

I vehemently and unequivocally OBJECT to the proposed Woodlawn ARC SSD-21184278.

My objection is based on the following reasons:

1. My health and wellbeing will be detrimentally affected if the proposal proceeds, as will the health and wellbeing of my family, my friends, and my neighbours;
2. The proposal will no longer allow me to feel safe in my home, and puts the future of my farm at risk;
3. The proposal is ethically and morally wrong, and not in the public interest;
4. The proponent's current operations have already detrimentally impacted my health and wellbeing;
5. The proposal places an unreasonable and unfair burden on our community;
6. The proponent lies to and misleads the community, and has done so to me personally. This makes a mockery of any proposals about current and future community engagement;
7. The Department appears to have colluded with the proponent, denying me and other members of the public procedural fairness;
8. The proponent has failed to be transparent about the operations and potential impacts of the proposed project to me and others;
9. The public exhibition process was inadequate to allow for procedural fairness;
10. The proposed development will negatively impact my future financial security; and
11. The proposal does not meet the SEARs requirements.

As noted in the attached email from Sally Munk (DPIE), I request to submit additional information following the closing date for submissions. This request was made under the provisions in the Disability Inclusion ACT which states: "People with disability have the right to access information in a way that is appropriate for their disability and cultural background, and enables them to make informed choices". Ms. Munk has approved my submission of additional information after the submission closing date on the proviso that it is submitted by 22<sup>nd</sup> December 2022.

### **Objection:**

I wish to acknowledge the Traditional Owners of the land on which I live and farm, and pay my respects to their Elders past and present. I love and value the land I am privileged to steward. I wish to protect this land for future generations.

### **1. Health and wellbeing and the future of our farm**

The NSW EfW Policy Statement, a systematic review into the health impacts of waste incineration by Australian research institutions (referenced by the NSW Chief Scientist in his report to the NSW Minister for Environment<sup>1</sup>), and extensive research and reporting from around the world demonstrates that communities living in the areas surrounding waste-to-energy incinerators are at increased risk of a variety of health impacts. These include cancer, respiratory issues, stroke and heart attack. The research also states that health risks are increased for certain subsets of the population - for example, those with

respiratory illnesses like asthma, people with heart conditions and existing illness, the elderly, and children who experience the full impacts of pollutants on their developing body and are without the developed mechanisms of an adult body to filter toxins.

According to the research, I have a number of health conditions that place me at elevated risk of illness/death as a result of any emissions from the proposed incinerator. I have a congenital heart condition that requires regular monitoring. I have asthma and a susceptibility to respiratory illness. I have a chronic illness that already elevates my risk of stroke, and I experience sensitivity to chemicals and toxins in my environment that exacerbate my chronic illness.

I was diagnosed with a chronic health condition approximately eight years ago and medically retired from my career approximately two years ago. We moved house 18 months ago from an urban area to our farm to help me manage my health and provide me with a better quality of life. Although this was to our financial detriment (and we have experienced issues with the odour from Veolia's Woodlawn bioreactor), it has been a positive move for my health and quality of life. The move from an urban environment has allowed me to regain some of my pre-illness health and I am now able to undertake a variety of life tasks that weren't possible for me in an urban environment. This is because my illness is exacerbated by a number of triggers that are commonplace in urban environments, and each trigger functions to affect my health and nervous system in a cumulative manner. Some aspects of the urban environment that trigger symptoms for me include artificial lighting (the flickering, flashing and intensity of lighting associated with indoor environments, car lights, street lights, Christmas lights, etc.), screens (the movement and flickering associated with tvs, computers, phones, advertising billboards etc.), noise (e.g. in a shopping malls, construction, indoor environments, close neighbours, public pools/gyms, etc.), pollution and odour.

As a result of my illness I lost the hearing in one ear, and being partially deaf has increased my sensitivity to odour. Odour is a significant trigger to exacerbate my illness. The smell of artificial fragrances in perfumes, washing powders, cleaning products and deodorants are a particularly bad trigger for my illness. The bioreactor odour is also a significant trigger, as is smoke from fires such as bushfires and wood stoves. To help manage my health in regard to odour, I and my family use fragrance-free washing powder, deodorants, hair care products, and avoid the use of other scented products/items. Odours from external sources are uncontrollable and unavoidable, except by distancing myself from the range of the odour (as I can do living on the farm by avoiding close proximity to others who use fragrant products, something that is unavoidable in the city).

Our home and farm is 17km direct path distance from the proposed facility. We regularly smell the odour from the bioreactor. We have lived at this address for approximately 18 months, and on multiple occasions over this period the odour from the bioreactor has been so strong that it has prevented me from being outdoors. I have vomited, retched, experienced day-long nausea, light-headedness, headache and migraine as a result of the odour. The odour has woken me up from sleep during the warmer months when I have slept with the windows open. I have spent hours on the phone to the EPA reporting odour from the bioreactor. I have written numerous emails to the EPA information line to report odour. I have pursued enquiries with my Local MP (Hon. Wendy Tuckerman), the relevant Ministers, the EPA and the Department of Health to obtain advice on what measures I can use that will prevent me experiencing illness from the odour when I go outdoors. I have tried wearing a professional particulate mask outdoors to attempt to reduce the health impacts of the odour. None of these measures have been successful. The only advice that helps is the advice to stay indoors with the windows and doors shut. Even this is not successful on days when the odour infiltrates our home.

