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NSW Government
Planning, Industry & Environment

Dear Sirs

DEVELOPMENT APPLICATION – SSD-10412 – BREEN RESOURCE RECOVERY FACILITY (THE 'DA')

I am a resident of Greenhills Beach, which is a residential area surrounding the site the subject of the DA.

By this submission, I object to the above DA. I am also making a comment on the community-level communications received from the Applicant, which I consider to be both misleading and misconstrue the nature of the Applicant's pre-existing obligations for development of the area identified as the Marang Parklands.

My objections and comments are as set out below.

(a) COMMENTS – Public Brochure - Misleading

I received a brochure from the Applicant around the time of its lodgement of the DA, titled "A lasting legacy for the Shire" (the '**Brochure**').

In the Brochure, the Applicant shares its plans to build a new state-of-the-art Waste Processing Facility which will mean "we can create an engaging and activated recreational open space known as Marang Parklands".

The Brochure goes on to state that a DA must be submitted to the NSW Government to "make the Marang Parklands" a reality. And that, "by relocating our recycling operations, we will be able to deliver and transfer to the Sutherland Shire Council, the new enhanced Marang Parklands at no cost to ratepayers."

The second page of the Brochure then details the advantages that the Marang Parklands will have to the Shire, as well as noting that "As part of our commitment to Sutherland Shire Council, Breen and our development partners Frasers Property have already delivered three playing fields and a skate park."

This Brochure is misleading and deceptive in a number of respects.

Firstly, the Applicant is under a (now decade-long) pre-existing obligation to develop and transfer title in the area known as the "Marang Parklands" under the Voluntary Planning Agreement it entered into in 2010 with the Sutherland Shire Council (the '**VPA**').

The VPA provides for 3 stage development of the area, the first stage of which was the rezoning and subdivision of the land now occupied by Greenhills Beach into residential land (Stage 1). Stage 2 and Stage 3 is the further development of the land surrounding the sand dunes into recreational facilities and the Marang Parklands. The Marang Parklands is Stage 3 of these works, the delivery of which was agreed conditional upon the rezoning and subdivision of the land under Stage 1. Under the VPA, the Applicant was required to cease operating the landfill at its current location by 31 December 2020,

and needed only to obtain a Construction Certificate to be able to proceed to deliver the Stage 3 works, which are already outlined and specified in the VPA.

In stating in the Brochure that a DA is required to make the Marang Parklands a reality, the Applicant is misleading the local community. A DA is NOT required to deliver the Marang Parklands. A DA is, however, required to approve the development of the new and increased Waste Processing Facility on the Applicant's land comprising Lot 5 and Lot 6 in DP1158627 (the '**Applicant Land**'), as well as the 'embellishments' to the Marang Parklands outlined in the DA. This message is misleading as it places undue importance on the need for this DA to go through as a condition of delivery of the open space at Marang Parklands. It is a way of pushing through the application for the Waste Processing Facility under the guise of a community deliverable (the Marang Parklands).

Secondly, the Brochure suggests that it is only by 'relocating our recycling operations' that the Applicant is able to deliver the Marang Parklands "at no cost to the ratepayers". This is also misleading. The Applicant is already under a pre-existing and continuing obligation to deliver the Marang Parklands under the VPA at no cost to the ratepayers. There is nothing in the VPA which makes delivery of the Marang Parklands conditional upon the approval and relocation of the recycling operations. I am concerned that the Applicant is trying to misleadingly leverage the delivery of the Marang Parklands in order to obtain approval for the increased waste processing operations on the Applicant Land.

Thirdly, the Applicant is using its prior delivery of the three playing fields and a skate park as goodwill in support of this DA. Again, the three playing fields and skate park were the Stage 2 Works that the Applicant was required to deliver under the VPA, and which was agreed to be delivered by the Applicant (at no cost to the ratepayer) as consideration for the rezoning of the Greenhills Beach land from industrial to residential, and its subdivision. This is not a goodwill gesture by the Applicant, but the discharge of a contractual obligation it agreed to in order to further its own financial gain through the development of the Greenhills Beach residential development.

