New South Wales Government
Independent Planning Commission

JESSICA RYALL		**OBJECT**	Submission ID: 217819
Organisation:	*Architecture Republic*	Key issues:	*Visual impacts, design and landscaping,Land use compatibility (surrounding land uses),Traffic*
Location:	*New South Wales 2577*		
Attachment:	*Attached overleaf*		

Submission date: 11/24/2024 8:07:54 PM

See attached

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24 November 2024

Objection to SSD-9409987: Moss Vale Plastics Recycling Facility

We are Tristan Ryall, a registered architect (NSW Reg #9651 & ACT Reg #2525) B.Arch, B.A (UNSW), and Jessica Ryall B.Arch, B.A (UNSW), a highly experienced architectural professional. Together, we lead Architecture Republic, a sustainability-focused design practice based in the Southern Highlands. We regularly engage with the planning system across 12 NSW councils and the ACT. We are writing to formally object to the Plasrefine proposal in Moss Vale NSW. This proposal demonstrates multiple failures of the planning system itself as well as failures to implement the current planning system correctly.

This document is structured as follows:

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A. Inconsistencies with Planning Objectives

Fundamental Purpose of Planning: Protecting Residential Areas

The reason we have a planning system is to avoid building factories in residential areas. This principle, a direct response to the challenges of 19th-century cities, exists to protect people's health and wellbeing. The Environmental Planning & Assessment Act which governs development in New South Wales aims to promote the orderly development of land, to promote amenity of the built environment, and to provide increased opportunities for community participation in environmental planning and assessment. Yet here, we face a proposal for an enormous factory directly beside residential properties which is heavily opposed by the local community.

In Canberra, industrial areas like Hume and Fyshwick are deliberately located kilometres away from residential suburbs. This ensures that the risks and impacts of industrial activities do not jeopardise the safety or quality of life of nearby residents. Plasrefine's proposal flies in the face of this best practice, placing a massive factory facility mere metres from homes.

The 2022 fire at the Hume recycling facility in Canberra is a stark reminder of the dangers posed by industrial recycling operations. Even with the nearest houses over 1.8km away—nine times further than the 200m proposed for Plasrefine — the impact on the surrounding area was significant. This occurred in an industrial area with *city-level* firefighting resources, where 18 crews (including a hazmat team) from multiple fully manned fire stations were mobilised. The first units were on site within eight minutes of the 000 call, yet the fire still could not be contained.

By comparison, Plasrefine will have capacity to store 20,000 tonnes of plastics (over 100 times as much as the Hume facility) in a region with no permanently manned fire stations. The nearest permanently manned stations are at Narellan (46 minutes away by freeway) and Albion Park (49 minutes away by a mountain road with hairpin bends). Travel times for a heavy vehicle such as a fire truck would likely be longer, particularly from Albion Park. The proponent's own documentation (Response to RFI dated 23 April 2024) lists only four fire trucks available at stations within the Southern Highlands: three Class 2 pumpers and one Class 1 Hazmat Tanker. Only one of these pumpers is located in Moss Vale with the hazmat tanker based at Mittagong (at least 23 minutes away). This comparison demonstrates the stark lack of firefighting resources available in Moss Vale for a facility with vastly larger fire risk,

The fire at Hume, Canberra shows the inherent risks of placing industrial activities near residential areas, particularly where firefighting resources are less robust, as is the case in Moss Vale.

The introduction of a facility with such significant fire, noise, and pollution risks undermines the intent of the planning framework to protect residents from industry and create sustainable, livable communities.

B. Legacy Planning Issues

Historical Failures of Local Governance

The Wingecarribee Shire Council's extended period under administration, following years of dysfunction, has left a legacy of unresolved planning problems. These include outdated and contradictory planning instruments and out-of-date bushfire mapping. For nearly two council terms, the community had no effective leadership or oversight creating a democratic void that allowed this proposal to advance unchecked. Only in the past few months has the election of a new Council restored local democracy. The new Councillors now face the challenge of addressing systemic issues left by their predecessors.

Contradictory and Incoherent Zoning

One of the most striking examples of this dysfunction is the inconsistent and incoherent zoning in the area surrounding the proposed Plasrefine site. The zoning changes four times across just three blocks of land. The site itself is split between E4 (General Industrial) and C4 (Environmental Living) zones, despite being a single block. These two zones have **fundamentally** contradictory purposes — industrial development versus low-impact residential use on environmentally sensitive land.

If endangered species or sensitive ecosystems are present in or around the facility site (which the C4 zoning & Riparian Lands mapping would suggest), the IPC or DPHI could face legal challenges if it is found to have inadequately assessed or mitigated impacts on these habitats.

Neighbouring suburban-scale housing lots, despite their residential nature, are bizarrely zoned as RU2 (Rural Landscape - for extensive agriculture and other supporting land uses). These blocks are under 1000m^2 in area (i.e. less than a quarter acre) and connected to town water supply and sewerage mains. Yet these same housing lots are inexplicably outside the 'town boundary' shown in the Moss Vale Township DCP.

Meanwhile, larger blocks on the hillside alternate between C4 (Environmental Living - For low impact residential on land with *special* environmental values) and RU4 (Primary Production – Small Lots) with no clear rationale. These rural 'small lots' are larger than the adjacent house blocks zoned RU2 for extensive agriculture. Between the bottom of the hill and the proposed site, four different DCPs apply (Rural Lands, Rural Living, Moss Vale Enterprise Corridor and Moss Vale DCP).

A key implication of this erratic zoning is that **suburban** land along Beaconsfield Road is incorrectly described as **'rural residential'** land and the surrounding landscape incorrectly described as being 'in a state of transition', with rural areas earmarked (and under development) for future industrial uses. In reality, the site fronts directly onto suburban residential land. The southern portion of the Plasrefine block even includes residentially zoned land!

The current zoning doesn't align with either the SHIP Masterplan (looking forward) or the EC DCP (Enterprise Corridor DCP) (looking back). The EC DCP (currently in force) identifies this block as an 'enterprise precinct' accommodating *light* industrial and commercial.

The EC DCP further complicates matters as it has not been updated to reflect the current NSW zoning scheme. A more appropriate designation for this site under contemporary planning standards would be E3 (Productivity Support). This zoning is proposed in the incoming SHIP Masterplan for nearby industrial precincts adjacent to residential areas (e.g. Lytton and Bulwer Roads).

The intent of the DCP for the proposed site is to *'facilitate a transition between residential uses and heavier industrial uses across the northern parts of the Enterprise Corridor'* (Clause 2.2). While the development is technically exempt from compliance with the EC DCP as a State Significant Development, Section 4.15 of the Environmental Planning & Assessment Act (the Act) requires the Commission to take into consideration any relevant Development Control Plan. Even where specific controls from the EC DCP may not be applicable, the aims of the EC DCP to *'provide a clear framework for development in the Moss Vale Enterprise Corridor'* and '*to protect the amenity of surrounding rural and residential areas*' should be taken into account. A proposal of this scale and character clearly fails to meet these aims.

The current zoning framework is a patchwork mess that fails to provide a coherent basis for development decisions.

Bushfire Risks and Outdated Bushfire Mapping

The proponent's reliance on bushfire mapping that has not been updated **since 2011** is deeply troubling.

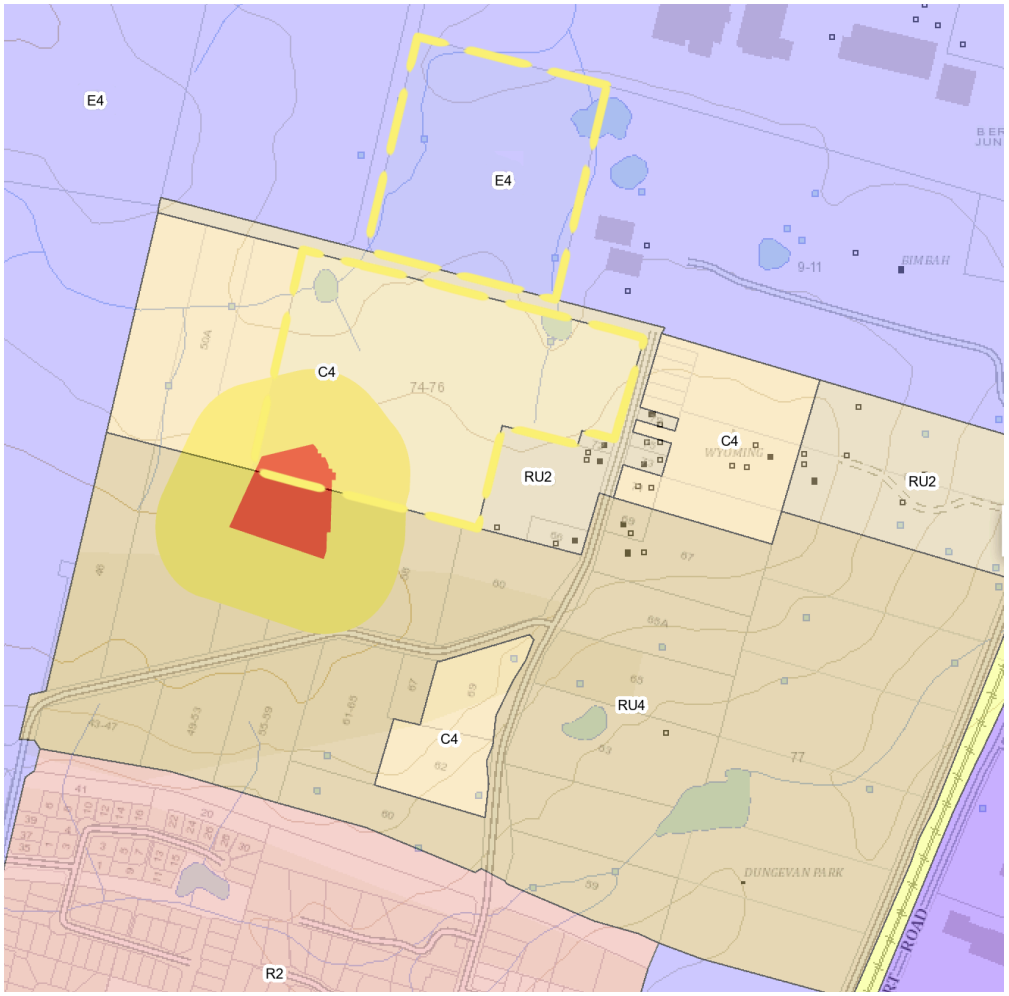

IMAGE 1 - *Council's mapping of bushfire from NSW Planning Portal (note the grassland is not mapped as bushfire prone. Grassland has been required to be mapped as bushfire prone since the guideline changes in 2015).*

The current (out-of-date) mapping gives the impression that the site is not bushfire prone, since the proposed works are outside of the bushfire overlay (red and yellow shading in IMAGE 1, above). This has allowed the proponent to claim that the site is not bushfire prone (EIS page viii) with no advice beyond initial RFS comments (letter dated 8

October 2020). Planning for Bushfire Protection 2019 2.4.2 recommends that *'Even where comments have been provided by the NSW RFS at the strategic planning stage, future DAs may benefit from further advice from the NSW RFS'*. There is no evidence on the Department's website for this proposal that this further advice has ever been sought.

