS, the commission cannot determine if the development would have a neutral or beneficial effect on water quality. This alone is grounds for refusing the Development Application.

In conclusion, I urge the Commission to recognise these significant shortcomings in the environmental assessment process. The community deserves a thorough, scientifically rigorous evaluation of this proposal's impacts before any determination is made. Thank you for your consideration.

Heidi Fagan



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