My comments and concern with respect to the above is that the Applicant is manipulating facts as outlined in the Brochure. It has sent this Brochure to local residents directly affected by the development of its new Waste Processing Facility. This Brochure suggests that delivery of the Marang Parklands is conditional upon approval of the Applicant's Waste Processing Facility development. This is false and misleading, and this Brochure may have the effect of reducing the number of objections to the DA specifically due to the desire for the delivery of the Marang Parklands.

I would like to see the Applicant re-issue a further communication including a more transparent overview of its obligations under the VPA and to correct the misleading nature of the comments made in the Brochure.

(b) OBJECTION - Irrelevant Considerations

The Applicant has submitted a Social and Economic Impact Assessment ('SEIA') prepared by Urban Ethos Pty Ltd in support of the DA.

In each part of Chapter 3 of the SEIA (Social Impact Assessment and Recommendations), the report outlines the "positive social impacts" (including improved mental health and wellbeing for residents, access to green space and positive health and wellbeing benefits of open space) associated with the creation of the Marang Parklands, which are put forward in support of the DA being approved and are used to offset (real and material) concerns such as air pollution, noise pollution, traffic congestion and way of life which the development of the Waste Processing Facility will have on the local communities and environments.

The reality is that the Applicant is under a pre-existing and positive obligation to deliver the Marang Parklands as Stage 3 of a 3 stage development of the area under the VPA. The only requirement to commencement of the Stage 3 works is for the Applicant to obtain a Construction Certificate to deliver the Stage 3 Works in accordance with the framework and plans set out under the VPA.

The Applicant should not be able to rely on the 'positive social impacts' outlined in the SEIA in support of its DA, as they are not a relevant factor to be given weight to in the consideration of this DA. These 'positive social impacts' are the existing outcomes of the delivery of the Applicant's pre-existing contractual obligation to supply the Stage 3 Works under the VPA. To the extent that the Applicant wants to rely on "positive social impacts" to offset the impact of the development of a Waste Processing Facility under the DA, this should be **strictly limited** to only to those additional benefits or

impacts which the Applicant's 'embellishments' to the Marang Parklands (i.e. the slide and amphitheatre) will have, and not the parkland as a whole.

Relying on the "positive social impact" considerations as included in the Applicant's Social Impact Assessment and Recommendation would result in the consideration of an irrelevant consideration in the review of this DA, to the extent that these positive impacts are already existing and directly attributable to the delivery of the Marang Parklands under the VPA.

(c) OBJECTION - Air Quality and Pollution

As a resident of Greenhills Beach for the past 7.5 years, we have been subject to continuous dust in our living environments. It is on our windows, our external walls, our outdoor areas and in our pools. This is the environment that we are living in, and the dust is directly attributable to the existing waste processing facility being run by the Applicant.

The Applicant's existing facility accepts construction and demolition waste, clean soils and contaminated soils only, and we are required to live with the impacts of the dust and emissions from that operation as is.

The Applicant now seeks to increase the size of its operations by 50% under the DA, and wants to expand the scope of its operations to cover the processing of commercial and industrial waste.

As a resident living in the vicinity of the Applicant's Land, I do not want my children and family to be subject to any further degradation in air quality than we are already subject to.

I am not aware of any studies or assessments of the health hazards to local residents of the dust emissions and pollutants emitted from the Breen facility (whether regarding its existing operations or expanded operations under the DA). To quote its own words in the Brochure, the Applicant is "a family-owned company operating in the Shire for more than 70 years" – I would hope that it would have the level of corporate social responsibility and community compassion required to ensure that every test was carried out to confirm that any continuing operations will REDUCE the level of dust emissions and air pollution that we currently live with.