IMAGE 1 also provides an excellent visual of the incoherent patchwork of 4 zones in the surrounding area (see previous section).

Under the Environmental Planning and Assessment Act (10.3), bushfire-prone land mapping must be revised **every five years** and requires Councils to prepare and maintain accurate hazard mapping. This information is reiterated in RFS Planning for a bushfire Protection (PBP) 2019 (2.2) "*Each council prepares a map in accordance with the guidelines and submits the map to the NSW RFS for certification by the commissioner. These maps are required to be recertified at least **every five** years*".

This critical legal requirement has been overlooked. Wingecarribee's current nine-year-old bushfire mapping **may not be legal.**

Current standards - the 2015 'Guide for Bushfire Prone Land Mapping and PBP 2019 both **require** grasslands like those on this site (as per AS 3959 vegetation classifications) to be classified as bushfire-prone - i.e. the current Wingecarribee mapping that GHD has used is 9 years out of date.

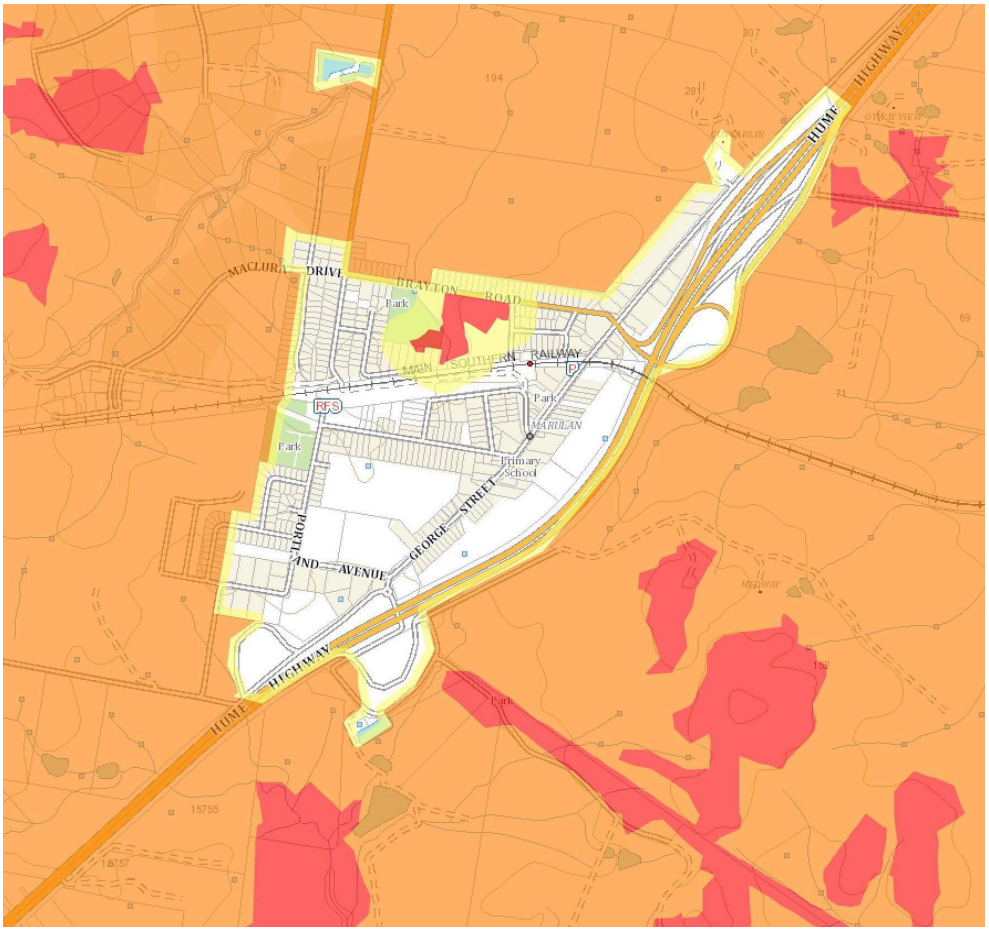

IMAGE 2 - *Under the current standards, areas of grassland should also be mapped as bushfire prone. For example, this is the up-to-date bushfire mapping for Marulan (in neighbouring Goulburn Mulwaree LGA), which is similar in character to*

the Plasrefine site. This map shows all the grassland around the village as bushfire prone (the orange, yellow, and red areas). If Wingecarribee's bushfire mapping were up to date, the entirety of the Plasrefine site would be coloured orange (bushfire prone) because of the grassland both on the site and on surrounding lots. GHD's technical reports don't mention bushfire at all - addressed in Section C.

This omission is not merely a procedural oversight—it represents a significant risk to public safety. Allowing a facility that handles flammable and hazardous materials to be sited on bushfire prone land within 200 metres of residential properties is both irresponsible and dangerous. If the IPC approves this proposal without addressing these deficiencies, the consequences could include:

Setting a Dangerous Precedent
Approving the project with outdated bushfire data undermines the planning framework that is meant to protect communities from preventable disasters. It signals to other proponents that they can bypass critical safety assessments, eroding the integrity of the planning system.

Exposure to Legal Risks
A decision based on outdated and incomplete bushfire data is vulnerable to legal challenges, including claims of procedural unfairness and breaches of statutory duties. The IPC has an obligation to ensure its determinations are based on accurate and up-to-date information. Approving this project without requiring updated bushfire assessments could be seen as a failure to meet these obligations, exposing the Commission to judicial review.

Increased Community Risk
Fires at similar facilities across Australia and internationally underscore the inherent risks of this proposal. Coupled with the site's bushfire vulnerability, these risks multiply. The proximity of homes means that any incident could quickly escalate into a disaster, putting lives and property at risk. Approving this project under these conditions could lead to preventable tragedies.

Erosion of Public Trust in Planning Processes
Ignoring the bushfire risks associated with this site fosters the perception that safety and due diligence are being sacrificed for expedience. This diminishes public trust not only in the proponent but also in the IPC, NSW Department of Planning and the broader planning system. Community confidence in the integrity of decision-making processes is critical for effective governance and social licence.

Although Section 4.14 (1B) of the Act exempts State Significant Development from compliance with bushfire regulations, Section 4.15 of the Act requires the Consent Authority to consider the provisions of any environmental planning instrument or regulation relevant to the proposal. The storage of 20,000 tonnes of flammable materials in a bushfire prone area **would seem to make the bushfire regulations extremely relevant!**

Even given the need for updated bushfire mapping and the exemption from bushfire regulation compliance provided by the Act, the lot **is** mapped as bushfire prone under the current bushfire prone land map (see Section C below). The threat of fast moving grass fires in an area which can experience westerly winds greater than 100kmh is a reality that no planning exemption can wish away. The proposal has not addressed this threat in any part of the application (see Section C below).

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Inadequate Infrastructure and Planning Control Issues

Road Infrastructure

The lack of supporting infrastructure further highlights the site's unsuitability for industrial use. The industrial zoning assumes access via roads proposed in the EC DCP, such as Braddon Road, which have not been built and are no longer included in the SHIP Masterplan. The site is currently only accessible via Beaconsfield Road, which aligns with residential and rural land use, not industrial activity. It doesn't make sense to emphasise that the development is exempt from the EC DCP and at the same time rely on the access routes it proposes.

Development near Zone Boundaries

In most NSW jurisdictions, the LEP requires that development near a 'zone boundary' takes into account the objectives of the neighbouring zone. This rule (Clause 5.3) is in the Standard Instrument which is the template for Local Environmental Plans across the State. The fact that Wingecarribee hasn't adopted this clause (probably, again, due to those legacy planning issues from the dysfunctional council and subsequent administration period) does not mean this should not be considered. This is especially true, given the wildly differing objectives of the E4, C4, RU2, and RU4 zones, not to mention the R2 (Low Density Residential) at the bottom of the hill.

The proposed four storey industrial buildings certainly don't align with the objectives of the neighbouring C4 Environmental Living zone listed below (particularly relevant points italicised):

- 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.

Lot size

The industrial portion of the site is smaller than the minimum lot size required under the LEP (10 hectares). Any attempt to subdivide the site would necessitate incorporating part of the C4 (Environmental Living) portion of the site, despite it being located on the other side of the (paper) road. While this doesn't prevent construction on the industrially zoned portion of the site, it illustrates the incoherence of the current planning controls and demonstrates them to be a poor basis for decision-making for a project of this scale.