We have a small farm of 100 acres that we are transitioning to a commercial regenerative farm. We keep poultry, including ducks, chickens and peafowl. We also have a small flock of sheep that we will expand over the next two years. We also plan to run a small herd of goats for dairy. We are in the process of

establishing a cut flower garden for flower sales, and we grow our own vegetables with the aim of producing 90% of our fruit and vegetable needs in the upcoming years. I am the person primarily responsible for:

- the care of our livestock and poultry;
- planting/weeding/picking/watering our crops;
- establishing the garden beds and cropping areas;
- rotating our electric fences and moving livestock/poultry;
- weed management; and
- planting fruit trees/screens/windbreaks.

I also work jointly to:

- establish and maintain our paddocks and fencing;
- set up irrigation;
- slash/mow and prepare fire breaks;
- clear fallen trees;
- reduce fire hazards; and
- perform maintenance and repairs on pumps, tanks, sheds, farm structures, the house, etc.

All of these tasks require me to be outdoors. There is no way to perform this work from inside our house with the doors and windows shut. On days when the odour is bad, there is no way to avoid the adverse affects the odour causes to my health and still complete this work.

In contrast to many people living closer to the bioreactor, we don't smell the odour every day and it generally does not persist throughout the entire day. However, the odour tends to be worst overnight through early to mid-morning, and then again in the early evening. Unfortunately, early to mid-morning and early evening coincide with my busiest hours on the farm. I am awake between 4 and 5am, and outdoors not long after. And although I can delay tasks for an hour or two if the odour is particularly horrendous, I cannot delay for longer due to the need to provide water and feed and check on the wellbeing of the poultry and livestock. Similarly, the early evening is when the evening checks, feeds and watering is done, so it is impossible to avoid being outdoors at these times.

Irrespective of the illness I've experienced on the days that the odour impacts our farm and home, my health has greatly improved since moving here. However, this is unlikely to be the case should the proposed incinerator proceed. At the moment, when we smell the odour, we have the assurance of the NSW EPA and NSW Government that the gases causing the odour will not cause long-term harm to our health. In contrast, if an incinerator is built and operating, when we smell the odour from the bioreactor we will be inescapably reminded that the air we are breathing will contain toxic emissions from the incinerator. These are emissions that the NSW EPA and NSW Government acknowledge are harmful to human health because they contain a range of toxic particulates and chemicals that cause illness and death. And although we are advised these emissions will have no smell, I also have doubts about this. I recently attended a Woodlawn site visit and the burnt chemical taint in the air was very noticeable, presumably from the flaring of landfill gas. But perhaps the odour from the incinerator emissions will likewise only be evident on site at Woodlawn. Irrespective of whether or not the proposed facility will produce an odour, the mental strain associated with knowing that we are breathing in air contaminated with toxic pollutants will be unavoidable. This stress and worry will be exacerbated on days when the wind is blowing from the direction of Woodlawn, and on days when the odour from the existing bioreactor is noticeable.

Because we can smell the odour from Veolia's bioreactor, it is irrefutable that if an incinerator goes ahead, our home and land will be polluted. The particulate pollutants (such as heavy metals and persistent organic pollutants like dioxins and furans) from the proposed incinerator's air emissions and windblown dust from the contaminated waste byproducts will be in our lungs and body organs, washed from our roof into our water tanks, in our dams and creek, and in our soil. Contaminants will build up in our water tank – our sole

source of water for drinking, bathing, laundry, and all the other life tasks. They will wash into our dams – the source of water for our livestock, poultry and vegetable/flower crops. Any groundwater pollution will likely make its way to our springfed dam and creek, a dam that I have been told sustained our property and livestock from this and neighbouring properties throughout drought years over the past decades. Additionally, we live on a dirt road, and the majority of the roads around our home are dirt roads. When cars drive along the road you can see the dust clouds rise in the sky from many kilometres away. Breathing in this dust is already unhealthy, but once an incinerator is built that same dust will then contain persistent organic pollutants, some of which are toxic in the order of parts per billion. How does the EIS address this risk? Dust entrainment due to vehicle movement only appears to be mentioned in terms of movements onsite, not in relation to contaminated dust stirred up offsite.

In future, when I smell the bioreactor odour and the incinerator is in operation, I will also be unavoidably reminded that my particular medical profile means the air I am breathing will make me sick, and perhaps kill me. Alongside the physical impacts, the stress associated with knowing that I am breathing in air that is exceptionally dangerous to my health will likely be unsustainable in the long-term. Everybody has the right to feel safe in their home. They have the right to breath air that won't kill them. They have the right not to worry about dying from the air they are breathing. They have the right to wash in water that has not been polluted with toxic chemicals. As someone with a disability, who has already acted to my financial disadvantage to move to an area that affords me an environment that is likely to beneficially contribute to my quality of life, an environment that by virtue of my illness needs to be rural and distanced from others in an area with clean air and water, I object to the NSW Government plans to further sacrifice my health at the expense of Sydney's failed waste management processes. I disagree that my health, wellbeing and life are any less valuable than the residents of Sydney. And I do not feel that Veolia's air quality impact assessment and human health assessment provides any surety that my health will not be impacted. On the contrary, it says that there will be some increased vulnerability for people like me, but that any impacts are justifiable because they will only affect a small group of people.

*"The population for the LGA of Goulburn Mulwaree has a higher rate of mortality (all causes)<sup>1</sup>. The population in the Southern NSW LHD has a higher rate of mortality from respiratory disease, and higher rates of high blood pressure and asthma in adults. It is noted that, while the rate of asthma in adults is significantly higher than NSW, the rate of asthma in children is not different to NSW overall.*

*The above indicates that, based on existing health related behaviours and health statistics, the surrounding community may have some increased vulnerability to Project related impacts. It is noted that the statistics presented above relate to a large population. No data are available for the smaller population in the areas immediately surrounding the Project site." (Appendix P, Human Health Risk Assessment, page 17)*

*"If health impacts were to occur due to stack emissions and air quality, the magnitude of these are anticipated to be moderate due to only affecting a small group of people." (Appendix CC, Social Impact Assessment, page 53)*

If the NSW Government proceeds with this plan, I am one of the people who is likely to experience adverse effects. And Veolia's EIS acknowledges there will be adverse effects for some of us. In the same way that the NSW Government and EPA protected the health and lives of Sydney residents by disallowing these facilities in the Sydney Metropolitan area, I ask you to protect my life and those of my family by disallowing this facility here.

