

20 October 2023

Industry Assessments
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Emma Barnet

Dear Emma,

**RE: 74-76 BEACONSFIELD ROAD, MOSS VALE, NSW 2577
SSD-9409987
CONSTRUCTION AND OPERATION OF A PLASTICS RECYCLING
FACILITY WITH THE CAPACITY TO PROCESS UP TO 120,000 TONNES
OF PLASTIC WASTE PER ANNUM INTO USABLE PRODUCTS**

This letter has been prepared with respect to the additional information submitted and placed on public exhibition on 4 October 2023 as part of the abovementioned development application for a plastics recycling facility at 74-76 Beaconsfield Road, Moss Vale. This letter should be read in conjunction with the previous objection letter prepared on 21 March 2022.

GAT & Associates have been engaged by the owners of the adjacent western property, No. 64, 86 & 100 Brookdale Road, to prepare a submission with respect to their concerns surrounding the proposed development.

On behalf of our clients, we have reviewed the amended documentation provided on the NSW Planning Portal relating to SSD-9409987. Based on the information available, we strongly object to the proposed development and the resultant environmental impacts caused by the operation of the plastic recycling facility. The significant adverse impacts to the locality justify its refusal and the application should not be supported by the Minister for Planning or Independent Planning Commission.

As outlined in our previous submission, our clients' site (No. 64, 86 & 100 Brookdale Road) consists of three lots currently utilised for the purposes of rural living. The site is located west to the proposed development at No. 74-76 Beaconsfield Road, separated by lot 11, DP590307. See Figure 1 on the following page, which illustrates the context of the sites within their immediate vicinity.

The existing character of the area is generally rural residential in nature. It is noted that the site of the proposal is located within the Southern Highlands Innovation Park (SHIP), formerly known as the Moss Vale Enterprise Corridor (MVEC).

