



**KYLIE ROBERTS-FROST**

**OBJECT**

Submission ID: 218177

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

Submission date: 11/25/2024 12:07:34 PM

*Please view the attached documents. Attachment 1 is my written submission, Attachment 2 is the text of the speech I gave to the Commission on Day 1 of the public hearing.*

**Submission to the Independent Planning Commission of NSW  
Regarding the Proposed Moss Vale Plastics Recycling Facility**

Date: 25<sup>th</sup> November 2024

To: The Independent Planning Commission of NSW

**Subject: OBJECTION TO THE MOSS VALE PLASREFINE FACILITY**

**Introduction**

I am submitting this objection to the proposed Moss Vale Plastics Recycling Facility based on my professional experience in Waste and Resource Recovery and as a member of the Southern Highlands community. While I support recycling and the transition to a circular economy, this facility raises significant concerns that warrant rejection of the proposal.

This submission adheres to the Independent Planning Commission's guidelines, focusing on evidence-based arguments aligned with the Environmental Planning and Assessment Act 1979 (EP&A Act) and relevant policy considerations.

**KEY OBJECTIONS**

**Legal Precedents and Context: Lessons from the Bowdens Silver Mine Case**

The Bowdens Silver Mine decision by the NSW Land and Environment Court (LEC) provides critical guidance applicable to the assessment of State Significant Developments (SSDs). The court's emphasis on robust environmental assessment, thorough community consultation, and enforceable mitigation strategies exposes significant gaps in the Plasrefine application:

1. **Environmental Risks and Mitigation Flaws:** In Bowdens, inadequate analysis of groundwater contamination and biodiversity impacts rendered the EIS insufficient. Similarly, the Moss Vale facility's failure to comprehensively address fire / flood risks and environmental threats more broadly highlights its lack of readiness.
2. **Community and First Nations Engagement:** Bowdens revealed the necessity of formal consultation with Indigenous communities. The absence of engagement with the Gundungurra Traditional Owners in the Moss Vale proposal mirrors this procedural flaw.
3. **Lack of Certainty in Mitigation Commitments:** Just as vague, deferred mitigation plans were criticised in Bowdens, the reactive introduction of negative pressure systems and fast-closing roller doors in the Plasrefine application indicates inadequate upfront planning and undermines confidence in the project.
4. **Economic Viability and Transparency:** The Bowdens case underscored the importance of substantiating economic claims. Reliance on unspecified government grants for Plasrefine's initial capital expenditure parallels Bowdens' shortcomings, demanding scrutiny of financial and operational feasibility.

These precedents underscore the need for the IPC to reject the Plasrefine proposal based on procedural and substantive deficiencies.

## 1. Inadequate Risk Analysis

- **Fire Risk**

The Environmental Impact Statement (EIS) and supporting documents fail to adequately assess fire risks posed by the facility.

- **The facility proposes to store up to 20,000 tonnes of combustible plastic materials on-site**—a quantity far exceeding the 150 tonnes stored at the ACT's Hume Materials Recovery Facility, which was destroyed by fire in under an hour. The scale of this facility is unprecedented and the fire management plan does not address this scale at all.
- **The fire management plan relies on the availability of three fire trucks stationed locally**, with reinforcements arriving 50 minutes later from Campbelltown or Goulburn. This is insufficient given the scale and potential intensity of a fire. It also does not consider that fire stations in the Southern Highlands are unmanned, adding to response time.
- **Proximity to sensitive sites**, including residences and the Australian BioResources (ABR) facility, exacerbates the risk of catastrophic impacts.

- **Lack of Effective Mitigation Measures**

While the proponent now proposes measures such as negative pressure systems and fast-closing roller doors, these were absent from the initial application. This reactive approach raises questions about the reliability of the risk assessment and the financial viability of implementing such costly measures.

There is also no detail within the submission around the intended machinery and process and management of the site. The style of machinery used has a significant impact on the running and outcomes of the site and should form part of the assessment for this proposal.