This kind of workaround is occasionally used in planning, but it is typically to enable low-impact development, not to justify the placement of a heavy industrial facility in a highly sensitive location.

C. Errors and Omissions in the Proponent's Documentation

Deviations from the Development Control Plan (DCP)

While the EC DCP does not technically apply to State Significant Development, its principles should still inform decisions to maintain consistency with local planning standards. Section 4.15 of the Act, as discussed previously, requires the Commission to take the DCP into account.

The proposal contains several key inconsistencies with the Moss Vale Enterprise Corridor DCP:

Failure to Preserve the Area's Open Rural Character
The EC DCP Section 3.4 mandates that developments maintain the open rural character of the area. The proposed facility—a monolithic, industrial-scale structure with 160m unarticulated white walls—is entirely at odds with this requirement.

Visibility and Lack of Viewshed Analysis
The facility is visible from surrounding townships, including residences on Beaconsfield Road. While a visual analysis from nearby vantage points has been provided, no viewshed analysis has been provided to confirm whether the site can also be seen from Burradoo, a significant oversight given the area's scenic value.

Non-Compliant Colour Scheme
The EC DCP stipulates that buildings should avoid large, reflective areas of white cladding (Section 3.4, Rule 9). The facility's proposed design blatantly ignores this rule with unarticulated 160m white walls while inexplicably claiming that a '*monochromatic design will ensure the buildings are not overly conspicuous from a distance.*' This argument is included in the most recent architectural drawings (dated 22 April 2024) despite the Department's request '*that more thought be given to the articulation and treatment of the buildings*' (letter dated 10 November 2023).

Deviations from the Local Environmental Plan (LEP)

Unlike the EC DCP, a State Significant Development is not exempt from the provisions of Local Environmental Plans.

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Misclassification of the Facility's Scale and Use
The proposal describes the facility as a '*waste and resource management facility*' as defined by the LEP, which is a permitted use for the zone. A waste or resource management facility is defined in the Standard Instrument as *any of the following—*
(a) a resource recovery facility,
(b) a waste disposal facility,
(c) a waste or resource transfer station,
(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).
A 'resource recovery facility' is further defined as *'a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.'*

Considering the type of 'processing' that the proposed facility will undertake and the amount and danger of the materials stored on site, it should more properly be considered as a 'heavy industrial storage establishment' and 'heavy industry'.

The Standard Instrument defines 'heavy industrial storage establishment' as *a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—*
(a) a hazardous storage establishment,
(b) a liquid fuel depot,
(c) an offensive storage establishment.

A 'hazardous storage establishment' is further defined as *a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—*
(a) to human health, life or property, or
(b) to the biophysical environment.

'Heavy Industry' is defined in the Standard Instrument as *means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—*
(a) hazardous industry, or
(b) offensive industry.
It may also involve the use of a hazardous storage establishment or offensive storage establishment.

'Hazardous industry' is further defined as *a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—*
(a) to human health, life or property, or
(b) to the biophysical environment.

The type of processing proposed by Plasrefine is chemical reprocessing of highly flammable substances, so clearly requires 'separation from other development' as in the definition of heavy industry above. Likewise, the storage of 20,000 tonnes of highly flammable raw materials clearly also requires 'separation from other development' as in the definition of heavy industrial storage establishment above. This processing and storage of such vast quantities of dangerous material also clearly 'pose a significant risk in the locality to human health, life, property, and the biophysical environment' as in the definitions for 'hazardous industry' and 'hazardous storage establishment' above.

While the proposed storage and processing activities may fit the definition of 'waste and resource management facility,' the precautionary principle requires that the development be treated as fitting the more dangerous definitions. These more dangerous categories of development rightly have more stringent controls and **are not permitted in the E4 zone.**

This interpretation is further supported by the permitted and prohibited development types listed in the Wingecarribee LEP. The E4 zone permits a range of low impact developments such as garden centres, hardware

and building supplies, and timber yards. Importantly, it permits 'Light industry' but not 'heavy industry' where light industry is defined as '*a building or place used to carry out an industrial activity that* ***does not interfere with the amenity of the neighbourhood*** *by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise…'* As discussed above, heavy industry requires separation from other development.

Given the extensive vegetation buffers and other 'mitigation' measures proposed by Plasrefine, the proponent accepts that the plant as designed needs separation from other development. The proposal therefore clearly meets the definitions for 'heavy/hazardous industry' and 'heavy/hazardous industrial storage establishment' and should not be approved in the E4 zone.

Conflicts with the SHIP Masterplan

Though not yet in force, the SHIP Masterplan is in the Community Consultation phase and provides valuable guidance for development in the region. The proposal is inconsistent with several key elements of the draft Masterplan:

Inappropriate Road Infrastructure
Braddon Road, a critical access point for Plasrefine, is not identified as a proposed road in the SHIP Masterplan. This omission highlights the lack of infrastructure planning to support industrial-scale developments on the site.

Environmental Buffer Requirements
The SHIP Masterplan suggests a 50-metre buffer from the creek, yet the proposal allows for just 20 metres. This deviation risks significant environmental harm to the waterway and surrounding habitat. In addition, while planning rules generally apply a one-size-fits-all buffer width based on stream size, the precautionary principle would suggest a major chemical processing plant should have a larger buffer than a residential dwelling. In this case, the site design should at least obey the buffer width set out in the relevant Masterplan for the area!

In addition, the proposed north/south road connecting the site to Douglas Road *runs within the 20m riparian buffer zone for the creek for ~100m!* It is one thing for a road to cross a creek, but quite another for it to run on top of it for such a distance. No discussion of how this would be addressed has been included, despite the lengthy discussion of the riparian buffer zone within the site.

Excessive Building Footprint
The suggested building footprint for a lot of this size is 30–40%. The proposal exceeds this threshold at 43%, further straining the site's capacity and environmental resilience.

Failure to address the Threat of Bushfire

As discussed previously, the proponent has relied on incorrect and outdated bushfire mapping. In his preliminary letter, Rural Fire Service (RFS) officer Alastair Patton erroneously concludes that the project is '*not deemed to be located on bushfire prone land*' (8 October 2020). However, this letter is not legally sufficient to prove bushfire risk is not present. Again, Planning for Bushfire Protection 2019 2.4.2 recommends that *'Even where comments have been provided by the NSW RFS at the strategic planning stage, future DAs may benefit from further advice from the NSW RFS*'. There is no evidence that further advice has been sought from the NSW RFS.

Although it is true that the bushfire overlay doesn't cover the *footprint* of the proposed Plasrefine facility, this doesn't absolve the proponent of the requirement to perform a bushfire assessment on the entire block. If **any** part of a lot is mapped as bushfire prone, this triggers a requirement for a bushfire assessment by an accredited Bushfire Planning & Design (BPAD) practitioner (Clause 2.2 of RFS Planning for bushfire Protection (PBP) 2019). Though the land is split into two portions either side of Braddon Road, it is a single lot. The presence of the bushfire overlay on *any* part of the lot triggers the assessment. The assessment method set out in Appendix 1 of PBP 2019 looks at *all* vegetation on the site, not just vegetation shown as bushfire prone on the bushfire prone land map.

While Section 4.14 of the Act may exempt the development from this kind of bushfire assessment, **the bushfire risk itself remains**. The proposal has not acknowledged this reality in any way, and has not proposed any alternative measures to address the threat in place of those in PBP 2019.

Chapter 14 of the EIS assesses risks from fire and other hazards, referencing SEPP 33 (Hazardous and Offensive Development) and other fire regulations without addressing the bushfire threat present on the site. Incredibly, the hazards matrix in Section 14.2.2 lists 'Natural Hazards' and 'Fire' *without* including bushfire. Technical Report 5 attached to the EIS (covering fire and incident management) only comments on bushfire to again **incorrectly** claim that the site is not bushfire prone and proposes no strategy to deal with bushfire.

Incredibly, the Environmental Risk Assessment (EIS Appendix F Chapter 3) not only doesn't list bushfire as a risk, it categorises the consequences of a stockpile fire as only 'major' rather than 'extreme.' Given that a risk assessment of this nature is supposed to consider worst-case scenarios, this seems extraordinarily optimistic.

