



PADDY MOYLAN

OBJECT

Submission ID: 216091

Organisation: N/A	Key issues: <i>Social impacts, Visual impacts, design and landscaping, Land use compatibility (surrounding land uses), Traffic, Other issues</i>
Location: <i>New South Wales 2577</i>	
Attachment: <i>Attached overleaf</i>	

Submission date: 11/20/2024 1:20:38 PM

See attached

I am a resident of the Highlands. I am the Chair of the Southern Districts Zone. I umpire cricket and coach cricket locally. I am also a lawyer and have 3 children at schools locally. I also sit on 2 tribunals and am Assistant Commissioner of Cricket NSW.

A few initial points:

- The proposal is clearly not supported by the community. Council has opposed the plastic factory.
- We should not be the dumping ground for plastic waste from Sydney and the rest of Australia.
- I am very concerned about the plastic particulates in the air, they will be ingested by everyone young and old.
- In the event mapping was updated the land would be bush fire prone and trigger further reports and considerations.
- The access roads are residential streets and not fit for purpose for the number of truck movements and ancillary vehicle movements.
- The site building will take up some 3 hectares (7 acres), be nearly 5 stories high and have big emitting stacks.
- The GHD representative, in my opinion submitted on day 3 of public forum that the 'housekeeping staff' will ensure the dangerous plastic fibres do not escape the plastic factory. There is a duty of care not only to those workers but to everyone in the community to provide a safe place of work and to not impinge on one's rights to freedom of movement. The fact that the proponent has told people to stay inside should have seen the plastic factory rejected by the department. Do the Commissioners accept the GHD representatives answer as serious and genuine? Do the commissioners accept that 'housekeeping staff' are the answer to all the problems?
- Do the Commissioners accept that the magical huge roller doors will go up and down in a flash and prevent emissions? Or do the Commissioners consider, on balance, that the roller doors do not possess magical powers and pose an unacceptable risk to the community by facilitating the particulates escaping into the community?
- If the law matters, appropriate land use matters and the community matters then this plastics factory must be rejected.

I note one argument against the plastic factory is that is "is not the right site". Frankly there is no good site to have these pallets of crushed plastic particles stored, processed, trucked in, trucked out and released into the environment. This is not about the 'wrong site'. Bad ideas are bad ideas. This plastic factory is a bad idea that should never be allowed to emit dangerous plastic particulates from big stacks.

If this was a mine, it would not have even got to this point. I respectfully submit that the Plastics Factory is akin to a mine, it is mining plastics, having it crushed up and processed and should be adjudicated accordingly.

In or about September 2019 the IPC rejected consent for the Bylong Valley Coal Mine. In commentary by Corrs they said (<https://www.corrs.com.au/insights/nsw-independent-planning-commission-refuses-development-consent-for-bylong-valley-coal-mine>).

"...The IPC cited long-lasting environmental, agricultural and heritage impacts as the main reasons for refusal. In a statement that referred extensively to the Land and Environment Court's judgment in Gloucester Resources Ltd v Minister for Planning [2019] NSWLEC 7

(Rocky Hill), the IPC stated that the proponent had not done enough to minimise greenhouse gas (GHG) emissions associated with the Project...”

In my submission the same situation applies here with the Plastic Factory, the proponent has not done anywhere near enough to minimise plastic waste and particulate emissions from the project. Frankly is that because there is nothing that can be done to mitigate the risk?

Corrs go on to summarise the Bylong Valley IPC matter by noting the refusal by the IPC was for the following reasons:

“...The IPC refused development consent for the Project for a number of reasons, including:

- *incompatibility with land use objectives;*
- *unacceptable groundwater impacts;*
- *impacts to BSAL;*
- *long-term impacts on aesthetic, scenic, heritage and natural values of the current landscape;*
- *unacceptable indirect impacts on the heritage values of the Tarwyn Park property and the broader landscape values of the Bylong Valley;*
- *a lack of evidence regarding Aboriginal heritage impacts;*
- *a failure to minimise scope 1, 2 and 3 GHG emissions to the ‘greatest extent practicable’, having regard to clause 14(1)(c) of the Mining SEPP;*
- *a failure to propose any measures to offset the impacts of GHG emissions;*
- *...the environmental, social and economic impacts of the Project justified refusal;*
- *the fact that the Project would result in the inequitable distribution of costs and benefits over time (in that the economic benefits would accrue to current generations, and the environmental, agricultural and heritage costs would be borne by future generations);*
- *a ‘reasonable level of uncertainty’ in the proponent’s estimation of economic benefits; and*
- *inconsistency with Environmental Planning and Assessment Act 1979 objectives relating to social and economic welfare of the community, ecologically sustainable development (ESD) and heritage management.*

The IPC concluded that the Project would not be in the public interest as it was contrary to the principles of ESD, particularly the principle of intergenerational equity.^[1]...”