## 2. Insufficient Basis for EPA and IPC Determination

- **Environmental Protection Authority (EPA) Approval**

The EPA's potential agreement appears premature, given unresolved issues in the EIS:

- **The cleaning solution proposed for post-shredded plastics involves chemical agents not accepted for this application.** Evidence from comparable facilities and patent details (e.g., Patent No. 2019100134) highlights the fire risks and inefficacy of this approach.
- **The proponent has no experience** managing or running a recycling facility
- **The land use conflicts, and fire risk management plan do not appear to have been reviewed adequately by the EPA** – these are clear issues that must be resolved before the EPA can give an in principle approval that they do not see any limitations to the granting of a license.
- **Without clearer details, it is unclear how the EPA could provide informed support.** Without the EPA's informed support, the IPC cannot grant the approval for the project.

- **Deficiencies in Data and Analysis**

The submission lacks data on critical elements such as:

- **Lack of clarity on funding sources:** The proponent references government grants as providing much of the initial capital expenditure, but these grants are not specified. It is unclear which grants are being referred to and whether they have been secured or are contingent on future approval. I cannot see any relevant grants within NSW that the proponent would qualify for, based on their current submission.
- **Proven downstream markets for recycled materials.** Producing garden furniture and similar products does not constitute advanced manufacturing and fails to address the volume of plastics proposed for processing.
- **Export Waste License.** A federal export waste license may be required to export flaked plastic overseas. This is not addressed.
- **Long-term environmental sustainability impacts.** The scale of this site is unprecedented – The only similar site would be the proposed Brightmarks facility in Parkes. I encourage the IPC to review that submission and the attributes of that site and operator against what is being proposed for Moss Vale.

### 3. Absence of Traditional Owner Consultation

The Gundungurra Traditional Owners have not been involved in a formal consultation processes and their representative (Aunty Trish) has spoken on the public record about her mob's objection to this proposal. This oversight violates principles of respect and inclusion embedded in NSW's planning framework and should be considered a significant procedural flaw.

### 4. Inconsistency and Changing Mitigation Plans

Throughout the application process, the proponent has revised their mitigation strategies in response to objections:

- **Negative pressure systems and fast-closing roller doors** are only now being proposed after objections were raised. The cost to implement these changes is not addressed. I can speak from my own experience that Negative pressure systems are hugely expensive and I would ask that the IPC push for further economic rationale for this site.
- **Such reactive measures demonstrate a lack of foresight and planning,** further undermining confidence in the proponent's ability to effectively manage the facility.

### 5. Unsuitable Location

- **Proximity to Sensitive Sites**

The facility's location is unsuitable due to its proximity to:

- Residences (200 meters)
- The ABR facility, where research relies on precise environmental conditions unaffected by noise, vibration, or fire risks.

The plan does not adequately define how fire will be managed within the site, at the intended scale, to a level that would allow the IPC to approve such a high risk location.

- **Alternative Locations**

As an example, even within Wingecaribee itself, the Moss Vale Enterprise Corridor (MVEC) includes more appropriate sites with greater buffer zones and infrastructure to support industrial activities. For example, the Heavy Industrial Zone 8 km away offers:

- A minimum 2 km buffer from residences.
- Direct access to the Hume Highway.

There are also potential sites that could be considered in Goulburn or Liverpool, that have the attributes necessary and appropriate vision and support to manage this facility. It is surprising to me, as someone who has previously operated these types of facilities, that the offers to find the right site from our elected representatives (in Ms Wendy Tuckerman) and others within the community, have been rebuffed.

**The social license to operate a facility of this nature safely and effectively is key.** Aside from all the other concerns with this project, I do not see how this facility can operate in a way that is safe, economically viable and have a long-term pathway, with the amount of resistance, fear within the broader Southern Highlands community and elected levels of government. It risks becoming a white elephant as delays, objections, appeals and limitations become more entrenched. That is not the outcome our broader Australian community needs to solve our plastics waste issues.

## **Conclusion**

The proposed Moss Vale Plastics Recycling Facility presents unacceptable risks due to inadequate fire safety measures, insufficient environmental approvals, lack of consultation with traditional owners, and inconsistent mitigation planning. Its location compounds these issues, posing significant threats to the local community and critical research facilities.

