

FORMAL OBJECTION TO DEVELOPMENT APPLICATION

MidCoast Regional Organics Facility | SSD-84090218

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10 March 2026

Ms Emma Barnet

Industry Assessments

NSW Department of Planning, Housing and Infrastructure

4 Parramatta Square, 12 Darcy Street

Parramatta NSW 2150

Emma.Barnet@planning.nsw.gov.au

Re: Formal Objection to State Significant Development Application

MidCoast Regional Organics Processing Facility (SSD-84090218) — 48 Midge Orchid Road, Darawank NSW 2428

Dear Ms Barnet,

We write to formally and strenuously object to the above-referenced development application for the proposed MidCoast Regional Organics Processing Facility (MC ROPS) at 48 Midge Orchid Road, Darawank. We are residents of Darawank, living at 131 Manns Road, and are directly affected by this proposal.

This objection is supported by, and should be read in conjunction with, our Community Analysis Report (March 2026), which provides a detailed technical critique of the applicant's documentation. We write as members of a wider group of affected residents, including Ray and Sue Hill (661 The Lakes Way — the closest residents to the proposed facility), Drew Hakin (professional engineer), Robert Craig, and other neighbouring landowners.

1. Inadequate Exhibition Period — Request for Extension

The notification letter from the Department is dated 18 February 2026 — two days before the exhibition period opened on 20 February 2026. We did not receive this letter until 3 March 2026, as mail to residential addresses in this area is typically redirected to PO boxes. This left us effectively only 12 business days to review and respond to the following documentation:

- A 47-page SEARs Scoping Report
- A 60-page Air Quality Impact Assessment including complex dispersion modelling

- A 66-page Acoustical Report including noise monitoring data
- An Environmental Impact Statement and supporting appendices

Twelve business days is wholly insufficient for a community to review, comprehend, and seek independent professional advice on this volume of technical material for a \$56 million, 24/7 industrial facility with a 30-year design life. We formally request that the exhibition period be extended by a minimum of 30 days from 19 March 2026.

We acknowledge the NSW Government's obligation under the Protection of the Environment Legislation Amendment (FOGO Recycling) Bill 2025 to implement FOGO processing. However, that obligation does not override the community's right to meaningful participation in the planning process. These are not mutually exclusive — both can be honoured with an appropriate extension.

2. Fundamental Planning Concerns

2.1 Zoning Incompatibility

The proposed site is zoned RU2 — Rural Landscape under the Great Lakes Local Environmental Plan 2014. The applicant's own scoping report concedes that 'a Waste Management Facility is not permissible in RU2 zoning under the LEP.' The facility is made permissible only through a State Environmental Planning Policy override. The community's reasonable expectation of land use protection under the local planning framework is entirely bypassed.

We do not dispute that State significant infrastructure may, in appropriate circumstances, override local zoning. However, we submit that the Department must apply particular scrutiny where a SEPP override is used to impose heavy industrial activity — including 24/7 truck movements, industrial odour sources, and a 30-year operational commitment — into a locality designated for rural landscape and residential amenity.

2.2 Scale Inflated for Commercial Reasons

We draw the Department's attention to a significant disclosure in the SEARs Scoping Report (Section 3.10.3). NALG initially considered a processing capacity of 99,000 tonnes per annum. This would not have constituted State Significant Development and would have been subject to normal development consent processes and local planning controls.

The report states explicitly that the capacity was increased to 146,000 tpa because it 'creates enhanced revenue-generating potential.' The residents of Darawank are therefore being asked to host a significantly larger industrial facility — one that exceeds the SSD threshold — for the applicant's financial benefit, not because of genuine community or environmental need.

2.3 Absence of Genuine Alternatives Analysis

The scoping report dismisses alternative locations with a single sentence: 'The Site is offered under a lease agreement by MidCoast Council. There is hence no other likely

alternative.' This is not a genuine assessment of alternative sites. No comparison of other locations within the MidCoast LGA was conducted, and no analysis was made of sites more appropriately separated from residential properties. Section 4.15(b) of the EP&A Act requires the consent authority to consider the likely impacts of development on the surrounding area. That obligation cannot be satisfied when alternative, less impactful sites have not been genuinely considered.

