

Application Name: Woodlawn Advanced Energy Recovery Centre

Application Number: SSD-21184278

OBJECTION

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Acknowledgement of Country

I acknowledge the First Peoples of Australia as the Traditional custodians of all lands directly and indirectly affected by this proposed project and pay my respects to Elders past, present and future.

Introduction

The proposal by the French transnational company Veolia Environmental Services (Australia) Pty Ltd (the proponent) is to build and operate an industrial energy recovery centre at its Eco Precinct near Tarago. It raises so many issues and questions.

Objection

I strenuously object to the proposed industrial project in its entirety.

In any event, as the proponent acknowledges that the EIS is incomplete and will provide further critical information as part of the project's construction phase, then any assessment of the EIS cannot yet be finalised. To do otherwise would not be in the public's interest and be completely unacceptable. A full and proper disclosure by the proponent of the industrial project in its entirety must be forthcoming prior to any assessment being finalised.

As a local primary producing resident of Mayfield Road, Tarago and having been encouraged many years ago by the then NSW Government to decentralise, move to the country and enjoy the activities and clean air living way of rural life, I have a specific interest in this industrial proposal.

As mere custodians, we all have a responsibility to protect our land together with the region's human, animal and environmental health.

We are currently confronted with the concept that there is presently a large hole (arising from failed mining operations) being filled with someone else's rubbish and as the hole fills up, there now appears a need to 'light a match' so that more room can be made for the disposal of more of the rubbish. I sense that the site was initially used for landfill as a matter of convenience rather than resulting from a reasonable selection process considering all the then appropriate issues at hand and was more likely profit driven. Easy fix.

The proponent claims that on balance this proposed industrial project be considered in the public interest. It states to be an existing industrial facility having been around the area for nearly 2 decades, ignoring of course to acknowledge the greater number agricultural and primary producers within the district existing for many more decades than the proponent.

The only public interest could possibly come from residents in Sydney easily getting rid of their garbage to a place out of sight, out of mind arising from the inadequate environmental practices of Sydney local councils, together with a proponent profiting from the exercise in doing so.

In *Addenbrooke Pty Ltd v Woollahra Municipal Council* [2008] NSWLEC 190 the NSW Land & Environment Court determined (inter alia) that the provision of public benefits was insufficient to satisfy a SEPP and that public benefits had to outweigh other considerations. Positive elements of a proposal were simply not enough.

I appreciate that this case related to SEPP legislation and that the proposed industrial project is in SSD territory. Nonetheless, I argue that the principles are the same. Just as there may be positive elements of this industrial proposal, this does not mean they outweigh the positive benefits currently existing and being generated by the existing significant primary production community of the region which has been in existence for many decades and certainly a lot longer than the proponent.

Surely each local council community should be responsible for its own waste management. I understand for example, that our own local council Goulburn Mulwaree has for more than 2 decades continued to manage its own waste without relying upon the Woodlawn Eco-Precinct.

Last month, Christian Democrat MP Fred Nile refused to back the NSW government's native forestry bill. The relevance here is that The Reverend Nile was quoted as having said,

"I support local decisions being made about local issues. Local communities should be empowered to make independent decisions regarding their local environment. I am greatly concerned that this bill will set a legislative precedent winding back the role of local government in NSW."

Am I missing something here and what does this say about the NSW government's State Significant Development legislation?

The NSW Government is at the waste management crossroads, and it is now time for the government to call upon Sydney local councils to control and improve their waste management practices, rather than providing the quick fix of shipping it, dumping it and then burning it in Tarago.

I read that some critics of incineration claim that the incineration process (inter alia) ultimately encourages more waste production because incinerators require large volumes of waste to keep the fires burning, and authorities may opt for incineration over recycling and waste reduction programs.

I further note that the ACT government has placed a ban on waste incineration for energy production, arising from significant opposition by local communities to a series of proposed industrial projects in the national capital. The fear of potential toxic pollution created through the burning of rubbish was the primary reason for community opposition. I understand the prohibition on waste incineration projects has been included in the 2020-2025 waste management policy published by the ACT government.

I also read, that the ACT government's waste policy states that "an important element of this policy is that it respects the waste hierarchy. Waste reduction, reuse and recycling of materials will take PRECEDENCE over energy recovery applications. Thermal treatment of waste including incineration, gasification and pyrolysis will not be permitted in the ACT".