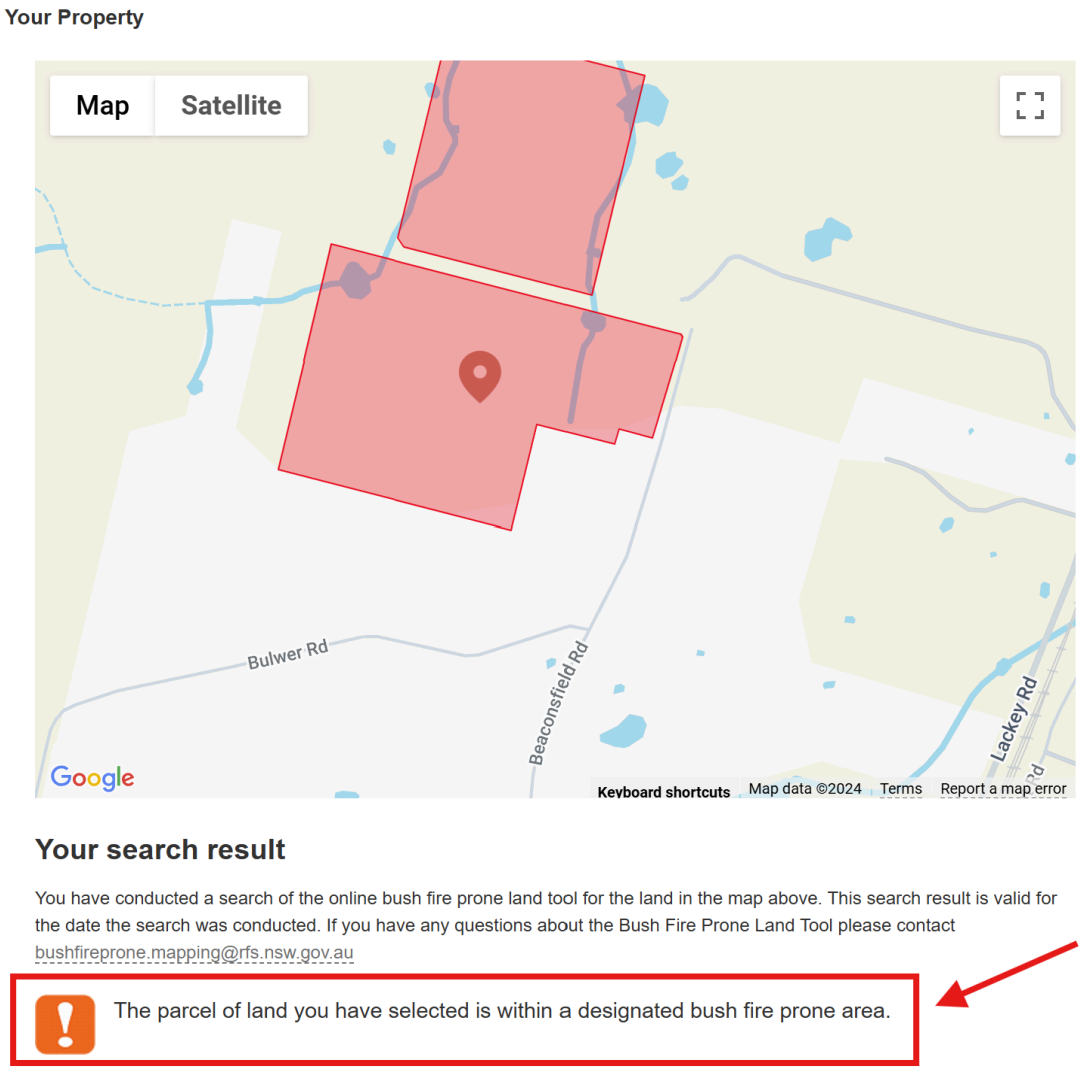

IMAGE 3 - *Screenshot from RFS website. Showing that the block is, indeed, bushfire prone!*

A proper bushfire assessment of this site by a Bushfire Planning & Design (BPAD) practitioner would likely recommend:

Asset Protection Zones (APZs): The 'Grassland Deeming Provisions' of Planning for Bushfire Protection (PBP) 2019 require a 50m Asset Protection Zone to achieve a Bushfire Attack Level of zero (i.e. BAL-LOW). Where a building is constructed to suit a higher Bushfire Attack Level, a smaller APZ can be implemented. For a 'Special Fire Protection Purpose' development, the minimum APZ for grassland would be 36m on the uphill and flat sides (West, South, East) side and 55m on the downhill side (North).

The proposed buildings are set back from the northern and southern boundaries by less than these distances, leaving no room for adequate asset protection zones in these directions. To the east and west, flammable vegetation (including eucalyptus trees planted at a rate of 2.5 per square metre!) is proposed within ~10m of the proposed buildings. This density of planting is not compatible with establishing an asset protection zone.

Compliant Driveways: Narrow site driveways with tight corners, exacerbated by parked cars and overhanging trees, fail to meet firefighting vehicle access standards. Planning for Bushfire Protection requires an inner curve radius of 6m while the proposal appears to have corners at the northern end with zero curve radius.

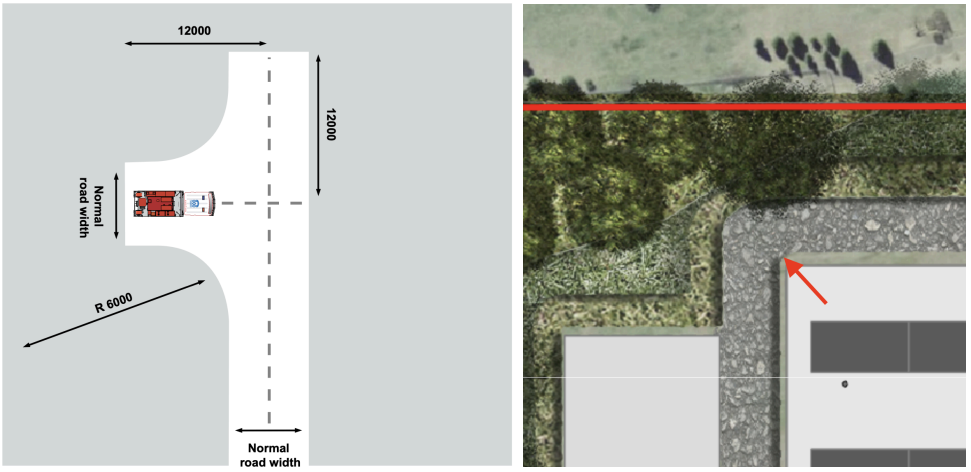

IMAGE 4: *Side by side comparison of generous curve radius required by fire fighting vehicles and tight corners in the proposed site plan.*

Construction Standards: Section 4.14 of the Act inexplicably exempts the development from bushfire compliance and AS3959: Construction of Buildings in Bushfire-Prone Areas also has no requirements for non-residential buildings. Despite these glaring failings in the legislation, the extreme flammability of the stored materials, small potential Asset Protection Zones, lack of local fire fighting capacity, and high risk of grass fires, the building should be built to suit a much higher bushfire attack level.

Firefighting Capacity: The region's firefighting capacity is significantly limited compared to urban centres, as discussed previously. Backup resources are 45-60 minutes away in Campbelltown or Wollongong, while Moss Vale RFS and the local fire stations are not always staffed 24/7. Approving this project would place undue strain on these limited resources, putting both the facility and the surrounding community at greater risk.

Implications of Bushfire Non-Compliance

If the IPC approves this project without addressing these glaring errors and omissions, the consequences will be severe and far-reaching:

Undermining Planning Standards
Approving a proposal that disregards the DCP and SHIP Masterplan would set a damaging precedent, encouraging other developers to exploit similar loopholes and inconsistencies.

Increased Legal Vulnerability
The IPC could face legal challenges for approving a project that violates bushfire mapping requirements, BAL Compliance, and other safety standards. The NSW Land and Environment Court has historically overturned decisions where agencies failed to address statutory obligations or relied on inadequate hazard assessments.

Exacerbation of Bushfire Risks

Allowing this facility to proceed without a proper bushfire assessment could lead to catastrophic consequences. The lack of compliant APZs, access routes, and firefighting resources significantly heightens the danger to nearby residents and the environment.

Inconsistent and Opaque Documentation: Smoke Stacks and Building Scale

The documentation surrounding the proposed facility is riddled with inconsistencies, particularly regarding the smoke stacks' height, number, and inclusion in architectural drawings. These discrepancies paint a concerning picture—whether of disorganisation, oversight, or deliberate obfuscation by the proponent. Accurate and consistent documentation is critical for assessing visual, environmental, and health impacts. The erratic presentation of the smoke stacks undermines the community's ability to assess the proposal's true scale and implications.

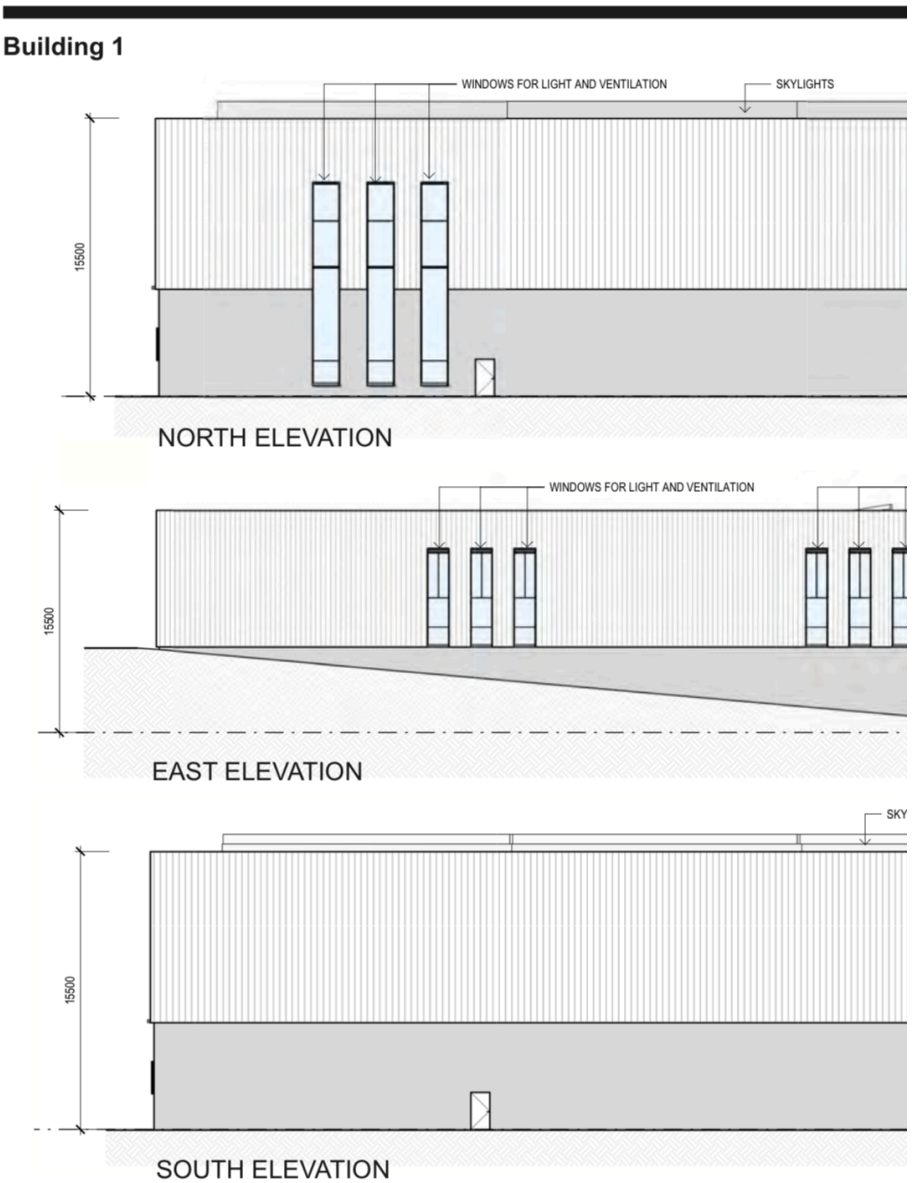

IMAGE 5 - *Architectural Elevation drawings from **ADR Appendix J - Architectural Plans 26 September 2023**. Fairly conceptual early elevations, showing Building 1 as our example.*

The earliest elevation drawings show no indication of smoke stacks or roof vents, with ventilation windows instead depicted. These windows later disappear as the proponent moves towards a fully enclosed facility. This omission is notable, given the potential visual and environmental impacts of the stacks.