Frankly, most of those points apply to the Plastics Factory.

I note the EPA must make findings on several matters when recommending approval under the Protection of the Environment Operations ACT 1997. In the matter of MET Recycling Pty Ltd v EPA [2022] NSWLEC 1378, (<https://classic.austlii.edu.au/cgi-bin/sinodisp/au/cases/nsw/NSWLEC/2022/1378.html>) the Court held:

“...Section 45 of the POEO Act identifies the matters the EPA is required to take into consideration...:

(a) The relevant protection of the environment policies;

(b) The relevant objectives of the EPA referred to in s 6 of the POEA Act Protection of the Environment Administration Act 1991 (NSW) (POEA Act) being:

(i) To protect, restore and enhance the quality of the environment in NSW, having regard to the need to maintain ecologically sustainable development, and

(ii) To reduce the risks to human health and prevent the degradation of the environment, by means of:

(c) (A) promoting pollution prevention;

(d) (B) adopting the principle of reducing to harmless levels the discharge into the air, water or land substances likely to cause harm to the environment;

(e) (C) regulating the transportation, collection, treatment, storage and disposal of waste,

(f) The pollution caused or likely to be caused by carrying out the activities (as varied) and the impact of that pollution. Noise impacts and air quality impacts have been carefully considered by a number of experts and the provision of additional material through the s 34 conciliation process.

(g) Practical measures that could be taken to prevent, control, abate and mitigate pollution and protect the environment from harm as a result of that pollution. Proposed condition U3.3 contains a number of requirements that the Applicant is to comply with when operating on Lease Area 4 of the Site. These conditions have been imposed to prevent, control, abate and mitigate pollution and protect the environment.

(h) Whether the Applicant is a fit and proper person pursuant to s 83 of the POEO Act.

(i) The documents accompanying the Variation Application; and

(j) The NSW Waste and Sustainable Materials Strategy 2021-2041 – Stage 1: 2021 – 202...”

There is no evidence, in my respectful submission that would satisfy the Commissioners, inter alia, that:

- the discharge into the air, water or land is at “...harmless levels...”
- the Applicant is a fit and proper person

I also note that the proposed Plastic Factory is adjacent to the Garvan medical institute undertaking research in relation to cancer and other diseases. I note others have made very useful submissions about plastic particulates in the air which cause cancers and other diseases. It is concerning that the Department in their approval report on page5 states:

“... any toxic smoke from a prolonged fire at the development would rise directly upwards, reducing the risk of impacts on the ABR. To ensure any potential impacts are minimised and the ABR can take appropriate and timely action to protect the mice, the Department has recommended preparation of an Emergency Response Plan to include specific procedures to notify ABR staff of any fire incident at the site. ...”

Firstly, there are only a very limited number of Fire and Rescue crews in the highlands. Secondly what plan is there to protect the mice and the work they do in the event of a fire, this fanciful proposed Emergency Response Plan brings images to mind of fire fighters running around catching mice from the Garvan Institute whilst the Plastic Factory burns. This is not a laughing matter though. Thirdly, it isn't just the toxic smoke it is the spread of the fire over grasslands into the Garvan Institute and surrounding residences.

I further note the Department in approving the project states:

“...As such, the Department considers the development is in the public interest and concludes the development is approvable, subject to conditions...”

The public know what is in our interest. Neither the government, nor the department know better than the public about public interest. The public have spoken, and the community have resoundingly decided the Plastic Factory is not in our interest. It is in your hands Commissioners whether the views of the community matters.

The approval from the DPHI further opines:

“...However, as the buildings would remain partially visible from private residences to the south, the Department has recommended requiring the Applicant to offer residents to have mitigation (such as landscaping or vegetation screening) installed on their property to minimise the visual impact of the development...”