Should the incinerator proposal proceed, our family will need to make the difficult choice to leave our home (which we cannot financially afford to do), or live with the knowledge that the proximity of our home to Veolia's incinerator is likely to result in a significant deterioration of my health, and a reduced life expectancy for all of us. I also have young nieces and nephews who spend a considerable amount of time on our farm. Several of them have medical conditions such as asthma, and one was born very prematurely at 26 weeks. If an incinerator proceeds, I will not in good conscience be able to ask them to stay at our farm. We are a 50km drive from the nearest hospital. There would be no quick medical response for

emergency care to ensure their safety should they experience breathing difficulties.

*Reference:*

1. *The health impacts of waste incineration: a systematic review, Tait et al., Australian and New Zealand Journal of Public Health, 2020 vol. 44 no. 1.*

## **2. Ethically and morally wrong, and not in the public interest**

The NSW Government changed the EFW policy and regulation in 2022 so that waste-to-energy incinerators could not be located in the Sydney basin because of the precautionary principle and the dangers these facilities pose to human health. In July 2018, the Eastern Creek waste incinerator in Sydney was rejected by the NSW Independent Planning Commission as not being in the public interest. The reasons included concerns about safety, insufficient evidence that the pollution control technologies would be capable of managing emissions, concern about the relationship between air quality impacts and water quality impacts, the possibility of adverse environmental outcomes, and concern about site suitability and human health impacts. It would be both ethically and morally wrong to recommend this facility for one subset of the population when it has already been determined to be unsafe for another subset of the population. If waste-to-energy incineration is unsafe for Sydney communities, it is unsafe for all NSW communities. Additionally, this proposal puts the water catchment and food supply for the people of Sydney at risk. It is not in the public interest to protect Sydney residents from a Sydney-based facility under the precautionary principle and then locate one in a community that significantly contributes to Sydney's water and food supply (particularly when the ingestion of contaminants in food is a significant risk factor<sup>1</sup>).

The NSW Government has also failed to release any justification for the decision to designate Tarago's Woodlawn site as a priority precinct for waste-to-energy incineration. On the contrary, the Government refused two GIPA requests (GIPA EPA782, GIPA EPA795) from our community (and another from a community in the Richmond Valley precinct) asking for the documentation that formed the basis for the decision. Not only did the government refuse to provide the topographical, geographical, climate, transport, environmental, ecological, agricultural and population studies that demonstrated Tarago was a suitable location for a WTE incinerator on the basis that these documents were 'cabinet-in-confidence', but the GIPAs demonstrated that the EPA had not performed these investigations prior to making a decision. The EPA and the NSW Government made Tarago a priority site for WtE incineration on the basis of 12 documents produced over the span of a mere ten weeks, and seven of these documents were emails. The astounding lack of care and consideration this demonstrates for the people, industry and environment of the Tarago region (and the other priority precincts) is gobsmacking. This lack of well-reasoned and transparent decision-making is not in the public interest.

It is also clear from the history of operations at Veolia's current Woodlawn site, that the NSW Government and NSW EPA are powerless to enforce the facility's licence conditions. The NSW EPA has issued multiple fines for operations at the facility, the most recent being a \$15,000 fine for odour breaches in June 2022 (issued on 28<sup>th</sup> November 2022), and a \$15,000 fine for leaking containers (23 July 2021). As residents are well-aware, these fines do nothing to improve Veolia's adherence to licence conditions. In the last two months our family has captured photographs/video of several leaking containers when driving the road from Tarago to Canberra, and we have experienced odour at our home (in breach of the facility's licence conditions) within the past week. It is not surprising that a \$15,000 fine has little to no effect on such a large corporation, but it does demonstrate the inability of the Government and NSW EPA to effect measures that will ensure licence compliance. This is also reflected in the NSW EPA raising Veolia's environmental risk rating over the past year. Unfortunately, the safety measures for the proposed facility (as detailed in the EIS) are heavily reliant on Veolia's compliance with NSW Government licence conditions in terms of the facility's emissions, material handling and byproduct waste disposal. It would be irresponsible and not in the public interest to approve such a facility when the proponent has been

identified as a higher risk for environmental pollution, is known to regularly breach operating licence conditions for other facilities, and government measures to enforce compliance are ineffective both for the scale of the operation proposed and the potential harm that may be caused.

The health assessment acknowledges additional amounts of toxic POPs, gases and heavy metals will be introduced into our environment by the proposed facility. It acknowledges these toxins will be in our water, soil, dust and air. How is it safe to allow residents in communities around the proposed incinerator to inhale and ingest these pollutants over the course of 25 years, particularly when some of the POPs the facility will produce are known to be toxic in the order of parts per billion? Australia ratified the Stockholm Convention on Persistent Organic Pollutants (POPs) in 2004. In doing so, Australia has acknowledged that the only way to protect our lives and our environment from POPs is to avoid creating these toxins in the first place. The existing Woodlawn facility already contains a bioreactor landfill that manages waste and harnesses energy without creating new POPs. This proposal plans to introduce a facility that will perform the same waste management function, but in the process also create millions of tonnes of byproduct waste and emissions containing large quantities of POPs. This is contrary to Australia's responsibilities as a signatory to the Stockholm Convention on POPs, and a egregious breach of care to those of us living in surrounding communities. It is not in the public interest to approve this proposal in contravention of Australia's responsibilities as a signatory to the Stockholm Convention.