I further read that if we exploited every available opportunity to recycle the plastic, metal, glass, rubber and other non-organic waste that gets discarded, and if we composted as much of our excess organic matter as we conceivably could, zero waste supporters say, we could cut our garbage production by as much as 80 percent.

From a cost-efficiency standpoint, embracing the zero-waste philosophy would surely make more sense.

I note the very close proximity of Tarago to the Canberra CBD and the closer proximity to the ACT border.

I also understand that completely contrary to the ACT, the NSW Government supports thermal energy recovery as a residual waste management option, **but ONLY where it can deliver positive outcomes for the community and human health and the environment are protected.**

I read that an analysis of future residual waste infrastructure needs in the *NSW Waste and Materials Strategy 2041* shows that a mix of potential infrastructure solutions are needed. The Strategy recommends a limited number of new energy from waste facilities will be needed to manage residual waste in NSW.

However, I also read, that all energy from waste facilities proposed for NSW must comply with relevant planning and environmental legislation, including public consultation requirements, and the NSW Energy from Waste Policy Statement, which sets out technical, operational and pollution control criteria and contains air emissions standards that meet and exceed world best practice. If this is so and world's best practices are being implemented, then why are alternative locations not being considered by the proponent, let alone alternative locations closer to the source of the waste. Let's start with Macquarie Street, Sydney. No?. Don't tell me that these facilities are banned in Sydney too.

Begs the obvious question doesn't it. "If they aren't safe for Canberra and Sydney, then they aren't safe anywhere."

Sadly, it would appear not, as it is proposed that an industrial-scale waste incineration close to the homes of thousands of regional and country people who are totally reliant for example on rainwater collected in household tanks, for drinking.

I cannot understand why one State has a policy completely contrary to that of a neighbouring State/Territory. Nonetheless community safety, risk and wellbeing cannot be compromised in any circumstance. We all have a duty of care to each other.

The proponent's EIS does not offer to the local communities anything more favourable than what they have now. Indeed, arguably the incomplete EIS identifies far less favourable results and impact for local communities and the nearby ACT.

I am reminded that the Environmental Planning and Assessment Act 1979 is the primary land use planning statute in NSW. Its *Objects* include (inter alia);

- to promote the social and economic welfare of the community and a better environment via the proper management, development and conservation of the State's natural and other resources;
- to facilitate ecologically sustainable development by considering economic, environmental and social factors in planning decisions;
- to promote the best use of land;
- to promote sharing of planning responsibility between different levels of government;
- to allow better community participation in environmental planning and assessment.

The Environmental Planning and Assessment Amendment Bill 2017 made amendments to the Act. The purpose was to:

- **enhance community participation;**
- promote strategic planning;
- increase transparency and accountability in decision making;
- promote simpler, faster processes.

Section 2.23(2) of the Act states **planning authorities should consider community participation principles** in forming a CPP. These principles include:

- the right of the community to be informed of planning matters that affect it;
- the provision of planning information that is easily accessible and in plain language;
- early, representative, and meaningful engagement with the community;
- open and transparent decision making, including the presentation of reasons.

It would be fair to say that there is a high level of community awareness of this proposed industrial project with overwhelming community and surrounding response ranging from strenuous objection to downright fury. There are many objections to this proposal at various levels and on all aspects of the proposal and I am a supporter of all of them.

It is noted that the Mission Statement of the proponent (a French transnational company) recites for the benefit of their *CUSTOMERS* and claims, that it balances 'the needs of growth with environmental sustainability and community acceptance'. I am not too sure that there is very much Tarago community acceptance out there right now, most of whom are not customers of the proponent.

In this regard the proponent's track record is noted in relation to its constant mismanagement of its current facility and the numerous well RECORDED non-compliance EPA events.

Transmission Lines – Connection to the Grid – Appendix N

To put the proponent's submission in proper context it is proposed to convert from the industrial waste facility, thousands of tonnes of waste into electrical energy, powering 40,000 homes throughout the surrounding region. It is an energy from waste (EfW) process offering 'new technology in Australia' (not so new elsewhere) with a more sustainable waste management technique. Accordingly, reference to 'reducing reliance on fossil fuels and being cleaner than gas and coal fuel alternatives' would imply that the EfW process is 'green'.

So, to directly clarify a *simple plain language* understanding of the primary purpose of the proposed project, it is by sustainable 'green' methods to convert energy from waste arising from which there is predicted to be an economic boom for the region. If I am incorrect with this understanding, then perhaps we should revisit the above references to the EP&A Act and the consequences of them.

