New South Wales Government
Independent Planning Commission

ANA REILLY		**OBJECT**	Submission ID: 217289
Organisation:	*N/A*		
Location:	*New South Wales 2577*	Key issues:	*Other issues*
Attachment:	*Attached overleaf*		

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Please see attached submission

Submission on Plasrefine's proposal

I challenge and object the justification of the Plasrefine proposal based on the following grounds:

Land zoning:

- The proposed development is located within land zoned E4 General Industrial or IND 1. The objectives of this zone are to
    - To provide a range of industrial, warehouse, logistics and related land uses.
    - To ensure the efficient and viable use of land for industrial uses.
    - To minimise any adverse effect of industry on other land uses.
    - To encourage employment opportunities.
    - To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
    - To allow non-industrial land uses, including certain commercial activities, that, because of the type, scale or nature of the use, are appropriately located in the zone and will not impact the viability of business and commercial centres in Wingecarribee.
    - To ensure new development and land uses incorporate measures that take into account the spatial context and mitigate potential impacts on neighbourhood amenity and character and the efficient operation of the local and regional road system.
- The zoning allows for development such as: Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Rural supplies; Specialised retail premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres.
- The EIS states that the development is permissible under the above zoning, however the proposed development is inconsistent with the above uses. The intention of the wording of the above uses are to enable light industrial with a focus on retail, warehouse, and distribution.
- The proposed development is a large waste management recycling facility with a processing capacity of 120,000 tonnes per annum. The volumes and type of activity (waste processing) is inconsistent with the zoning of the land. Australian Bio Resources located adjacent to the site are consistent with the zoning of the area.

- The proposed development falls under permitted development under the E5 Heavy Industrial Zoning and should be located in a site with E5 zoning. The objectives of E5 are
    - To provide areas for industries that need to be separated from other land uses.
    - To ensure the efficient and viable use of land for industrial uses.
    - To minimise any adverse effect of industry on other land uses.
    - To encourage employment opportunities.
- The zoning allows for development such as: Data centres; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industries; Industrial training facilities; Offensive storage establishments; Oyster aquaculture; Tank-based aquaculture; Warehouse or distribution centres.
- The proposed development is a large waste management recycling facility with a processing capacity of 120,000 tonnes per annum. The volumes and type of activity(waste processing) is consistent with E5 zoning to reduce the effects of the industry on surrounding land uses.
- The EIS states in section18.1 greenhouse gases – that the proposed development is likely to produce 90000 tonnes of CO2 equivalent and will exceed the reporting threshold under NGERS of 25000 tonnes CO2 equivalent. Other emitters that report under NGERS include mining, waste management facilities, steel production and energy generation. These are very large and energy intensive facilities. Therefore the proposed facility is similar to these heavy industries and should be considered heavy industry. As a result it is not suited to the zoning of the proposed site.
- The proposed development is located directly adjacent to land zoned Zone C4 Environmental Living. The objectives of this zone are to
    - To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
    - To ensure that residential development does not have an adverse effect on those values.
    - To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.
    - To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture and other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.
    - To manage land in a way that minimises impact on its environmental and scenic value from adjacent and nearby development and land use activity.

    - To minimise the proliferation of buildings and other structures in these sensitive landscape areas.
- The EIS has only assessed the development under the IND zoning. The proposed development does not meet the objectives of the zoning above. As a result the development will impact on the C4 zoning and will render the application of zoning in this part of the LEP as void or unworkable.

Inconsistency with Southern Highlands Innovation Precinct (SHIP):

Approval for the development is inconsistent with and would totally disregard Council's SHIP because:

- It does not align with the recommendation that development "consider existing landowners and industries, and compatible uses to spatially understand and place sub-precincts and land uses in the right locations."
- It does not align with the recommendation that development "minimise land use conflict and ensure there are appropriate buffers of land/trees between uses and at the boundaries of the precinct. There was particularly concern around the interfaces with residential neighbourhoods and rural areas."
- It is inconsistency with SHIP recommendations to have "low scale built form 1-2 storeys. Ensure any new built form is below the tree line and elevated topography to retain landscape views" the EIS demonstrates visually that the development exceeds this recommendation.
- It is inconsistent with SHIP recommendations "There is support for industrial uses such as waste recycling, but these uses need to be located in the appropriately zoned land. Plasrefine, as an example, is a plastics recycling facility proposed to be located on an E4 General Industrial zoned lot when this use is more aligned to E5 Heavy Industrial and should be located accordingly."
- It is inconsistent with SHIP recommendations to "locate new industries/uses where they are best suited i.e. consider lot size, built form needs, adjacencies, environmental constraints etc". This plastics recycling plant is completely different to the Garvin Medical Research facility and completely different to the existing businesses in the area. It would be inconsistent with SHIP's recommendation to "Cluster similar uses/industries to generate an ecosystem of like-minded businesses and encourage partnerships."
- The proposed site falls under the SHIP precinct: Research, Training and Advanced Manufacturing Proposed zoning: E4 General Industrial, which recommends retaining the current land use zoning of E4 General Industrial and enable uses such as: Industrial training facilities, Research focused on agri-innovation, food technology, the equine industry, waste to energy transfer, advanced manufacturing technologies, local assembly and manufacturing,

advanced manufacturing, hardware, building and landscape suppliers, local distribution centres, information technology e.g. data centres.

- The proposed business operations to not meet the definition of the above uses and the location is incompatible with SHIP's recommendation of "a new innovation and business park near the eastern gateway". They are more closely aligned to the SHIP's recommendation that "Heavy industrial uses to the east of the precinct with opportunities to implement more sustainable resource and waste processes."
- The proposed business operations meet the definition of uses recommended within the Heavy Industry and Construction Zoning: E5 Heavy Industrial which include expansion of the Boral Cement Works operations , local industrial waste recycling to localise waste-energy inputs for the concrete works, **resource management**, warehouse or distribution centres, industrial training facilities.
- The EIS states in section18.1 greenhouse gases – that the proposed development is likely to produce 90000 tonnes of CO2 equivalent and will exceed the reporting threshold under NGERS of 25000 tonnes CO2 equivalent. Other emitters that report under NGERS include mining, waste management facilities, steel production and energy generation. These are very large and energy intensive facilities. Therefore the proposed facility is similar to these heavy industries and should be considered heavy industry. As a result it is not suited to the zoning of the proposed site as explained above.
- According to SHIP the proposed site is located within flood within a potential constraint area and potential flood inundation within the 2008 DCP. Approval for the development, which takes up the majority approximately 2/3 of the land area, will deliberately enable impacts on Plasrefine and on the local environment/community and infrastructure. NSW Department of planning as a result be accountable and liable for any loss or damage to the environment and community as a result of flooding impacts on the proposed development.

<u>Commercial viability</u>:

- The SEARs has asked for details of the waste stream inputs. The proposal has insufficient information.
- The proposal states that it will obtain feedstock from the Southern Highlands, Sydney, Wollongong and Canberra areas. As the EIS states, only 2100 tonnes of plastics is potentially recoverable from Spring Farm which is only 1.8% of the 120,000 tonnes required. Has this been confirmed with the operators of Spring Farm. Therefore, reliance on plastics from the local area is irrelevant. Where will the additional 98.2% of material required come from?
- The proposal states that it will recycle all of the 86,000 tonnes of plastics stated in the MRA Plastics Feedstock Study (Table 9.1). These figures or the

methodology to produce these figures have not been interrogated, nor are they likely to be actual measured amounts. It is risky for the Department to approve a proposal without assessing the commercial viability of the project.

- The Proposal uses the DPIE Waste and Sustainable Materials Strategy (Infrastructure Needs Report) to justify the projected total amount of recycling capacity, however the 420,000 tonnes of plastic waste from NSW can be recycled is only an assumption.
- The proposal also relies on the 190,000 tonnes of exported plastic waste identified in the 2018-19 Australian Plastics Recycling Study. However as above there is no interrogation of the figures or methodologies to determine the figures.
- The SEARs has asked for a calculation of the CIV of a development which includes all costs necessary to establish and operate the development. It is unclear whether an assessment of the information provided for the CIV is accurate. According to the Planning Circular on CIV, "the development the subject of a CIV calculation must be capable of accurate identification so that the CIV can be determined with reasonable certainty".
- All costs associated with the following questions need to be provided:
    - The proposal assumes it will have access to all the plastics identified in Table 9.1. Commercially this would be impossible. Does Plasrefine has a guarantee of supply or contracts for all of the 86,000 tonnes pa?
    - Does Plasrefine have guarantee of supply or contracts for the additional shortfall to make up 120,000 tonnes pa?
    - Will Plasrefine pay for the plastic waste or are they expecting to receive it for free?
    - Who will transport the waste material and who will pay for transport?
    - Will Plasrefine take over the supply of plastics to the other 18 processors identified in the MRA report? Does that mean Plasrefine will have a monopoly over the market?
    - Does Plasrefine have guarantee of demand for the products it intends to produce?
    - Will Plasrefine be relying on government grants for its proposal.
- Additionally, it seems as though Plasrefine have never operated a facility of this type in Australia. Due diligence should be conducted on the company and their track record. Is it unlikely that a company who has never operated a facility of this type in Australia at the proposed scale with little information on supply of inputs will be successful in obtaining any government funding.