It is also evident from the EIS documentation that this proposal runs contrary to all the policies designed to protect our environment, combat climate change, enhance recycling and introduce a circular economy. The proposed facility will burn feedstock that is more than 60% comprised of organics, paper/cardboard and plastics. It will emit hundreds of thousands of tonnes of greenhouse gases without even providing a mechanism to supply electricity to the grid. It will destroy precious finite resources to produce millions of tonnes of contaminated waste full of persistent organic pollutants with no defined plan on how to stabilise and manage this waste. Quite simply, the EIS describes an old-school industrial waste incinerator dressed in some shiny new green paint. To label this a necessary waste management measure and part of the circular economy is farcical. It is also not in the public interest to approve a project that runs so contrary to government policy on carbon emissions, climate change, the environment, recycling, the waste management hierarchy, and the circular economy. The proposal should be unilaterally rejected.

## **5. The proposal places an unreasonable and unfair burden on our community**

Tarago and the broader Goulburn-Mulwaree LGA are the location of a significant number of State Significant Developments and major industrial and renewable energy projects. The Woodlawn Bioreactor, Wind Farm, Solar Farm, Woodlawn MBT, Woodlawn Mine and Woodlawn ARC are all located at the same site off Collector Road just 6km from Tarago. Each of these developments places a burden on the local and regional community. The following are some examples of how this occurs:

1. Residents are required to donate their time to policing and reporting the impacts of these developments to NSW Government Departments. For example, the regular odour impacts mean that residents are required to report odour to the NSW EPA in order for there to be any action taken to resolve the issue. Over the past year, there were more than 300 odour reports. Each report takes at least 15 minutes to complete, and when phoning the EPA it can take considerably longer. 300 reports at 15 minutes per report (a generous *underestimation* of the actual time it is likely to have taken residents to make complaints) equates to 75 hours. That's the equivalent of somebody working full-time for two weeks just reporting odour. And that does not include the other facilities the community are also expected to police in order to maintain the amenity of the local area. For example, quarry trucks breaching the requirements to stay off local rural roads during the school bus pick up and drop off times when young children are crossing roads and alighting from buses on narrow country roads in 100km/hr speed zones, leaking waste container trucks travelling to Veolia's Woodlawn facility, noise

and health impacts from wind farm turbines, and reports at local council meetings to register complaints and community opinion on everything from the dangerous road conditions to newly proposed developments. This equates to a substantial amount of unpaid community labour. Both the NSW Government and the companies running these operations are guilty of an over-reliance on the unwilling labour of local residents to police these industrial developments and their licence conditions, rather than a pro-active and precautionary approach to the planning, assessment and approval of these developments in the first place.

2. The EIS details that the proponent intends to continue with stakeholder engagement through its Woodlawn Community Liaison Committee meetings. Not only is this an additional burden on the community, but this model is demonstrated to be ineffective. Meeting minutes are often not made available for more than six months after the date meetings were held. There is no mechanism in the current provisions to ensure Veolia acts on any concerns raised. There is no mechanism to ensure independent oversight of the manner in which the committee operates, nor ensure community concerns are properly registered. There is no penalty for Veolia not listening to or not implementing measures for improvement. The CLC has been raising concerns about odour and truck movements for over a decade. Yet Veolia's EIS demonstrates that these concerns, which have been validated by EPA fines and local council investigations, are to be ignored again. The community-requested traffic upgrades have been deemed unnecessary in the EIS, and the odour impacts described as 'negligible'. This stakeholder engagement mechanism is very clearly not working, so how is it a valid option for future stakeholder engagement?

In addition, representation on the CLC is not reflective of the community. There has been no female community representative present at a CLC meeting for over 2 years (since Nov 2020), and representations I made to Veolia in May this year have resulted in no immediate change. After nominating to join the CLC on 6<sup>th</sup> October 2021, Veolia's Woodlawn Eco-Precinct Manager Justin Houghton emailed me on 17<sup>th</sup> October 2021 to inform me that my nomination would be considered at the **next** CLC meeting (scheduled for Dec/Jan). Ten days later a CLC meeting was held on 27<sup>th</sup> October.

*"The process from here is quite straightforward, as part of the next CLC meeting (scheduled for Dec/Jan time), we will advise the existing CLC committee of new participants. This will be part of the agenda. Then, formal invitations will be sent out to new members, where they are able to join future CLC meetings as official representatives."* (Email from Justin Houghton, Woodlawn Eco-Precinct Site Manager)

At this meeting, the remaining community representatives on the CLC resigned in protest of Veolia's ARC proposal. It is clear that this existing stakeholder engagement mechanism (on which Veolia intends to rely for its new proposed development), places a burden on the community without meaningful results.

3. The incessant truck movements along roads not designed for the volume nor scale of truck transport are resulting in dangerous driving conditions. The local Facebook groupss are full of discussions about people destroying tyres and wheel rims and damaging their vehicles when they hit the potholes that are now unavoidable when driving on local roads. Many drivers also report having their windscreens destroyed by debris flung up by passing trucks, and I have had a number of large chips from my car windscreen and bonnet for this reason. Each time my family drive on the roads, I worry that they will be in an accident resulting from a truck in the wrong lane or as a result of hitting one of the deep and unavoidable potholes. It is scary how frequently you encounter trucks and other vehicles travelling on or over the centre line of the road due to the narrow roads and poor road conditions. There is no time during daylight hours when you can avoid the trucks. When driving to Goulburn or Canberra I will often pass more trucks than cars. There is very little verge on any of the local roads which makes avoidance of potholes and other vehicles difficult. All of this places an additional burden of stress and

strain and financial impost on the local community.