■ **Sydney Office**
Suite 15, Level 1
469-475 Parramatta Rd
Leichhardt NSW 2040

■ **Brisbane Office**
3A Cambridge Street
West End QLD 4101

t. 02 9569 1100
f. 02 9569 1103
e. gat@gatassoc.com.au
w. www.gatassoc.com.au

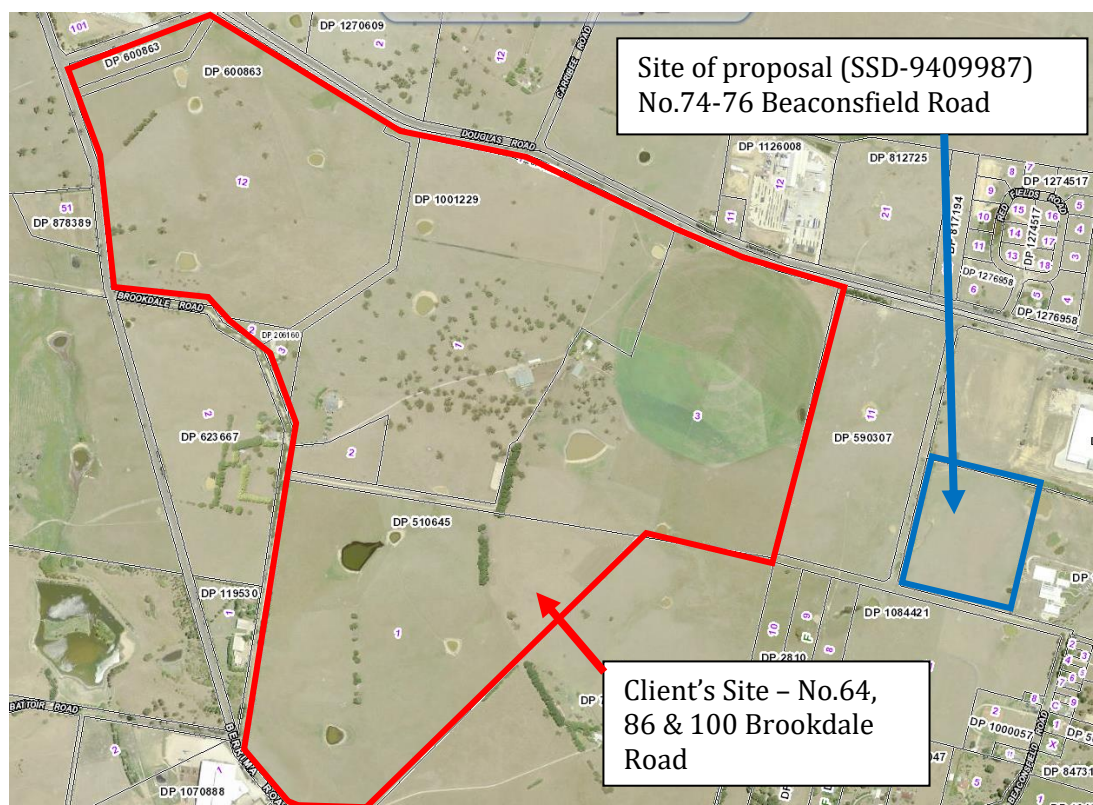


Figure 1: Location/Context (Source: SIX Maps)

The amended proposal currently exhibited raises a number of issues which have not been adequately addressed in the submitted documentation. These issues have been identified and outlined below.

Change in Haulage Route and Site Access Road

The proposed east-west orientated access road connecting the site to Lackey Road is no longer proposed with the amended proposal seeking to utilise a north-south road accessed off Douglas Road. As noted in the submitted documentation, this will involve moving the Douglas Road/Collins Road railway crossing of the Berrima Branch Line 190 metres to the west.

This amended site access road has not addressed the previous concerns raised with regard to haulage routes. While the proposed development includes the construction of a new road to connect the site to Douglas Road, this is the only change to current transport infrastructure proposed other than the relocation of a railway crossing. As raised in the previous submission, the existing road network will need to cater for the additional truck and vehicle movements required for the operation of the facility. The updated traffic and transport technical report submitted outlines the roads to be utilised as part of the haulage route are all existing approved heavy vehicle Concessional Mass Limit (CML) and General Mass Limit (GML) B-double roads. Nevertheless, these roads should be upgraded prior to the operation of the plastic recycling facility in order to accommodate the additional daily 40 to 50 heavy vehicle movements.

Furthermore, the impact of transport noise to residential areas is only acceptable if trucks to and from the site follow the prescribed route. Nothing would prevent trucks travelling south on Lackey Road through residential areas as an alternative route to reach the Illawarra and/or

Hume Highways. Moreover, if for whatever reason Lackey/Douglas Road is closed due to a major incident, trucks will need to find an alternative route through residential areas to gain access to the site. This will result in a significant impact to the amenity of local residents.

While the updated traffic and transport report and associated documents have provided recommendations for how issues will be managed during construction and operation, an operational management plan has not been prepared at this stage. While the submitted documentation indicates that a construction travel management plan and operational traffic management plan will be prepared in consultation with Transport for NSW, Wingecarribee Shire Council and the Department of Planning, no details have been provided at this stage. As previously requested,

a plan of management which outlines how potential traffic and noise impacts will be managed should be prepared and put on exhibition for residents to understand how the operation of the plastic recycling facility will affect the locality.