The department believes the answer to the community’s concern is for locals to have trees and hedges put on their property. There are two issues at least here, firstly the residents have always enjoyed a lovely vista which will be ruined. Secondly, the owners and residents of the land have a right to the quiet and peaceful enjoyment of their property. Suggesting the locals put trees and hedges on their own land, limits the available space on their land and will be an issue for sunlight also. With respect, it is not a serious suggestion by the department and in my respectful submission should be treated accordingly by the Commissioners.

Commissioners as you know you are required pursuant to Section 4.15 of the EPA Act to consider the Public Interest. That section also requires you to consider the *“...the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality...the suitability of the site for development...”*

In determining Public Interest, you must also, as you know, have regard to the precautionary principle. The POEA Act defines the precautionary principle as *“...if there are threats of serious or irreversible environmental damage, lack of...certainty should not be used as a reason for postponing measures to prevent environmental degradation...”*. Further Section 6 (2) (a) (i) requires those in your position to be guided by a *“...careful evaluation to avoid, where practicable, serious or irreversible damage to the environment...”* In my submission the material before you establishes that there is a serious risk associated with this Plastic Factory to the environment.

In her speech to the public forum on day 1, Ms Nancy Zheng, the GM of the proponent said *“...in 2018 my uncle told me he was deeply troubled about the amount of recyclable material in our landfill...over the last 4 years we have built deep connections in the community...”* I hope that is the case, but I am unaware of any deep connections in the community and there is no evidence of ‘deep’ support from the community at all. The Commissioners must consider (as does the EPA) what I call the bona fides of the operator. We know the operator has no credentials in the recycling area. It is a matter for the Commissioners to consider whether that lack of experience is relevant. If the proponent does not have deep connections, then I submit that is a matter that must be considered as to credit. Further, if Ms Zheng’s Uncle is concerned about landfill, building a big Plastic Factory with potentially harmful emissions and environmental concerns cannot in my submission be taken seriously by the Commissioners.

As someone heavily involved in Cricket, I am very concerned about the health impacts of the emissions from the Plastic Factory. Society should be encouraging sport and outdoor activity not putting those at risk due to a dangerous Plastics Factory potentially emitting plastic particulates.

In or about May 2024 the Commonwealth Government released the results of the inquiry “Drowning in Waste”. One of the 22 recommendations of that report is to establish a National Plastics Plan. Further recommendations included:

Part 3.171. “...nationwide public awareness and education campaign...on...the impacts of plastic pollution, particularly, the risks associated with microplastics, on Australia’s oceans and waterways...” I note the proposed Plastic Factory is located within the catchment area for Sydney’s Drinking water.

Part 4.69. “...The Committee recommends that the Department of Climate Change, Energy, Environment and Water commission comprehensive research to determine the impacts of microplastic ingestion, inhalation and skin contact on human health, including any absorbed toxins.

The initial research should be made publicly available by July 2026 through the Australian Government’s National Plastic Pollution Portal.”

Part 4.72. “...The Committee recommends that the Australian Government, through the Environment Ministers Meeting, set as a priority a national microplastic reduction strategy. The strategy should consider strengthening regulation and monitoring of stormwater filters to stop microplastics from entering the marine environment.

The national microplastic reduction strategy should be in place by December 2025.”

Public Policy is becoming more and more concerned about microplastics impact on health, the environment and specifically waterways. There are no restrictions or conditions for the Plastic Factory that can mitigate these concerns. This proposal is an experiment on a massive scale and falls foul of that significant body of work from the committee of the Commonwealth Parliament. This would be considered by the Commissioners as part of the Public Interest/precautionary principle.

If the Plastics Factory is approved by the IPC (just like occurs with mining) there should be a reclamation bond paid of a very serious amount of money to allow rectification work to occur. I have no doubt if this facility is built it will fail. The economics do not stack up. Having an operator who has no experience in the Plastics space confirms that view.

I will conclude my submission, although there are other matters, the community have made some very good submissions, and I need not repeat all points.

I thank the Commissioners for their time in considering my submission and the way in which they conducted the public sessions.

Commissioners the Plastic Factory must be rejected.