4. The volume of existing SSD projects in our area combined with the sheer number of new proposals means the community constantly need to respond to and review government documentation, environmental impact statements, SEARs requirements and licence alteration requests in order to protect the amenity of our community, lifestyle and homes. In instances such as the proposed Woodlawn ARC, reviewing and responding to the EIS required extensive research into a huge volume of technical content, statistics, government policy and legislation, and Veolia's track record and existing licence conditions. This is a burden faced by all communities subject to SSD developments. The NSW Government does not commission an independent review of the EIS for proposed SSD developments prior to publicly exhibiting the proposal. This puts an immense burden on communities to research, evaluate and respond to the likely impacts on community amenity within the short timeframes of the exhibition, or risk losing amenity in the decision-making process. This skews the process entirely in favour of the proponent, and disempowers the community in the decision-making process. These effects are magnified where the proponent, as in this instance, refuses to provide detailed information on the development in advance of the EIS exhibition.

In this instance, it became clear to the community late in 2021 that Veolia were not providing information on the likely risks associated with the development. To ensure the community had the relevant information, a small group of residents established a community-led organisation to help inform the community about the proposal, potential risks and impacts, relevant research, and important dates and events in the process. Over the past 14 months, I have personally spent over 1,500 hours work on this project. That's at least 187 full-time, 8-hour working days. Time spent on the project has been to the detriment of my health, my family, my farm, and my financial livelihood. Yet this work was necessary. Without the action of this community-led group, a significant portion of the affected communities would not be aware the proposal existed. The proponent did not widely advertise the development, did not provide mailout advice to communities within range of the proposed project's emissions, and did not make our communities aware of the nature and risks associated with the project. In conjunction with this project, we also received advice about two other State Significant projects during this timeframe - Blind Creek Solar Farm and Gundary Solar Farm. It is impossible to stay across each of the developments when the proposed developments are of such size and significance. In our family, we needed to decide which development most risked the amenity of our home and lives, and focus attention on that.

But why should the communities shoulder the burden of this unpaid labour? Why hasn't the government examined this proposal to ensure it meets the SEARs criteria and to provide independent advice to the community **prior** to it going on exhibition? The burden of monitoring and responding to proposals such as this consume thousands of hours of community labour each year, impacting upon volunteer hours that residents could instead be using for the betterment of their communities. The burden that this particular proposal will place on our community will be unsustainable when factoring in the amount of time it will require to monitor emissions and operations and licence amendments in conjunction with those of so many other facilities. The burden the current site places on our community is already unsustainable, as evidenced by the absence of CLC members, that only two community nominees attended the recent Veolia CLC information day, the apathy of residents to continue to report ongoing odour issues, and the struggles of local community groups to find volunteers for their committees (e.g. the Tarago and District Progress Association).

Veolia's EIS for the proposed incinerator demonstrates that the community are going to be further imposed upon with additional burdens to monitor operations and advocate for community interests falling on community volunteers. Any continuous monitoring outlined in the EIS will result in parents and vulnerable residents needing to continually check the monitors before venturing outdoors (although the



monitoring outlined in the EIS doesn't even appear to afford us the right to know whether or not we are being poisoned before we step out the door because Veolia is not proposing to make this data available in real-time. This in itself is concerning given European incinerators do so).

## **6. The proponent misleads the community and does not afford the community transparency in operational matters likely to impact residents**

Since announcing the proposed development, Veolia has consistently avoided and/or downplayed the risks associated with the development, particularly in regard to emissions and waste ash management. Project risks are missing from the EIS documentation of key project messaging, which is staggering given the hazardous byproducts produced at the facility and the acknowledged risk of harm to local populations described in the NSW EFW Policy Statement. This lack of openness is mirrored by Veolia's current Woodlawn operations in attempts to deny community access to GIPA requests (e.g. GIPA EPA783) about those operations.

I personally experienced a lack of transparency when making enquiries about the project, and a worrying inconsistency in the information provided to me. These inconsistencies presented an overall picture that Veolia was being dishonest in the presentation of information relating to the project. For example, when making enquiries about the diesel burner use, I was provided with information that was clearly defunctive, given inconsistent information, and eventually told that all information related to diesel consumption at Staffordshire was commercial-in-confidence (despite much of that information being provided in the EIS - a fact which also indicates it was available at the time I raised enquiries).

*27/06/22*

*4) What quantity of fuel will the diesel fuel burner require (maximum hourly consumption, minimum hourly consumption, expected average consumption, and mean consumption)?*

*This detailed information is currently under assessment to complete the EIS. The burners would not be required for constant use.*

*Follow-up on 7/07/22*

*2. In relation to question 4, could you please also let me know:*

*a) What is the consumption of the diesel fuel burner in litres per hour? (I anticipate this is something that can be provided in advance of the EIS given it should be a known quantity from other incinerators in operation, and from the burner specifications).*

*Diesel is not used to fuel the ARC on an hourly or daily basis, as the power generated from the waste fuel would mainly power the facility. So on a standard day of operation, it would be zero.*

*Detailed information about the use of diesel fuel during the start-up, shut-down and in the unlikely instance of needing to maintain the temperature of 850°C, will be included in the EIS.*

*18/07/22:*

*2. How long does it take for the burner to bring the incinerator up to 850 degrees so that waste can be put on the grate? (Longest timeframe, shortest timeframe, average timeframe).*

*Eight hours for start-up, six hours for shutdown.*

*\*\*I was later told at an information day by Veolia's expert flown from WA (and formerly based in the UK) that this would be 12 hours. The same expert told my husband it would be 15 hours.*

*3. How long will the diesel burner operate during shutdown of the incinerator?*

*Six hours.*

4. Does the Staffordshire incinerator also use a diesel burner? If so, what was the burner's diesel fuel consumption for each year the incinerator has been in operation?