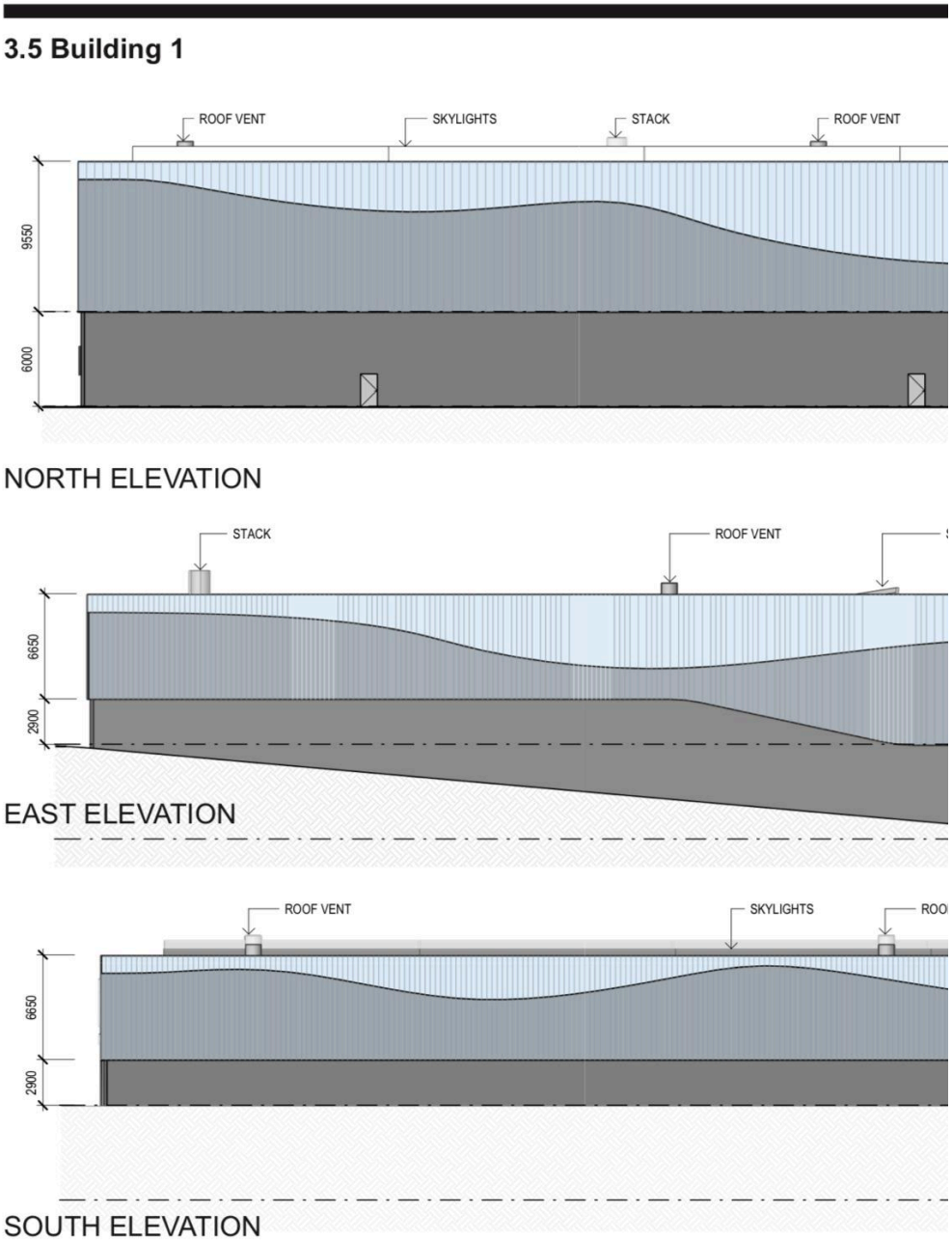

IMAGE 6 - *Architectural Elevation Drawings from* ***Amendment RTS Updated Architectural Plans - 01 Feb 2024.*** *Showing stacks and vents on the elevation drawings of Building 1. This document introduces 4 stacks of inconsistent heights across various images in the drawing set (see below).*

The 01 Feb 2024 set is the most transparent when it comes to the stacks and vents. They are also shown (albeit significantly taller) on this axonometric image from the same document:

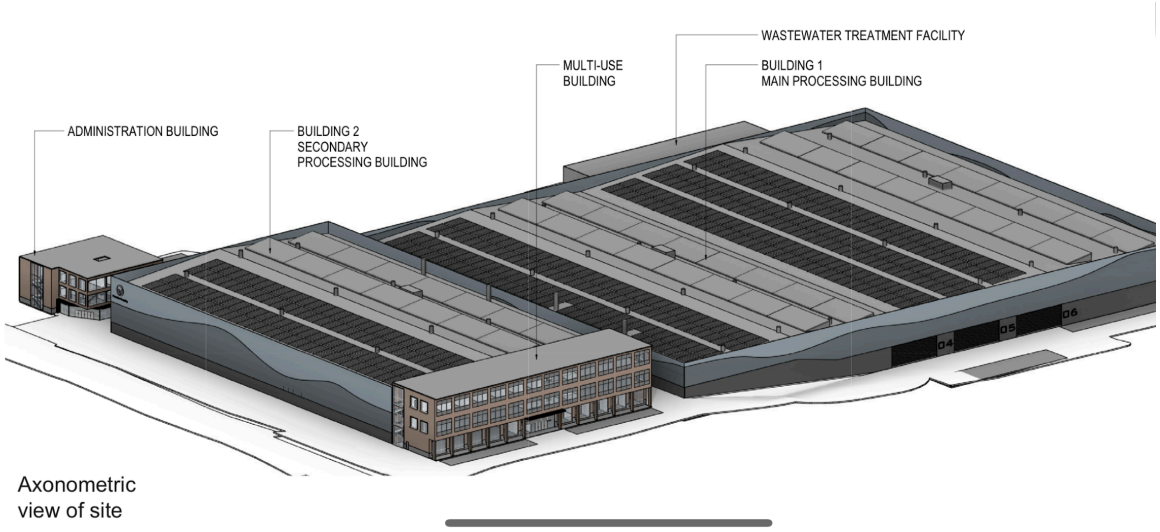

IMAGE 7 - *Axonometric*

Or if you would rather not squint:

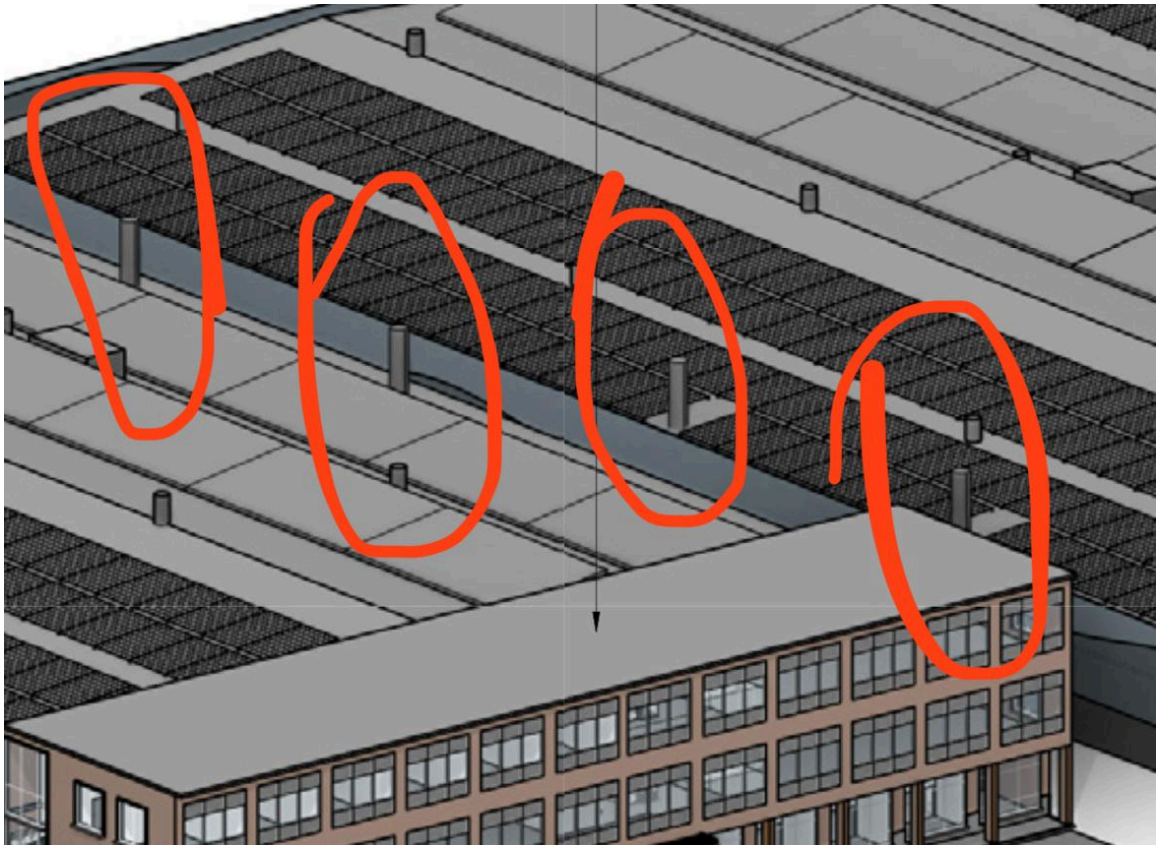

IMAGE 8 - *Axonometric - Close up with 4 stacks indicated.*

In the **RTS Updated Architectural Plans (Feb 2024)** (IMAGE 6, IMAGE 7), four stacks are depicted across the two main buildings. However, during Day 1 of the IPC meetings, contradictory statements were made: Sofie Mason-Jones from GHD confirmed a **2m height for the factory's *two* smoke stacks.** Ms Mason-Jones also uses the terms 'stacks'

and 'vents' (mistakenly transcribed as 'events') interchangeably despite these being labelled as distinct items on the drawing set.