I urge the IPC to reject this proposal based on these deficiencies and recommend exploring alternative sites better suited to large-scale industrial operations. Thank you for considering this submission.

Sincerely,  
Kylie Roberts-Frost

Good afternoon members of the commission, traditional owners, councillors, and community attendees.

I'm a resident the Southern Highlands with three young children, and I'm speaking as a concerned member of that community. However I want to highlight that my background includes 20 years in supply chain across Europe, Asia, and the Middle East, and I am currently the CEO of an authorised stewardship scheme for one of the Federal Government's declared problem waste products.

That role requires me to authorise and audit 10 recycling sites Australia and I have previously managed a recycling site in the ACT, on behalf of ACT NoWaste. It is that experience which informs my concern over the Site proposal currently under review.

I believe that the Environmental Impact Assesment and State Significant Development report have not addressed key elements to a level that allows the IPC to make a recommendation on this project.

I believe that if the IPC were to approve this application, it would be open to challenge, given the lack of supporting data around some of the claims within those reports.

While I have concerns around numerous elements within those reports (including lack of formal consultation with Gundungurra traditional owners), today I am focusing on the inadequacies of the fire risk assessment and plans.

I fully support projects of this nature. Recycling is how we deal with design flaws of the past and it is a crucial element of our transition to a circular economy – My concern is about the **location** of this facility – it is not the right site.

We have a unique opportunity here, but we're looking at an exceptionally high-risk location for Australia's largest plastics recycling operation.

This is a site that is 5 times bigger than any other plastics facility in the country, with a boundary buffer to residences that is the narrowest in Australia.

It is located next to the Garvan Institute. An organisation that's medical testing supports not just Australia, but the world. It is, in essence, irreplaceable.

No matter how advanced the facility and robust the processes, there's always a risk of fires - The ACT's only Materials Recovery Facility, located in Hume was destroyed two years ago.

That's why similar projects operate in appropriate industrial areas, with adequate exclusion zones.

The Hume Fire alone clearly demonstrates to me the lack of serious assessment around fire risk within the EIS and SSD.

On Boxing Day in 2022, A fire ignited that escalated rapidly. Within two minutes, response units were alerted and dispatched, with the first truck arriving within 6 minutes. Within 12 minutes, 3 more arrived, and another 3 4 minutes after that. Aerial support arrived within 28 minutes.

32 minutes after 000 call, despite efforts from a total of 18 units and aerial support, crews had to adopt a defensive strategy to protect the surrounding sites (of which my facility was one).

The fire's intensity ultimately consumed the facility, with it declared a loss 48 minutes after the 000 call.

The fire safety plan in this proposal suggests that three trucks stationed across the Highlands would suffice until reinforcements could arrive from Campbelltown or Goulburn, at earliest, 50 minutes later.

**This is manifestly inadequate and there is no evidence to support that claim in this proposal.**

The Hume fire occurred in a secure industrial area, distant residences and certainly nowhere near a daycare. This proposal suggests that a 90m buffer from residence boundaries and 50m from a highly vulnerable and significant research facility is appropriate.

The storage proposal allows for 20,000t of plastics to be stored on site. There was only 150t stored on the site at Hume, which was engulfed with such ferocity in 30 minutes and took 4 days to bring under control. What would 20,000 do? Where is that appropriately and adequately addressed within the assessments?

This facility has immense potential—but not at this site, and I do not believe the IPC can recommend based on the current level of detail available.



I also suggest that a more appropriate location exists that is safer, and in harmony with our community's needs. 8km up the road is the Heavy Industrial zone identified in the MVEP and SHIP plans, which has direct access to the Hume Highway. This zone provides a 2-kilometer minimum buffer from residences, rather than 200m.

Aside from the IPC process we are engaging in today, I suggest to our leaders and our community and MS Zheng that we have all the right people in the room to start the discussions on how to get this facility in the right place, where it can provide the services our state and country need, at a scale and location that are appropriate for the risk these operations bring.