To give effect to the EfW process and confirm its 'green' sustainability, one needs to turn to the Transmission Line - Annexure N of the EIS.

The *Introduction* of Annexure N recites (amongst other things) that the project will generate up to 240,000 MWh of electricity per annum of which up to approximately 220,000 MWh will be exported to the grid.

*"To support the project, Veolia has been liaising with Essential Energy to understand the potential modifications or upgrades that may be required with reference to their existing managed electrical infrastructure network for the export of electricity generated at the ARC. **One option** is upgrades and/or adjustments to the existing electrical infrastructure network"*

One option? What other **options** are there?

In other words, notwithstanding that the proponent has had more than 12 months to prepare its EIS causing considerable ongoing anxiety within the local region and communities, the proponent does not yet understand nor know precisely how it will export approximately 220,000 MWh to the NSW electricity grid. Isn't this the very crux of this industrial project? Contemptuously the proponent states that all will be good, as they together with Essential Energy will sort it out during the 'construction phase' of the project.

The *How the Technology Works Diagram* on pages 20 & 21 of the proponents Community Guide has the exporting of electricity stopping at the transmission line station.

During the construction phase of the project the proponent warrants that further overall consideration of this aspect will require a separate EIS to be undertaken under Part 5 of the EP&A Act.

Assuming the proponent adopts the existing transmission line option, then such assessment would involve the full length of the 37.5 km transmission line and the associated corridor mostly within rural zoned land with long term existing and well-established agricultural users together with a 1.8km section within 'forested areas' of the Great Dividing Range. This is a serious stretch and a 'golden part' of our region.

Construction, modifications or upgrades of transmission lines have immeasurable impacts be they environmental or otherwise. Until the assessment is completed any impact could be ecological, visual, safety, fire etc. The EIS notes significant Identified Constraints and Potential Implications along the transmission line. However, the actual implications are unknown or are they?

The combined impact of additional or ancillary required infrastructure could be just as detrimental to the region and various local communities and indeed could even have a wider impact than that of the primary industrial project itself. This issue cannot be treated with a casual 'we'll fix it later' approach.

Surely if the proposed project is about converting usable energy from waste, then it must be a condition precedent that the proponent be able to and indeed connect to the grid. To properly validate or support the project as a 'green energy generator' the proponent needs to connect the facility to the grid. Without a connection, then the facility is simply a waste incinerator and in the terms of the ACT legislation, places the project at the bottom of the waste hierarchy. It also means the proponent loses the veil of 'green' which in turn exposes the proponent to 'greenwashing' which of course is an offence.

Representatives of the proponent claim it is grossly misleading and incorrect to call the ARC an incinerator and yet at the time of presenting the EIS there is no certainty of connection to the grid.

Clearly there is a confinement in the proponent's understanding of this aspect of the project, otherwise it would have been properly dealt with, rather than producing a 'padded' 22 page annexure. A resolution and disclosure must form part of the overall assessment of the proponent's application. It is therefore submitted on this aspect alone that the EIS is flawed as the project must be assessed in its entirety including ALL appurtenant infrastructure and connections.

Air Quality & Odour – Appendix O

The EIS of itself involves the submission of numerous assumptions, predictions and models all of which cannot reflect nor allow for real world considerations such as human error,

accident, malfunctions, events beyond control and dear ol' Mother Nature. It is not a matter of what happens if, it is a matter of what happens when. For example, one cannot forget the catastrophic damage arising from the 'Currandooley' fire initiated by the electrocuted crow at the Woodlawn wind farm in 2017 and without being too dramatic, Chernobyl was not supposed to happen either.

What happens if in fact there is a waste sorting malfunction during the process and that asbestos does in fact end up where it should not. What happens?

The EIS notes that air quality has been assessed in accordance with NSW EfW policy. Notwithstanding the assessment, the fact must be that irrespective how good the technology, particulate matter and specific compounds such as dioxins, ammonia, sulphur dioxide and furans will be emitted into the local atmosphere. This will ultimately mean the emission of compounds that are not currently emitted from the industrial site and will expose wide ranging communities to a health risk that is not currently present.

CATTI (whom we all know) researched over the last 18 months, which shows that the industrial incinerator would emit harmful pollutants: acid gasses; heavy metal particulates (mercury, lead, and cadmium); and persistent organic particulates (dioxins, furans, PCBs, PFEAs). These can cause illness and death from respiratory problems (asthma, lung disease, breathing difficulties), strokes, cancer, heart disease, and heart attacks. CATTI also states that the NSW Government has stated that "for some common air pollutants, there is no safe threshold of impact". According to CATTI's emissions modelling, these pollutants will spread throughout the ACT, Bungendore, Goulburn and the Southern Tablelands region, contaminating water and food supplies.