MS MASON-JONES: Thank you. The building form ranges from 12 to 15.5 metres. The stacks or vents, they're referred to either way, are 2 metres. There are a couple of them. They sit above the 15.5 form. Stacks, if you look at the definition of a building height, are not a required element to be considered in a building height. So the building height is 15.5 and the stacks or events are 2 metres in height.

MS MILLIGAN: Sorry, I asked the question just to clarify the height and I think the answer's been given. So the building height is up to 15 and a half metres and there are two stacks that are a further 2 metres. So the maximum height is 17.5.

MS MASON-JONES: Built form, yes.

MS MILLIGAN: Thank you.

MS MASON-JONES: Thank you.

IMAGE 9 - *Transcript: Mason-Jones confirms 2 x 2m stacks ("or vents"). From Day 1 of IPC Meetings*

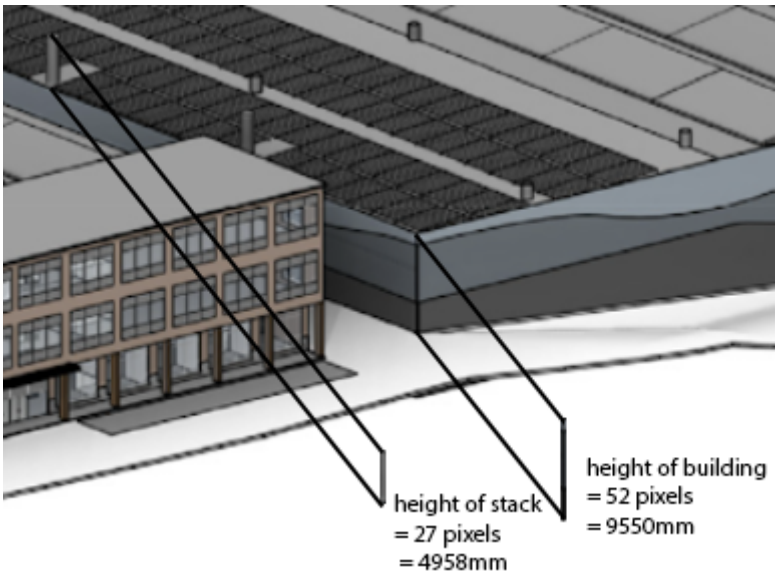

IMAGE 10 - *The axonometric shows the stacks just under 5m tall (assuming a height of 9550mm for the building on the southeast corner as per the architectural drawings in IMAGE 6). Helpfully, axonometric images are drawn without perspective, allowing visual comparisons like this.*

On day 3 of the IPC meetings, David Gamble from GHD confirmed that **the maximum height of the stacks would be 15.5m from the ground level of the facility**.

MS MILLIGAN: One last question, I think, just a clarification. We heard, over the three days there were a number of questions and comments about the stacks. So, can I just clarify what you just said. You said the stack needs to be a minimum of 2 metres above the roofline, but it could be higher. Do you know how high the stacks will be? Or when will that be decided?

MR GAMBLE: Well, the maximum height of the stacks has already been determined as 15.5 metres from the ground level, or from the base level of the building. So, it would just be determined by where in the building they were located as to what the height of the roof is at that point, because it being a sloping roof etc. But there would always – it would be positioned so there would be a minimum of 2 metres to enable good dispersion.

MS MILLIGAN: I see, I understand. Thank you.

IMAGE 11 - *Transcript: Gamble confirms stack height. From Day 3 of IPC Meetings*

If we add together the 9550mm of the structure (as per the architecturals - IMAGE 6) and the 4958mm of the stacks (from IMAGE 10), we come to a tidy 14.5m height, which is under the 15.5m maximum nominated by Gamble. As such a 5m stack height is likely if this building is ever constructed. A 6m height would, however, also be possible. Again, this is at odds with Sofie Mason-Jones' statement to the IPC on Day 1 of the IPC meetings.

It is also worth noting that the axonometric (IMAGE 7, 8, 10) does not match the south elevation of the architectural drawings in this same document (IMAGE 6) which shows a diminutive pair of stacks, not much taller than the 'roof vents'. These have not been dimensioned, presumably to allow for flexibility in the final design - to address regulatory or operational needs. This lack of clarity raises questions about transparency.

Recommendations by the DPHI suggest a potential need for **additional stacks or height increases** to meet operational requirements. This further highlights the proposal's evolving nature and the lack of fixed parameters.

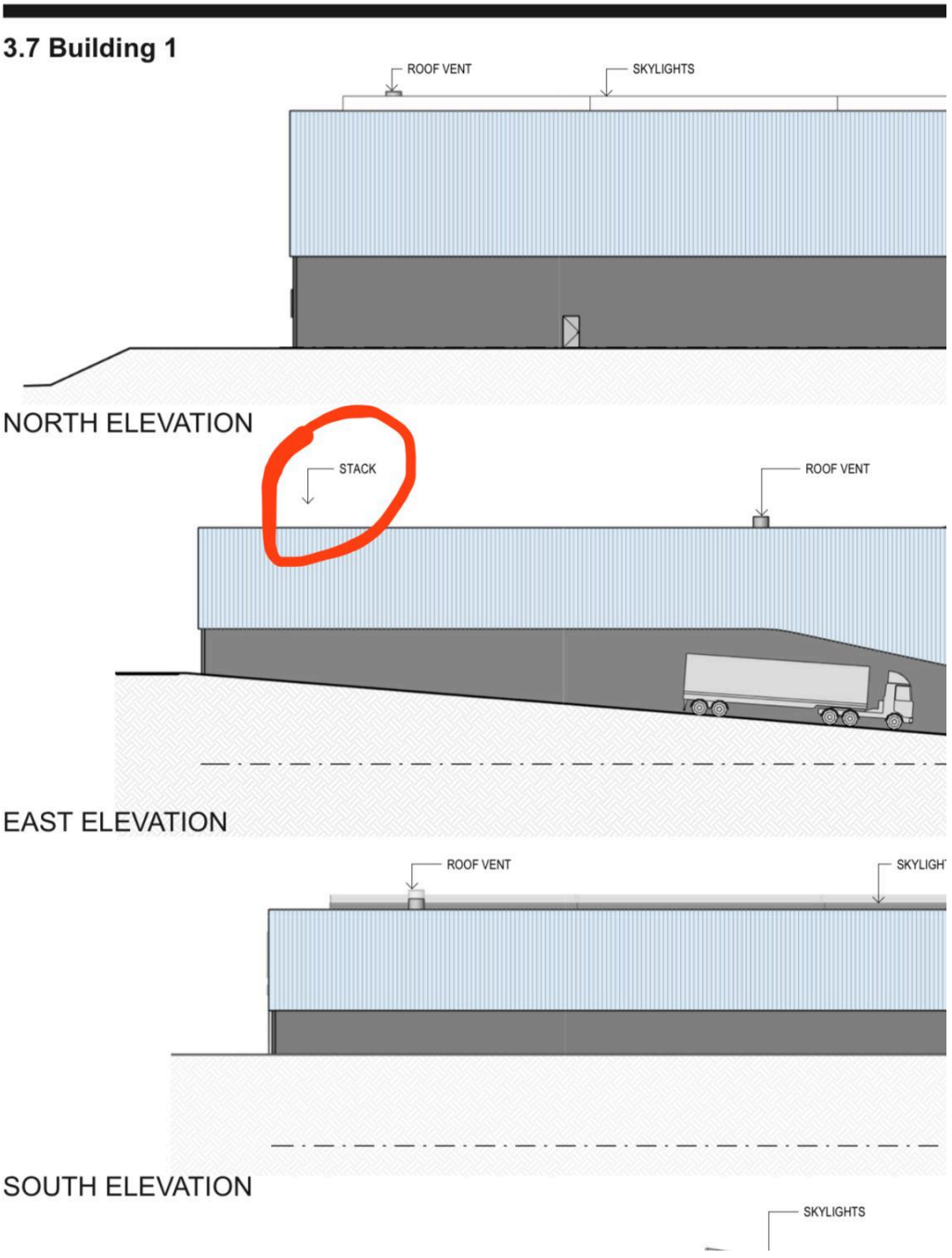

IMAGE 12 - *Architectural Elevation Drawings from* ***30 April 2024 RFI Response Appendix C Preliminary Design Report_Final*** *(page 27).*

The most recent version of these Building 1 Elevations (IMAGE 12) now show no stacks or building heights. This is despite these details being evident on previous versions of the plans (IMAGE 6). However, an artefact does remain (circled in IMAGE 12). Typically when we see artefacts like this on Revit-generated drawings, it's from deleting something off the 3D building model and then forgetting to also remove the label on the 2D page view.