Environmental impacts and mitigation measures:

- Water
    - The EIS cannot state it has adequately determined that the development will have a 'Neutral or beneficial effect to Sydney's drinking water' because of the following reasons:
    - The impact assessment for water quality modelling uses the MUSIC model for stormwater runoff and only assesses TSS, phosphorus, nitrogen and gross pollutants. This is for stormwater only. Considering the main water quality impacts are likely to be from waste water discharge, why has Plasrefine not stated the anticipated water quality characteristics of the waste water discharge.
    - There is no assessment of the quality of waste water or description of contaminants of concern that may leach into the waste water as required by SEARs. Waste water modelling only refers to modelling of volume of waste water to be discharged not the quality of water to be discharged. Modelling should be undertaken for pollutants to be released in the waste water including microplastics and other chemicals such as PVC/PAHs into Sydney's drinking water catchment and not just limited to the above pollutants
    - Plasrefine is also relying on waste water treatment from Council operations. Council's waste water treatment processes and testing guidelines have not been established to treat the (unstated and unknown) pollutants from the development's waste water discharge. It would be irresponsible to assume Council's services can handle industrial discharge without stating the predicted water quality characteristics.
    - NSW Planning should also review the drinking water guidelines to ensure they adequately include microplastics.
    - The flood modelling for 1 in 100 year AEP does not account for the increase in rainfall intensity as a result of climate change. A generic statement is provided to say measures are adequate for any increase in rainfall due to climate change. The flood modelling needs to take into account recent climate data as flood impacts are predicted to increase over time and unlikely to stay the same or decrease.
    - The operational water management plan mentioned in 10.5.2 has incorrect words. It seems to be a copy and paste about a waste management plan referring to plastic waste not water
- Indigenous heritage
    - 3 sites were identified with a recommendation of reburial. The SEARs required "consultation with Aboriginal people must be undertaken and

documented in ACHAR and a description of the impacts on Aboriginal cultural heritage values."

    - there is no description of any meaningful consultation with Aboriginal people especially in regards to the suggested reburial of items. 15.3.1 & 15.3.2 describe the impacts on indigenous cultural heritage based on OZArk's opinion. There is a conflict of interest asking a consultant to provide an assessment/ speak on behalf of the Aboriginal community

- Visual amenity:
    - The EIS states that the impact of development can be mitigated with planting.
    - The landscape plan in unrealistic and unreasonable and does not provide an adequate visual representation of the proposed landscaping
    - The revised landscape plan states tube stock will be used. As demonstrated in the figures – plantings will need to grow for at least 10 years to see a reasonable mitigation effort.
    - As stated above the development will be 2/3 of the site and the rest of the site will be proposed planting areas as seen in figure 16.37 - proposed landscape plan. It seems as though any part of the site not dedicated to the facility is considered a planting zone. The proposed landscape plan is unrealistic if canopy cover trees will need to be planted in zones 1 and 2 to screen and mitigate. If trees are planted this close to the building, the risk of fire into or out of the site increases.
- Socioeconomic
    - The proposed development is located directly adjacent to land zoned Zone C4 Environmental Living.
    - The EIS has not assessed the impacts on land values to the areas that are adjacent to the development. As described above under zoning the proposed development will render the application of C4 zoning in this part of the LEP as void or unworkable.
- Biodiversity
    - As stated in 17.2.3 Biodiversity, two threatened bat species were possibly recorded (Southern Myotis and Large Bent Wing Bat). It also stated that "No breeding habitat for the large bent wing bat was recorded at the site or within 2 kms so no species credits are required." However, there is no evidence to demonstrate how GHD came to this conclusion. How did they determine there was no breeding habitat within 2km of the site. It is highly unlikely they extensively surveyed a 2km radius from the development site.
    - Although the Southern Myotis was likely recorded on site, there is no impact assessment prepared for the species. Further investigations should be undertaken if a threatened species was found and to