Yes.

*Unfortunately we cannot reveal the details of the Staffordshire diesel usage for commercial in confidence reasons, but more information on diesel use will be included in the EIS and we would be happy to take you through this in our meeting.*

5. The assessor at the information day mentioned he was modelling the diesel fuel emissions outputs. What data was used for this modelling?

*This is based on data from the Staffordshire reference site.*

I and my family were also assured we would be provided with a list of the stack emissions from the proposed facility. We asked for a list of emissions at the community zoom meetings in September 2021 and were assured by Veolia CEO Mr. Richard Kirkman that this could be provided. We again followed up to ask for a list of emissions at the TADPAI meeting in April 2022 and Mr. Kirkman again assured us that this would be provided. Veolia then failed to provide a response to the questions raised by the community at the TADPAI meeting, so I followed up by email on several occasions (July/August 2022). For example:

*"4. Please provide a list of all particulate matter, chemicals, gases, heavy metals and toxins that will be released by the incinerator. I note that the community has asked for this data numerous times, but Veolia is yet to provide a list.*

*This question is best answered through the ARC EIS results, where we will be able to provide all the facts. We want to ensure that we can share final details, within the context of our project specifically, so releasing this final detail now would be premature." (7/07/2022)*

I was later given a reference to the Staffordshire Four Ashes Emissions webpage. Unfortunately, this information was not current, so I asked for an update and was told that information was only updated 6-monthly. At the time of the public exhibition the data was almost 12 months old (despite the EIS stating this information is updated monthly for residents), so I again followed up several times for an update. Veolia failed to update the page, so at the close of the exhibition period information on this page was 12 months old.

Another considerable problem with the information provided about the proposal was the failure to identify to residents that this facility would incinerate waste. Language is very important in communicating the potential ramifications of a project. Material should clearly identify what the proposal is, in language that a lay-person can easily understand. If information about the proposal is unclear, it is impossible for residents to appropriately assess the ramifications of the project for them. It is abundantly clear that Veolia understands their proposed facility will incinerate waste, and that the decision to call the facility by any name other than an 'incinerator' is a marketing decision. Veolia's Australia/NZ website demonstrates Veolia acknowledges these facilities are 'incinerators', the research on health impacts listed on Veolia's project website was for health impacts relating to 'incineration' and 'incinerators', and the EIS applies for the facility under legislation applicable to the incineration of waste. Yet despite ongoing feedback about this discrepancy in describing the project, Veolia failed to amend the terminology in accordance with the role the facility performs. This is clearly misleading.

These are just a few discrepancies and inconsistencies demonstrating the lack of transparency afforded the community throughout the EIS preparation and exhibition periods. I have many more, but the time constraints of the exhibition period do not allow me to detail these exhaustively. These examples are sufficient to demonstrate that Veolia has not, and likely does not intend to, afford our community transparency and open dissemination of information about its operations should this proposal be approved. This calls into question how community engagement measures in the EIS will operate with any

degree of success, and how the community will be afforded the information necessary for protection in the event of a contamination event or any other operating problem. It also casts doubts on Veolia's assurances that emissions data will be provided in real-time or anywhere close to that.

### **7. The Department appears to have colluded with the proponent**

It is evident that Veolia knew of the public exhibition timeframe for the proposed development prior to the dates being made publicly available (as they released the dates 10 days prior to DPIE confirming the dates for community stakeholders). I have no issue with a proponent being made aware of the public exhibition dates in advance - they require this notice to prepare materials and organise advertising to notify communities about these developments. But equally, local government and the public are also entitled to the same advance notice as the developer. SSD projects are often controversial, and there are a wide-range of community interest groups that hold a stake in the development, as do local councils. These community stakeholders deserve equal notice of the proposed exhibition timeframes in order to prepare any materials they may need, and to organise any advertising and communications of their own. This better allows for procedural fairness, and goes some way to help alleviate the vast differences in economic resources available to the developer in comparison to local councils and public interest groups.

When was Veolia provided with confirmation of the public exhibition dates for the proposal? They were clearly notified in advance of community stakeholders. On the 10<sup>th</sup> October, Veolia announced on their website that the public exhibition period would be from 26<sup>th</sup> October to 6<sup>th</sup> December. The relevant DPIE planner (Ms. Sally Munk) was contacted by another resident on Monday 10<sup>th</sup> October and by myself on Tuesday 11<sup>th</sup> October requesting confirmation of the public exhibition dates. Our local MP's office (Hon. Wendy Tuckerman) also made representations through the Minister's Office. There was no reply to any enquiry that I am aware of. On Thursday 13<sup>th</sup> October I made a follow-up phone call to Sally Munk and she returned my call the following day. She stated that the Department had not yet confirmed the public exhibition dates. I raised a number of concerns relating to:

- the need for confirmation of the dates to allow preparation of community materials and placement of information in local newsletters before the monthly submission deadlines the following week;
- the difficulties of the proposed timing of the public exhibition in relation to the farming calendar;
- the insufficient nature of a 6 week public exhibition;
- problems with the proposed submission methods (e.g. the difficulties accessing and using the portal on regional internet connections and how this would not allow accessibility for residents). I requested an alternative submission method be considered - e.g. a locked dropbox at local council offices that could be collected by a DPIE representative following the end of the exhibition.