This finding raises critical questions:

- Have these stacks been formally removed from the design or will they reappear in updated plans in the future?
- What happened between February and April that encouraged this alteration to the plans?
- Were the stacks and building height dimensions removed to downplay their visual impact?

North Eastern facade

IMAGE 13 - *3D Visualisation from* ***30 April 2024 RFI Response Appendix C Preliminary Design Report_Final***

IMAGE 14 - *3D Visualisation from* ***30 April 2024 RFI Response Appendix C Preliminary Design Report_Final***

The 3D images in this same document (IMAGE 13, 14) also omit the stacks. We know from earlier iterations of this design that they should sit on the roof of each building, near where the two buildings are closest to one another.

The omission of the smoke stacks and building height details in the most recent plans, despite their inclusion in earlier iterations, raises *serious* concerns about the proponent's transparency and the integrity of the planning process. **This is not a minor oversight**—it directly impacts how the project is assessed, both by the public and decision-makers, and compromises the IPC's ability to make an informed determination.

Undermining Public Participation
The inclusion of stacks in earlier documents made clear their size and visual impact, both of which were significant points of contention within the community. By removing these details in subsequent submissions, the proponent has effectively sidestepped public scrutiny of a contentious issue. This undermines the principle of informed community participation—a core tenet of public planning—and diminishes trust in the process. The community cannot reasonably assess the project's true impact if critical details are obfuscated or withheld.

Compromising Assessment of Visual and Environmental Impacts
The height and placement of the stacks are central to evaluating the facility's visual impact on the surrounding area. Their presence also has implications for air quality assessments, as the height of discharge points directly affects pollutant dispersion modelling. If these elements are omitted or inconsistently presented, how can the IPC be confident that the environmental and visual assessments are accurate and complete?

Potential Legal Risks
The IPC is responsible for ensuring that its determinations are based on complete and accurate information. Approving the project with such glaring inconsistencies could leave the Commission open to legal challenges. Any decision relying on plans that fail to reflect the true nature of the proposal — particularly when earlier plans were more forthcoming — could be deemed procedurally unfair or invalid. This is particularly critical given the obligations under the Environmental Planning and Assessment Act to ensure transparency and accountability in decision-making

.

Erosion of Community Trust
The omission creates the impression that the proponent is deliberately obscuring details that could influence opposition to the project. Even if this is not the case, the lack of explanation for these changes fosters mistrust. For the IPC to maintain its credibility, it must demand clarity and consistency in the documentation it relies upon.

It is illustrative here to compare the proposal to residential development. Planning controls generally require building heights and other dimensions to be specified **to the millimetre**, with amended Development Applications required when a builder deviates from the plans by more than 1/200 of the specified dimension (NSW Guide to Standards and Tolerances 2017). In the case of these stacks, described by Ms Mason-Jones as being 2m high, could not vary by more than 10mm in height if they were on a residential building. It is difficult to understand why a house is treated so much more strictly than a large industrial building.

Transparency and accountability are not optional in matters of public interest—they are fundamental.

Outdated Social Impact Analysis

Ethos Urban's 2023 Social Impact Statement relies on outdated 2021 census data, failing to account for the substantial post-COVID population growth in Moss Vale which has persisted to the present day. The report describes

the TSA (Wingecarribee LGA) as having a stagnant population with low socioeconomic status and an ageing demographic (Section 7.3). This is not helpful information as the data is both too old and not specific enough to the town of Moss Vale.

Ethos Urban's projections (Section 7.4) estimate a laughable 20 additional residents per year in the SSA (area within 5km of the Plasrefine site). Recent developments directly contradict these claims:

Within 1.5km of the Plasrefine site:

- A 49-lot subdivision (Application #23/1110) is under assessment 1km from the site.
- Another 21 lots on 'Horseshoe Lane' 900m from the site, are complete, with properties already selling rapidly.

Further afield, but still well within the 5km radius of the SSA we also have:

- Ashbourne Estate - 1,200 new lot subdivision with Stage 1 already selling.
- Darraby Estate - 300 new lot subdivision. All lots have sold as of Nov 2024 with many homes already built.

According to these projections, these 1,270 lots (*excluding* those 300 already sold in the Darraby Estate) should take **over 190 years** to sell - assuming 3 people per dwelling and **no other growth** elsewhere in the SSA.

This demonstrates a fundamental misunderstanding of current market conditions. Moss Vale has seen a 45.5% rise in median house prices over the past five years, reaching $1 million as of July 2024. These shifts highlight the town's rapid growth and rising desirability, factors entirely omitted from the report.

The glaring inaccuracies and outdated assumptions underpinning Social Impact Statement render the report utterly unreliable as a basis for informed decision-making. Its failure to acknowledge the profound demographic and market changes in Moss Vale not only undermines its credibility but also raises serious questions about its utility in the planning process. Equally troubling is the Department of Planning, Housing and Infrastructure's apparent acceptance of this flawed document without scrutiny. A report so disconnected from reality does a disservice to the communities it purports to represent and should not have been relied upon to recommend this development for approval.

Flawed Truck Access Design

In their newest letter, GHD has provided updated information on the high-speed roller doors proposed for Plasrefine. These doors are a key feature of the design, as they are critical to the claim that the facility will operate as a 'closed facility.' This claim is undermined by earlier statements made during Day 3 of the Independent Planning Commission public meeting, where GHD stated that the roller doors would remain open for up to five hours per day. On the same day of IPC meetings, we heard that a condition of the Department of Planning's approval is that the facility **not operate** while these roller doors are open.

Now, GHD has suggested that their proposed high-speed doors, which they claim can open and close rapidly, will solve this issue. However, significant inaccuracies and concerns remain in their analysis.

First, GHD claims that the RL3000 high-speed roller doors can handle local wind speeds. However, the manufacturer's Website states: "*With the new heavy windbar design, the RL3000 rapid roll door model can tolerate wind speeds of about 70-80km/h depending on the width of the door*". The doors on GHD's plans appear to be 15m wide. The manufacturer's website also states that: "*with special modifications, can accommodate openings to over 7m in*

width". An upper limit is not listed in their specifications, but it is clear that these doors are typically installed at widths less than 7m. Larger sizes seem to involve some impact on performance and wind resistance.

In Moss Vale, westerly wind gusts frequently exceed this 70-80km/h limit, with gusts of 91 km/h recorded just this month (and even higher speeds observed in recent years). This makes the proposed doors unsuitable for the local climate. Furthermore, GHD's calculations on door operation times are flawed. While they state that the doors can open at 1.5 m/s, they fail to account for the slower closing speed of 0.7m/s, which significantly increases total door opening time. This undermines their claim that the facility's doors will only be open for 50 seconds per truck.

While the product website describes the door as fire retardant, they provide no information on testing of the product's Fire Resistance Level (FRL) which is the measure used in the Building Code of Australia to determine suitability of products for fire separation. Whether it were an internal fire caused by an industrial accident, or an external bushfire, these doors would need to work incredibly hard in the circumstances but no evidence has been provided for their suitability.

These issues are, perhaps, academic as the proponent will be forced to use conventional roller doors in order to withstand the wind speeds in the area. The five hour a day open door scenario is, again, in play.

Additionally, GHD's analysis overlooks the logistical impracticalities of their design. The facility plans to use 19m semi-trailers, which have a turning radius of 15m at the 7.2 km/h speed (aka 2m/s) referenced in their letter. The driveway directly in front of the roller doors appears to be only 12m wide, with a wastewater tank structure on the opposite side. This space is insufficient for semi-trailers to reverse into the facility at a 90-degree angle without extensive manoeuvring, making their estimated 30-second entry time unrealistic.

Moreover, the April 2024 architectural plans show three roller doors in close proximity (see IMAGE 15 below), suggesting that multiple trucks might be expected to unload simultaneously. This raises questions about whether a proper swept path analysis has been conducted by a qualified traffic engineer. Without such analysis, there is a high likelihood of traffic congestion, delays, and further extended door-opening periods.