2.4 Council's Conflict of Interest

MidCoast Council is simultaneously the proponent of this development, the owner of the site, and the party contracting NALG to construct and operate the facility. Council is also the owner of a residential property located approximately 20 metres west of the proposed facility — a property so close that it must have its lease terminated and the building demolished to remove it as a sensitive receptor in the assessment process.

We consider this a serious matter. A Council that has demolished a residential property to clear the way for its own industrial development cannot credibly claim to be a neutral participant in the planning process or to represent the interests of all its residents equally. We invite the Department to scrutinise Council's role in this application with particular care.

3. Odour and Air Quality

The Air Quality Impact Assessment (Todoroski Air Sciences, January 2026) concludes that odour levels will comply at all receptor locations. We have identified the following fundamental weaknesses in this conclusion:

3.1 Most Lenient Standard Selectively Applied

NSW EPA guidelines set odour criteria from 2 OU (urban/schools/hospitals) to 7 OU (single rural residence of 1-2 persons). The assessment applies the maximum 7 OU criterion to every residential receptor in the study area. There are multiple properties and households in the vicinity. The application of the most lenient standard across all receptors, without justification, is not consistent with the spirit or intent of the NSW EPA guidelines.

3.2 Meteorological Data from 26.5km Away

All air dispersion modelling uses data from the Bureau of Meteorology station at Taree Airport, located 26.5 kilometres north of the site. No on-site or local meteorological monitoring was conducted. The site is in a coastal location near the Wallamba River and Nine Mile Beach, where local wind patterns — including sea breezes, land breezes, and terrain-channelled flows — cannot be reliably represented by data from a station over 26 kilometres away.

3.3 Industrial Feedstocks Inadequately Modelled

The facility will accept paunch (abattoir stomach contents), dissolved air flotation residue, offal, grease traps, expired food, and poultry manure. The odour emission rates used in the modelling are drawn primarily from green waste composting studies. The assessment does

not adequately characterise or model the significantly more odorous industrial and agricultural feedstocks that will constitute a substantial portion of the facility's input stream.

3.4 No Biofilter Failure Scenario Modelled

The Secretary's Environmental Assessment Requirements specifically required worst-case emission scenarios and sensitivity analysis. No scenario has been modelled for biofilter underperformance, maintenance downtime, or bypass. Biofilters are a well-known operational vulnerability in composting facilities. The absence of a failure scenario analysis means the Department has not been provided with the full picture of risk.

3.5 No Post-Approval Monitoring Required

The assessment recommends no ambient air quality monitoring at residential receptors following approval. We submit that comprehensive, independently verified odour and air quality monitoring at all identified sensitive receptors must be a mandatory condition of any approval granted. Without baseline and ongoing monitoring, residents have no recourse if the facility causes ongoing odour impacts.

4. Noise

4.1 Night Compliance Based on Unenforceable Assumption

The Acoustical Report (Koikas Acoustics, January 2026) concludes that the facility will comply with night noise objectives, but this conclusion depends entirely on all roller doors being closed during night operations. This is an operational behaviour — not a design feature, not an automated system, and not a consent condition. There is no proposed monitoring or enforcement mechanism. Any departure from this assumption means the facility exceeds its night noise objectives at residential receivers.

4.2 Night Truck Movements Based Solely on Applicant's Own Data

The report states that all 52 daily truck movements are 'advised to occur between 7am and 5pm' — on the basis of data provided by NALG itself. The facility operates 24/7 with no legal restriction on delivery times. Night movements were assessed at only 20 trucks, again a figure provided by the applicant. There is no independent verification and no consent condition that would enforce this assumption.

We note that the feedstocks include abattoir waste, grease traps, and agricultural residues — materials that are collected and transported on schedules driven by the producers, not the composting facility. It is wholly unrealistic to assume that B-doubles and semi-trailers will voluntarily restrict their operations to a 10-hour daytime window.