In preparing the plan of management, consideration should be given to the Planning Principle for Plan of Management established by *Renaldo Plus 3 Pty Limited v Hurstville City Council [2005] NSWLEC 215*. The Planning Principle outlines that in considering whether a management plan is appropriate for a particular use and situation, the following questions should be considered:

1. *Do the requirements in the Management Plan relate to the proposed use and complement any conditions of approval?*
2. *Do the requirements in the Management Plan require people to act in a manner that would be unlikely or unreasonable in the circumstances of the case?*
3. *Can the source of any breaches of the Management Plan be readily identified to allow for any enforcement action?*
4. *Do the requirements in the Management Plan require absolute compliance to achieve an acceptable outcome?*
5. *Can the people the subject of the Management Plan reasonably expected to know of its requirements?*
6. *Is the Management Plan to be enforced as a condition of consent?*
7. *Does the Management Plan contain compliant management procedures?*
8. *Is there a procedure for updating and changing the Management Plan, including the advertising of any changes?*

The submitted documentation is yet to address how truck haulage routes will be enforced. This is of paramount importance as the traffic and noise reports prepared have been based on trucks adhering to prescribed haulage route. Simply stating an operational management plan will be prepared is not satisfactory as residents have the right to know how the recommendations of the technical reports will be implemented and how the operation of the plastic recycling plant will be managed.

A project of this scale should provide operational management details upfront rather than relying on conditions of consent. Understanding how truck haulage routes will be managed and enforced needs to be established before determination.

Reduced Water Demand

The amended documentation states that the amount of water usage per day for the processing of plastic has been reduced from 40.5 kilolitres to 15.5 kilolitres. Although reduced water usage is a positive outcome, it is not clear how this has been achieved considering no changes to the layout, scale or processing systems of the plastic recycling facility have occurred.

A 25 kilolitre reduction in water usage per day would have a major impact on the daily processing capacity of the plastic recycling facility, subsequently reducing the tonnage of plastic processed per year. However, the submitted documentation indicates that no change to the processing capacity of the facility has occurred. Further information should be provided demonstrating that the current plastic processing capacity of the facility can operate with the proposed reduction in water usage per day.

Reduced Energy Consumption

The amended documentation indicates that the proposed energy consumption of the plastic recycling factory has been reduced from 12,243kWh to 8,500kWh. As per the comments above, it is not clear how a reduced energy consumption has been achieved considering no changes to the layout, scale or processing systems of the plastic recycling facility have been proposed.

Further information should be provided demonstrating that the current plastic processing capacity of the facility can operate with the proposed reduction in energy consumption.

Revision to the Stormwater Management Strategy and Layout

The submitted documentation indicates that the stormwater bio-retention basins have been relocated based on updated flood modelling results. However, the new locations for the bio-retention basins are still in proximity to flood prone land and waterways which flow directly to the Wingecarribee River, a major tributary that forms part of the Sydney drinking water catchment. In the previous objection letter prepared, the following concern was raised;

“Lastly, the EIS acknowledges that the site is flood prone with bioretention basins proposed as pollutant traps to treat stormwater runoff. The soil and water technical report has not addressed the potential impact flooding may have on the bioretention basin. If the site is suddenly hit by an extreme weather event, increased stormwater runoff may bypass pollution control measures and subsequently flow into the Sydney drinking water catchment.”

As previously raised, there is concern that in an event of an extreme flood, increased stormwater runoff may bypass pollution control measures and subsequently flow into the Sydney drinking water catchment. This concern does not appear to have been addressed in the amended documentation with the following comment noted within Submissions Report in response to WaterNSW comments:

“More detailed stormwater drainage plans and corresponding management plans would be provided during detailed design in consultation with WaterNSW.”

Details on stormwater drainage and management plans should be provided prior to determination especially considering the site is within the Sydney water drinking catchment. This is to ensure that the public and consent authority are certain that the proposed stormwater and wastewater management systems will not result in any contamination to the Sydney drinking water catchment.

Wingecarribee 2040 Local Infrastructure Plan

The Wingecarribee 2040 - Local Strategic Planning Statement was exhibited between March and May 2020 and adopted by Council on 24 June 2020. The planning statement sets out the 20-year land use vision for the Wingecarribee LGA.

The Moss Vale Enterprise Corridor now known as the Southern Highlands Innovation Park (SHIP) is referenced throughout the strategic planning statement with many of the strategic visions/plans for the corridor based around improving infrastructure and securing funding to enable the development of the corridor as a major industry and investment hub for the Wingecarribee LGA. Two of the infrastructure projects included the strategic planning statement is the future Moss Vale Bypass and rail expansion which appears to run in close proximity to the proposed plastic recycling site. Refer to Figure 2 below.