demonstrate ways to mitigate impacts on the Southern Myotis even with biodiversity credit purchases.
    - Mitigation measures for operations are generic and not specific to bat species and impacts on bat species
- Traffic
    - The operational impacts of traffic in 11.4.2 indicate 100 vehicles a day will be entering and leaving the site. Has this figured been verified as accurate considering the proposed volume of plastics to be delivered to the site – 120,000 tonnes per annum.
    - The assessment of traffic volumes against the predicted 2030 background levels indicate only a 2% increase in traffic. However the EIS doesn't not take into account the traffic volumes with other DAs including the proposed resource management facility nor the large increase in housing development at the Ashbourne site.
- Noise and Vibration
    - The original noise and vibration assessment in the EIS only contains a high level impact on mice at Australian Bioresources for construction only. An assessment of the operational impacts is required.
    - The revised noise assessment based on changes to the access route does not include a revised noise and vibration assessment, in particular impacts to the breeding of mice at Australian Bioresources
- Fire
    - 8.5.2 of the Fire Safety Guidelines for waste facilities states the maximum internal stockpile size should be 1000m3. Table 14.3 of the EIS details preliminary stockpile figures only states the volume and weight of one stockpile pen. It does not state the total volume or weight or number of stockpile pens. It also doesn't state the weight or density of the stockpiles in the unloading bay.
    - A figure of 4800m3 for the size of stockpiles is provided in the waste management section instead. Therefore the internal stockpile size exceeds the stockpile requirement in the guidelines and is likely to be a significant fire hazard
- Air
    - The proposed development is likely to impact on the nearest receivers Australian BioResources. It does say employees should be made aware of air quality impacts but does not state by whom. The development takes no accountability for the impacts on employees there as it states that predicted elevated levels will likely be a result of bushfires.
    - The air modelling only takes into account PM and 4 VOCs. It doesn't adequately consider modelling and monitoring for microplastics. According to the EIS and additional studies microplastics fall within the

fine particulate matter criteria. Considering microplastics have only recently been detected as a pollutant of concern, air quality modelling should be updated to account for microplastics and not assume they fall under the generic fine particular matter criteria which is a criteria based on size of material not the quality or chemical composition of the material.
    - Nor does it include PVC/dioxins/hydrogen chloride as 20,000 tonnes of PVC waste are expected to be processed.
    - The Department of Planning should not approve a development of this type unless it is certain that all National air quality objectives and POEO Clean Air Regulations have been updated to reflect increased detection of microplastics.
    - Persistent Organic Pollutants were not assessed because the EIS stated 'based on a review of available literature, formation of significant concentrations of POPs is unlikely, given the lack of combustion at the facility and the relatively low process temperatures proposed'.
    - As there are predicted impacts on nearest receivers modelling an assessment for POPs should be required
    - Additionally, if a fire breaks out at the facility then plastics will burn at a higher temperature than 200C. Therefore an assessment of POPs/VOCs should be undertaken
- Greenhouse gases
    - The EIS states in section18.1 greenhouse gases – that the proposed development is likely to produce 90000 tonnes of CO2 equivalent and will exceed the reporting threshold under NGERS of 25000 tonnes CO2 equivalent.
    - Other emitters that report under NGERS include mining, waste management facilities, steel production and energy generation. These are very large and energy intensive facilities. Therefore the proposed facility is similar to these heavy industries and should be considered heavy industry. As a result it is not suited to the zoning of the proposed site as explained above.

<u>Consistency with ESD principles:</u>

- Plasrefine claim there are no serious or irreversible environmental impacts, however the assessment has not done enough in order to conclusively state this.
- The EIS cannot state that the 'assessment is consistent with the precautionary principle' and has been undertaken with a 'high degree of certainty'. This is because it lacks scientific rigour in several areas as demonstrated in all the comments above.

- There are potential irreversible environmental impacts on water and air quality especially with regards to the recent detection and acknowledgment of pollutants such as microplastics. A lack of scientific certainty on the assessment of microplastics for example or a lack of guidance from government agencies on monitoring and modelling for microplastics should not be used as grounds to justify the approval of the project. The principle was intended to reverse the burden of proof and make the proponent prove the proposed development is unlikely to have serious or irreversible impacts. This EIS has not successfully done this as outlined above.

Thank you for considering my submission,

Ana Reilly