Ms. Munk stated:

- the public exhibition timeframe had **not** yet been confirmed by the Department, and that they would be notifying residents (in a small radius around the proposed development) next week with a letter once these dates were confirmed.
- The Department would advertise the exhibition in two newspapers (Goulburn Post which requires a paid subscription) and a Cooma-Monaro paper (which is not local). I noted there were more appropriate papers and she agreed to try to advertise in more local papers if I provided a list.
- The Department is aware of internet connectivity and accessibility issues so they have made printed copies of the EIS available. (It was inferred that these copies would be available for lending to accommodate out-of-hours viewing, however this turned out not to be the case).
- The Department are going 'above and beyond' to accommodate our community. This statement was repeated multiple times (more than 10).
- That despite receiving multiple requests for extension of the EIS exhibition period, the DPIE executive are intending to go with a 6-week exhibition.
- When responding to representations that the 6-week exhibition period was insufficient, she stated

'but we have to be fair to the proponent too'. She noted that Veolia had been trying to submit the EIS for the past 12 months but that DPIE has requested they go back and provide more information/do more consultation etc.

Despite multiple follow-ups, DPIE did not confirm the public exhibition dates for community stakeholders until 20<sup>th</sup> October 2022, ten days after Veolia published the dates on their website. The dates provided to community stakeholders were identical to those published by Veolia. It is clear that Veolia was informed of the dates in advance, and suggests that DPIE representatives were untruthful in their discussions and representations with the community when they initially failed to confirm the dates to enquiries. This put the community at a significant disadvantage in the process, not least because the submission dates for local newsletters (monthly publications) were closing on the 20<sup>th</sup> and 21<sup>st</sup> of October. This did not allow for notifications to be placed in all local papers. It also raises the question of how much leeway was given to the proponent in deciding the dates for the exhibition. Was the coordination between the Department and the proponent appropriate in scale? It most definitely disadvantaged the community in the process.

The EIS document also notes the number of meetings/discussions Veolia has held with DPIE, and more specifically the two planning officers most concerned: Ms. Sally Munk and Mr. Chris Ritchie. There are approximately 15 meetings/discussions listed. I note that DPIE did not hold any meetings with the community throughout the process. Although interaction between the proponent and DPIE is necessary and to be expected in order to facilitate the process, the language used by both DPIE representatives and Veolia representatives to describe the public exhibition procedure to the community shows clear evidence of a joint narrative. This suggests some collaboration between the parties – an unhealthy development given DPIE's role in the decision-making process. One phrase in particular sticks out. Both DPIE and Veolia have described the public exhibition process on multiple occasions using the phrase going/gone "above and beyond" to indicate that the measures they have taken to accommodate the community were extraordinary. This phrase has been used in excess of 30 times with me personally. Friends and neighbours have reported they too have been told this. Our local MP's office state that they were told this. Both of the DPIE representatives (Ms. Sally Munk and Mr. Chris Ritchie), Veolia's Publicity officer Ms. Skye McParland, and Stakeholder Manager Mr. Paul McMahon have used this phrase to describe the process to me personally. Both Ms. Munk and Mr. Ritchie used the phrase repeatedly in phone conversations, and Veolia referred to it in emails and in person at events during the public exhibition period. Both Veolia and DPIE used this phrase in reference to the provision of printed EIS documents provided for the community. When both the government department responsible for assessment and the project's proponent are using the exact same descriptors for the process, this at a minimum points to an unhealthy level of coordination and cooperation between the decision-maker and the proponent. It calls into question whether or not there is the required impartiality in the decision-making process, and raises questions about the health of the safeguards in place to prevent collusion on SSD projects.

Email from Paul McMahon, 10/10/22:

*"We have contacted our UK colleagues about this and they have clarified that while the data is typically updated every six months, there is no environmental mandate in their operational licence to display emissions data to the public (so it seems Skye misunderstood this in previous conversations you had with her). The emissions data shared with the public for Staffordshire goes **above and beyond** their operational requirements."*

Email from Skye McParlane, 1/10/22:

*"I do believe we have provided fair and equitable access to the documents, and have gone **above and beyond** by providing hard copies and a community version for those interested."*

Additionally, throughout the process leading up to the public exhibition I have requested information from DPIE to ensure transparency. On 25/11/21 I emailed DPIE's Sally Munk with a request for information on

the status of the EIS. Ms. Munk replied on the 7<sup>th</sup> December, not to advise that DPIE had been provided the results of some of the EIS assessments (as is clear in the EIS engagement log), but simply to state that a DA had not been lodged. On 31/07/22 I again emailed Ms. Munk to requested information on the independent experts engaged by the Department to examine the EIS (as DPIE's website clearly stated that independent experts had been engaged). I was told that DPIE were yet to engage their independent experts because Veolia had not yet submitted a DA and that experts would not be engaged until that time. I received no reply to a further clarification (sent 7/09/22) of the discrepancies between the website information and the information Ms. Munk provided. I again asked Ms. Munk for details of the independent experts during a phone conversation at the start of the public exhibition period. During this phone call I was told the Department would not be making known the names or qualifications of the independent experts. If the proponent and DPIE were working on plans that required confidentiality in order to maintain the integrity of the process, then this lack of transparency might be justified. But when the proposal will be publicly exhibited and the information requested is information that will be placed in the public domain when the proposal is exhibited/assessed, why should this information be withheld from the public? Transparency allows for the scrutiny required to help ensure proper decision-making processes.