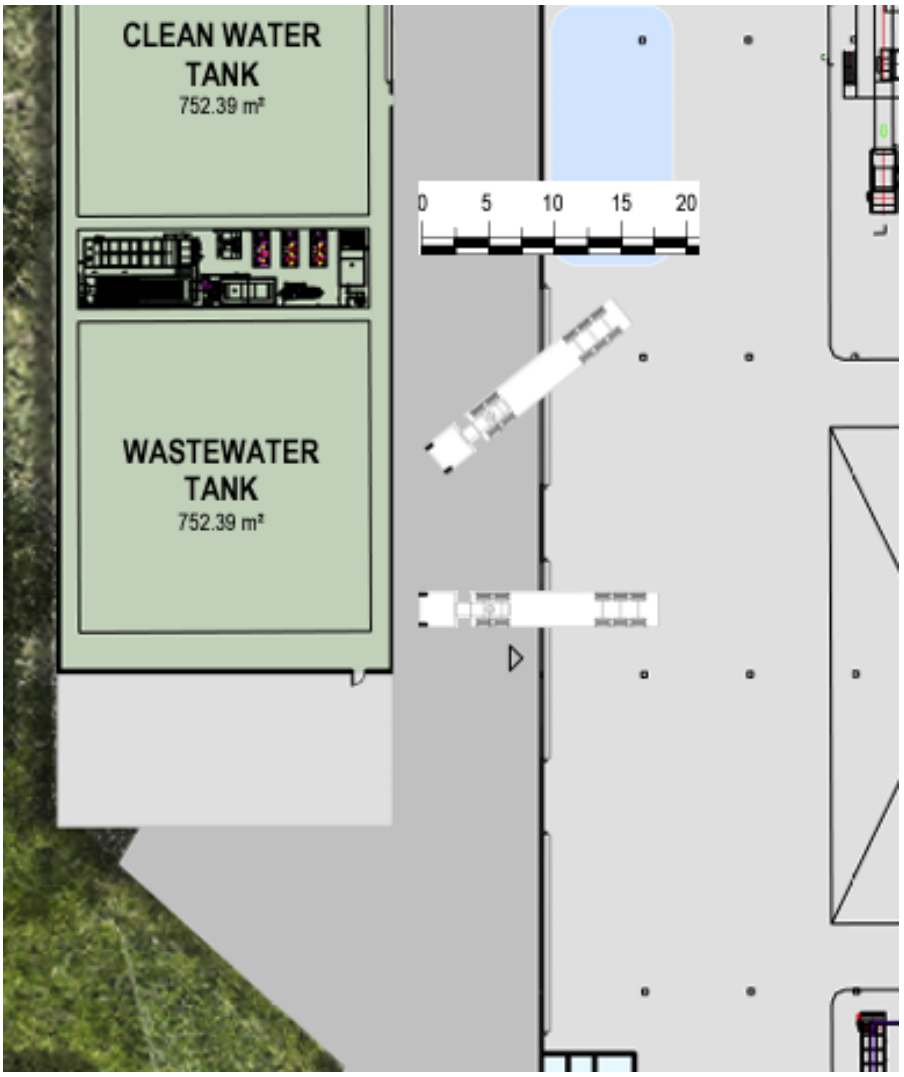

IMAGE 15 - *Plan taken from the Newest Architecturals (April 2024) - The two 19m long semi-rigids and the scale bar have been added to the drawing for illustrative purposes. They are to scale. Not only do the trucks have to negotiate the narrow driveway, they also have to avoid hitting any of the columns inside the building's unloading zone (which appear to be in the middle of the openings)*

Another critical issue, especially in light of the inevitable relocation of the water tank structure to allow for truck turning circles, is the effectiveness of the facility's negative air pressure system. GHD claims this system will prevent microplastics from escaping during door operation - David Gamble on Day 3 of IPC talks said that no air would blow into the westerly garage doors because there is no 'open window' outlet for the winds. This assertion is dubious, especially during strong westerly gusts that regularly exceed the doors' wind tolerance. Especially without the Wastewater Tank structure to shield them. Negative air pressure systems are essentially large suction fans, which act as open outlets for air. During high westerly wind events, the airflow into the building could overwhelm these fans, compromising their effectiveness.

To our knowledge, GHD has not provided any data on the capacity of their fans or how they will maintain air pressure in such conditions. Additionally, the noise impact of these fans, especially when operating at high speeds, has not been adequately addressed.

Lastly, even when the doors are closed, they are unlikely to be fully sealed against wind and air movement. Combined with the facility's elevated position above natural ground level exposed to the heavy westerly winds discussed above, wind-driven microplastics could still escape, exacerbating environmental risks.

The proposed roller door system and the broader facility design raise serious concerns about the feasibility of maintaining a 'closed facility' in Moss Vale's challenging climate. The inaccuracies in GHD's calculations, the logistical constraints of the site, and the failure to account for high wind conditions and traffic management highlight that the design is fundamentally flawed. A full swept path analysis, updated wind resistance data for the roller doors, and a detailed assessment of the negative pressure system's capacity under local wind conditions are essential and have not been undertaken. These issues, combined with the potential environmental risks, reinforce the need for a more thorough evaluation of the proposal.

D. Lack of Due Diligence in the DPHI's Assessment

The Department of Planning's assessment of this proposal reveals a troubling lack of due diligence, especially when compared to the rigorous scrutiny often applied to even small-scale residential developments. This negligence undermines confidence in the process and raises significant concerns about the adequacy of the Department's analysis.

Insufficient Site Inspections
The Department conducted only one site inspection in 2022, a stark contrast to the two inspections required for a modest two-room residential extension in Wingecarribee Shire that our practice recently oversaw. In that case, separate inspections ensured the site was accurately represented and that stormwater systems were adequate for the proposed connection. For a project of this magnitude, involving significant environmental and safety risks, the lack of comprehensive site inspections is inexcusable. The reliance on desktop analysis, rather than firsthand investigation, suggests a cavalier approach to due diligence and a reluctance to venture forth from the Department's Sydney-based offices.

Inconsistent Fire Safety Assessment
The Department raised concerns about the capacity of local fire agencies in a request for further information dated 8 February 2024. The proponent responded with a list of available fire trucks provided by FRNSW without *demonstrating there is sufficient operational capacity* as requested.

Section 164 of the Assessment Report does not address whether the Department thought this lack of demonstration was sufficient. It then went on to recommend as a condition of approval that a Fire Safety Study considering the operational capacity of the local fire agencies be prepared. i,e. the capacity of local fire agencies is to be considered *after* the facility is approved. This is an astounding failure to hold the proponent to account when basic due diligence should have ruled out this site on this basis before it was even purchased.

Appendix C of the Assessment Report acknowledges that FRNSW advised *'waste facilities pose special problems of firefighting and special hazards exist that may require additional fire safety and management measures*.' Given the limited operational capacity of the local fire agencies (three Class 2 pumpers and one Class 1 hazmat truck), this seems like an insurmountable obstacle unless FRNSW were to significantly increase its capacity in the Southern Highlands. The recommended conditions of consent suggest no solutions for this beyond writing another report, which does not seem **remotely sufficient** to address the shortfall.

The fire safety assessment for the proposed facility pales in comparison to the scrutiny applied to residential developments. For instance, a secondary dwelling our practice worked on in Wingecarribee LGA, classified as BAL-LOW (indicating minimal bushfire risk), still required a detailed analysis of fire truck access by an accredited BPAD assessor, including turning circles and swept path diagrams due to being mapped as bushfire prone land. In contrast, the fire safety considerations for this industrial site, which carries *far* greater risk, have been inadequately addressed. No analysis of fire truck access has been required for this facility where it was for our secondary dwelling project. This discrepancy underscores the Department's failure to apply consistent and appropriate standards.

Errors and Oversights in the Assessment Report
The Department's Assessment Report contains numerous factual errors and indications of poor review processes:

- The report misrepresents the flow direction of the Wingecarribee River, incorrectly placing the Wingecarribee Reservoir downstream of the site when it is actually upstream.

- Draft council documents were used as references instead of finalised versions. This mistake was also highlighted by Cr Rachael Russell during Day 1 of the IPC town meetings.
- The document includes multiple instances of "*Error! Reference source not found*," a glaring sign of inadequate proofreading.
- The report does not mention bushfire risk despite the block being mapped as bushfire prone - no due diligence was done to confirm earlier (incorrect) claims by the proponent that the block was not bushfire prone.

These errors call into question the validity and reliability of the Department's conclusions, suggesting a lack of care and rigour in preparing the report.

No discussion of information not provided by applicant
The Department has requested further information from the applicant on numerous occasions. While much of the information was provided as requested, the Assessment Report makes no mention of the information that was not provided, including:

- Landowner's Consent for works on the north-eastern dam
- Demonstration of sufficient operational capacity at local fire agencies
- Additional photomontages from 72 Beaconsfield Road and 54-56 Bulwer Road
- Request to consider articulation of façades (the latest plans retain the blank 160m long façades with no variation to cladding - particularly strange when earlier designs did feature some variation in cladding!)
- Photomontages which include the proposed stacks
- Assessment of impacts on businesses along Red Fields Road that would be affected by the relocation of the level crossing
- Assessment of safety and efficiency of the revised route, including the Berrima Road/Douglas Road intersection
- Swept path analysis showing heavy vehicles entering the three access points shown on the Building One Floor Plan
- Information on the feasibility of an access for the development that not involve use of a level crossing

This failure to hold the applicant to account for non-compliance with the Department's is illustrative of the lack of due diligence applied to this application.

Access Road
No detailed design for the proposed north-south access road has been provided by the applicant, other than the schematic drawings of various access options in the original EIS (Technical Report 6) and the detailed drawings for the proposed level crossing at Douglas Road.

As discussed above, a 100m portion of the road reserve runs **over the top** of the Category 2 Riparian Buffer Zone for the western stream. The applicant has not provided any information on how this road is to be constructed to protect the stream. It would be somewhat pointless to so elaborately protect the stream within the site if the stream is not protected within the road reserve.

The Assessment Report notes that work in the road reserve will require Section 138 approval by Council, implying this has not yet been granted. If the existing alignment of the paper road is not viable due to the riparian buffer, the entire project becomes unviable, as other access routes have already been exhausted.

Misalignment with Strategic Land Use Plans
The Department's recommendation claims that the proposed facility complies with the EC DCP without providing adequate detail or addressing the inconsistencies outlined above. Moreover, the SHIP designates this site for research, advanced manufacturing, and biotechnology—land uses fundamentally at odds with the proposed facility. This misalignment further underscores the lack of thorough consideration in the Department's assessment, particularly considering the SHIP Masterplan was funded by the same Department.

The Department of Planning's assessment falls far short of the standards required for a proposal of this scale and significance. The numerous errors, lack of site inspections, and inadequate analysis of fire safety and social impacts suggest a process more focused on expediency than thoroughness. For the community to have confidence in the outcome, a reassessment is urgently needed—one that applies the same diligence and scrutiny that even small residential projects routinely face.

E. Conclusion

In light of the above, we strongly urge the commission to reject the Moss Vale Plasrefine proposal in its current form. We believe the identified inconsistencies, coupled with the broader planning failures, pose significant risks to the community and the environment.

Thank you for considering our objection. We do this due diligence for every potential architectural project we undertake. If these were our clients, we would be recommending that this is **not the right site**.

For any clarifications or further information, please contact our office.