4.3 Inadequate Monitoring Period

Background noise monitoring was conducted for just 11 days in July 2025 — a winter period, coinciding with school holidays. This is insufficient for a 30-year industrial facility. The Department should require a representative seasonal noise survey across multiple periods, including summer, before any determination is made.

4.4 Independent Noise Monitoring as a Consent Condition

We request that independently verified noise monitoring at all residential sensitive receptors be required as a mandatory condition of any approval, with legally enforceable noise objectives and a clear complaints mechanism.

5. Traffic

The facility will generate 52 daily heavy vehicle movements — B-doubles and semi-trailers — on Midge Orchid Road, which is a local road connecting to The Lakes Way. There is no alternative access route. The combination of 24/7 operations, a state road used as a tourist corridor, and no legal restriction on delivery times presents a significant ongoing road safety and amenity risk for residents of The Lakes Way and Manns Road.

We request an independent traffic impact assessment that models 24/7 truck movements rather than the optimistic daytime-only scenario presented by the applicant.

6. Social Impact

The applicant's scoping report states that 'a full Social Impact Assessment is not deemed necessary' and asserts there will be 'no impacts to local community or to travel routes.' We reject this characterisation in the strongest possible terms.

The residents of Darawank have invested in this area as a place to live. The introduction of a 24/7 industrial waste processing facility — accepting abattoir waste, offal, and agricultural residues, operating with B-double trucks at all hours — will materially diminish the amenity, liveability, and property values of properties in the immediate area. These impacts deserve rigorous independent assessment.

We request that a full Social Impact Assessment — conducted by an independent consultant, not the applicant's own team — be required as a condition precedent to any determination of this application.

7. Biodiversity

The proposed site is located adjacent to Midge Orchid Road, named for the critically endangered Tuncurry Midge Orchid (*Genoplesium littorale*). The biodiversity survey process for this species has not been completed to an adequate standard — the full report of the second survey was not provided, only a summary from a fee proposal document. The site is on the Biodiversity Values Map and is Sensitive Regulated Land requiring authorisation under the Local Land Services Act 2013.

The permanent conversion of this land to industrial use must be preceded by a complete Biodiversity Development Assessment Report and, where applicable, the full application of Biodiversity Offset Scheme requirements.

8. Conclusion and Formal Requests

For the reasons set out above, and in our accompanying Community Analysis Report, we formally and strenuously object to the proposed MidCoast Regional Organics Processing Facility in its current form.

We make the following formal requests to the Department:

- GRANT an extension of the exhibition period of no less than 30 days from 19 March 2026 to allow meaningful community participation.
- REQUIRE independent re-assessment of the Air Quality Impact Assessment using on-site meteorological data, site-specific feedstock odour characterisation, and a biofilter failure scenario.
- REQUIRE independent re-assessment of the Acoustical Report using a representative seasonal monitoring period and legally enforceable night noise conditions, including roller door closure requirements.
- REQUIRE a full, independent Social Impact Assessment addressing property values, residential amenity, and community character.
- REQUIRE completion of the full Biodiversity Development Assessment Report including the Tuncurry Midge Orchid survey requirements.
- REQUIRE mandatory independent air quality and noise monitoring at all identified sensitive receptors as conditions of any approval.
- UNDERTAKE a genuine assessment of alternative sites more appropriately separated from residential properties.
- In the alternative, REJECT this application in its current form and require the applicant to lodge a revised application that adequately addresses all the matters raised herein.

If the Department is minded to approve this application, we respectfully submit that the conditions of approval must include legally enforceable operational restrictions on truck movements during night hours; mandatory and independently verified air quality and noise monitoring at all sensitive receptors; enforceable roller door closure requirements at night with real-time monitoring; and a formal complaints mechanism with independent investigation rights for affected residents.

We thank the Department for its consideration of this objection. We are available to meet with the assessment team at any time to discuss the concerns raised in this submission.

Yours sincerely,

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On behalf of the affected residents of Darawank, including:

- Ray and Sue Hill — 661 The Lakes Way, Darawank (closest residential receptor)
- Drew Hakin — Professional Engineer, objecting resident
- Robert Craig — objecting resident
- Additional affected neighbours