Email reply from DPIE's Sally Munk on 7/12/21:

*1. Has Veolia submitted the EIS?*

*The proposal by Veolia is in the early stages of the planning process and a development application (DA) has not been lodged. The Department of Planning, Industry and Environment (Department) has issued the Planning Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed facility.*

Email reply from DPIE's Sally Munk on 1/08/22:

*Thanks for your email. As a DA has not yet been lodged for Veolia's proposed energy from waste facility at the Woodlawn Eco Precinct, the procurement for our experts has not commenced. I am therefore unable to provide you with any details.*

## **9. The public exhibition process was inadequate to allow for procedural fairness**

The public exhibition process of six weeks plus the eventual one week extension was too short to allow me time to read the full EIS submission. As this project has such significant ramifications for me and my family, I would have liked to have been able to read and respond to the full document. I feel that in denying representations from our local council, local MP and residents to allow for a three month exhibition period, DPIE have denied our community procedural fairness. (I also note that although I received an additional extension for my submission in acknowledgment of the delays associated with providing me with an accessible document under the provisions of the Disability Inclusion Act, I was regrettably still afforded less than 6 weeks in total to review the documents and provide a response).

I and other residents made multiple representations made to DPIE about the unsuitability of the planning portal for the submission process. DPIE's insistence on the planning portal and the subsequent issues residents had accessing the portal denied our community procedural fairness. DPIE's eventual provision of an email address went some way to mitigate these impacts, however it wasn't widely advertised, and I received a number of phone calls from people unaware this option existed. There are likely a considerable number of people this messaging did not reach. I was unable to submit my objection through the planning portal due to a number of errors. These errors and problems with the submission process denied our community procedural fairness.

Veolia's unwillingness to provide information in advance of the EIS release also contributed to deny our community procedural fairness. The sheer scope of material for review in combination with the short timeframe for review meant that I could not complete a review of each of the topics I had previously

requested information on. (And Veolia's response at the time had been that this information would be available in the EIS). This also contributed to deny our community procedural fairness.

#### **10. The proposed development will negatively impact my future financial security**

Our farm, home and land and any income I can generate from here represents my future financial security. I have a disability that prevents me working in an urban environment, an office environment, and in any environment where I cannot control the specific environmental triggers of my illness. Additionally, to maintain a quality of life that allows me to perform daily tasks unaided by a carer, I need to be able to rest and recuperate throughout the day in an area free from exacerbating triggers/stimuli. We also need our home to be within commuting distance of Canberra for specialist appointments for me and my husband's employment. Veolia's operations already impact upon our amenity. The EIS indicates that the proposed development will cause additional impact, with air pollution containing toxic substances emitted into the air just 17 kilometres from our home in a windy locale that frequently disperses air pollution (odour) in our direction.

It is evident from the odour dispersion at the existing facility that this pollution will impact our home and farm. Not only is this likely to trigger health problems for me which will result in lost work hours for both myself and my husband (as he is my primary carer), but it is likely to impact our poultry, livestock, vegetable and flower crops. There is an enormous amount of research indicating that poultry are one of the first to show evidence of contamination from pollution emitted by facilities such as the one Veolia proposes. Because they dig in the dirt, they absorb contaminants from the soil as well as from any vegetation and water contamination. These contaminants (particularly persistent organic pollutants such as dioxins) are also transferred to the fats in the egg yolks. I have spent the past year breeding poultry to establish a business selling free-range duck eggs and exhibition waterfowl. The proposed facility puts this business at risk. I also intend to sell flowers and excess vegetables and seeds, and we will continue to consume our own livestock, fruit, poultry and vegetable produce. Any contamination from the incinerator risks my ability to sell my produce, and also may make it impossible for us to safely consume livestock and produce grown on our farm. This will significantly increase our own food bills. In addition, contamination of the surrounding area will decrease property values in the vicinity of the incinerator. This will not only make it harder for us to sell our property, but will make it impossible for us to afford a comparable property elsewhere.

#### **11. The proposal does not meet the SEARs requirements.**

Unfortunately the public exhibition period was insufficient to allow me read the EIS document in full. However, from the appendices and material I read, it is clear the proposal does not meet the SEARs requirements. In fact, there are so many deficiencies in the information that it seems questionable as to how this proposal passed the DPIE assessment prior being put on public exhibition. The following are a few examples:

1. There is no detail on how electricity will be provided to the grid. The current infrastructure does not meet the requirements, and the EIS does not detail the necessary transmission upgrades required to provide electricity to the grid. The EFW facility as proposed is an industrial waste incinerator.
2. The project engagement failed to involve important stakeholders such as agricultural bodies, residents who have previously registered odour complaints, and many local farmers. The engagement process was flawed because the proponent made it exceptionally difficult to get information on matters of concern, and there was no emphasis placed on the balanced provision of information to allow stakeholders to weigh anticipated benefits against the feasible risks of the development.
3. There is considerable deficiency in the detail required to meet the requirements to ensure the safe

management of waste byproducts and any potential reuse of IBA and metals etc. There is no contingency plan for APCr not being able to be stored as restricted solid waste, and there is not even a definitive plan as to how this waste will be managed. The EIS states that APCr may be stabilised using Portland Cement, or it may be injected with phosphate, or it may be stabilised using some other method. As the other EIS assessments are based on the use of Portland Cement, the conclusions in those assessments are not applicable unless the stabilisation method has been determined to be Portland Cement, and the EIS clearly indicates this is not the case.

**Conclusion:**

If the NSW Government decides to approve this proposal, it will be doing so in the face of overwhelming public opposition, against the wishes of the surrounding local councils, against the wishes of the ACT Government, and against the wishes of agricultural providers. It will also be doing so in contradiction of the precautionary principle, and in approving the facility, would demonstrate that the NSW Government determines that the lives of residents in less-populated rural areas are worth less than the lives of their city brothers and sisters. On the basis of the information provided in the EIS and existing precedent in relation to similar facilities proposed for NSW, the proposal should be wholly rejected.