I do not want to see a DA approved which will have the impact of increasing dust or emissions into the environment in the vicinity of local communities.

(d) OBJECTION – TRAFFIC

The traffic along Captain Cook Drive has always been an issue, both in terms of noise and safety. Traffic has been increasing in recent years. There is constant truck traffic during the weekdays heading out to the Applicant's waste facility. The trucks create huge amounts of noise and pollution, and they are also a safety risk. They care little for the proper use of the roundabout at the entry to Greenhills Beach and I have, on several occasions, had to take active mitigation steps to avoid personal injury as a result of their driving.

The Applicant is wanting to increase the size and scale of its waste processing operations by 50% under the DA. In the Brochure and its DA, they have conceded that this will result in additional inbound and outbound truck traffic. In the Brochure, the Applicant has stated that the "additional impact of weekday peak times will be minimal because the majority of the truck movements will occur when people who live nearby are at work."

Greenhills Beach is an area which is populated by families. There are large numbers of families at home during the week, day in day out. COVID-19 has also fundamentally changed the way that we work, with increasing numbers of the community choosing to work at home on an indefinite basis. Increased truck traffic results in a material deleterious affect to the living environment of our community, and the timing of the increased truck traffic is irrelevant. In failing to disclose the volume of increased traffic as a result of the proposed expansion of its operations, the Applicant has not been transparent in the impact of its DA.

I object to the increased size of the Waste Processing Facility on this basis. The Applicant should disclose the anticipated increase in traffic which will be due to the Waste Processing Facility as part of the SEIA.

The Applicant also seeks to rely on benefits that the broader community will obtain through the 'Embellished Marang Parklands'. In doing so, the Applicant has failed to consider the negative impact of these embellishments in terms of traffic outside of business days. If the Applicant wishes to rely on the 'positive social impacts' of the 'embellished' Marang Parklands to offset the negative effects and

impacts of the Waste Processing Facility, then it should also be required to factor in the negative impacts of increased traffic which will be caused as a result of the 'embellishments' to the Marang Parklands.

I object to the DA for the Waste Processing Facility on this basis.

(e) OBJECTION – ENIRONMENT AND GENERAL

For the past 70 years, the Applicant has obtained huge commercial benefit through the extraction of natural materials from the areas of land comprising Stages 1, 2 and 3 under the VPA.

Once extraction of natural resources was no longer viable, it proceeded to have its land rezoned and sold off as residential parcels (the Greenhills Beach development, Stage 1 under the VPA), again for a material economic gain.

It agreed to transition the Stage 2 and Stage 3 land under the VPA to council in connection with the above rezoning.

It is now seeking to squeeze the last economic benefit out of the Applicant Land through the development of a large Waste Processing Facility, much closer to the beach and surrounded by residential areas and the rehabilitated areas of the Marang Parklands and recreational facilities (all used by the community).

The character and nature of the Kurnell Peninsula is moving away from its industrial history to becoming residential, recreational and environmental. It is blessed with national parks and beautiful beaches. This transition has been orchestrated directly due to the actions of the Applicant under the VPA.

Now that the Applicant has extracted all of the natural materials from the space that it is able to, and has literally created the new residential direction through the staged deliverables under the VPA, it wants to use the remaining land it holds to increase its industrial activities.

It is time to stop Breen. Let the land settle and rehabilitate. Let the people to whom you have sold parcels of residential land enjoy the space without increasing the dust, pollution, emissions and noise into the area. Let the community enjoy the open space and recreation space you have / will deliver without the negative impacts of noise and air pollution. Please stop playing the 'social responsibility' card in connection with this DA, when the only driver behind it all is to increase revenue to the detriment of the environment and community surrounding the Applicant Land.

I am happy for my details to be shared in connection with this DA and my objection.

I confirm that I have not made any reportable political donations in the last two years.

Yours faithfully,



Lucy Chapman

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