Surely community safety, risk and wellbeing is paramount and cannot be compromised in any circumstance, no matter the legislation. We all have a duty of care to each other.

Public Health – Annexure P

The document for example, references that sulphur dioxide has a short-term effect on the respiratory system with children and people over 65 years of age as well as people with existing health conditions.

Well, my wife and I are well over 65 years with existing health conditions and have grandchildren and other children visiting us at our primary producing property on a regular basis. Now what?

There also seems to be insufficient evidence for long term health effects and therefore an unknown level of risk to the community.

I read that a systematic review in 2019 by various stakeholders of the health impacts of waste incineration, found that "there is insufficient evidence to conclude that any

incinerator is safe”, and that “contamination of food and ingestion of pollutants is a significant risk pathway for both nearby and distant residents”.

A review, by academics from the Australian National University Medical School, the Public Health Association of Australia, and Council of Academic Public Health Institutions Australia, was published in the *Australian and New Zealand Journal of Public Health* in 2020 and referenced by the NSW Government Chief Scientist and Engineer in his report to the NSW Minister for Environment that same year.

This extremely serious issue cannot be glossed over and surely an independent public health assessment should be conducted and form part of the overall EIS assessment process.

Traffic & Transport & Road Safety - Appendix T

These are matters for the proponent and Goulburn Mulwaree Council to resolve between themselves. It is obviously apparent that all roads in and around the surrounding district are currently in an unsafe condition. A proper and formal planning road, safety and maintenance agreement between the proponent and Council must be initiated, prepared, and considered with the EIS and be a condition precedent prior to any approval of this industrial proposed project.

General - Housing

There is existing housing stress with the Tarago community and surrounds. The Goulburn Mulwaree Council calls for an Accommodation Strategy to be prepared and considered with the EIS prior to approval of the proposed industrial project. I concur with this requirement as a resident of the district and being acutely aware of the levels of housing stress currently being experienced by the local community.

General - Contamination

The EIS is silent how the long-term accumulation of contaminants, pollutants and toxins will be properly monitored to provide the surrounding regional communities with an accurate assurance as to the ongoing safety of this industrial project.

General - Alternative Locations

As with previous industrial applications within the Tarago community, a critical component of the EIS was to identify alternatives to the industrial proposal so as to legitimise the project. The proponent's EIS is silent on this aspect. Surely suitable alternatives to the proposed project should be identified and thoroughly examined and assessed.

Observations

The fact that I have not specifically raised other matters by way of objection does not mean acceptance of them. I sadly have not been afforded the same length of time to respond to the EIS, as the proponent's employed agents had to prepare it.

However, in light of the time constraints I make the general observation of the declarations dated 10 October, 2022 forming part of the *Certification* of persons by whom the EIS was prepared and I record my reliance on each of them.

The Tarago and surrounding communities comprise so many diverse walks of life. We all (including those working at Veolia) contribute and add social and environmental value to our region. There are those in the farming and agricultural industry where history and establishment go back many generations. Indeed, we are now seeing the next generation with young families coming through making an outstanding contribution to the NSW food chain environment. There are also others who are more recent arrivals or been here for ever, doing their own thing in making significant community contributions. We all work hard in doing what we do and what we believe in. But in the end, we are all entitled, each and every one of us, to have clean, healthy, non-pollutant air without compromise or potential risk.

Conclusion

My view is that the current content of the EIS does not offer the community of Tarago nor its surrounding local and regional communities anything more favourable than what currently exists and is therefore not in the public interest. The EIS does not exhibit a need for the project, nor does it offer an alternative to the project. Accordingly, I confirm my strenuous objection to the proposed industrial project in its entirety and that in the public interest it should be rejected.

Should my first submission be rejected, then I submit in its current form, there are significant deficiencies in the EIS which preclude the complete and proper assessment of the development application. Accordingly, those deficiencies as I have identified need to be addressed and rectified and once completed, then the entire EIS should be re-exhibited.

Given that a key function of the Independent Planning Commission (IPC) under the EP&A Act is to determine state significant development applications where there is much opposition from the community, then at the very least, should the above 2 paragraphs be dismissed, then this application should be referred to the IPC for further review.