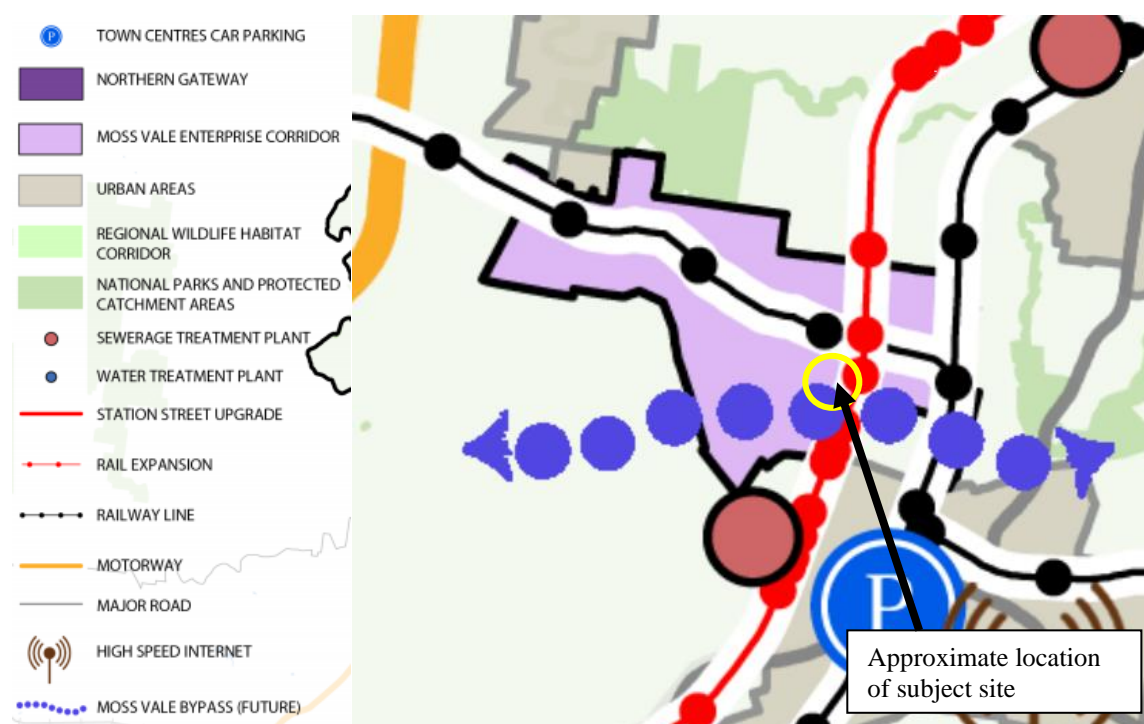


Figure 2: Extract from Wingecarribee 2040 Local Strategic Planning Statement, Infrastructure pg.55.

The amended documentation has not addressed whether the proposed rail expansion or Moss Vale Bypass will impact the proposed development. Considering these infrastructure projects form part of Wingecarribee Council's strategic vision for the Southern Highlands Innovation Park, further analysis should be provided as to whether the proposed recycling facility will be impacted by these infrastructure projects.

Building Height and Visual Impacts

The amended documentation states that the maximum building height has been reduced from 18 metres to 15.5 metres to minimise visual impacts. However, despite being requested within the previous objection letter prepared, no view analysis has been taken from my client's site. The original and unamended view analysis did not consider views from No. 64, 86 & 100 Brookdale Road which is situated at a higher point in relation to the immediate area, hence has scenic views of the surrounding rural landscape. This is further evidenced by the fact that the site is identified in the Moss Vale Enterprise Corridor DCP 2008 as being within a scenic protection area (see Figure 3 below).

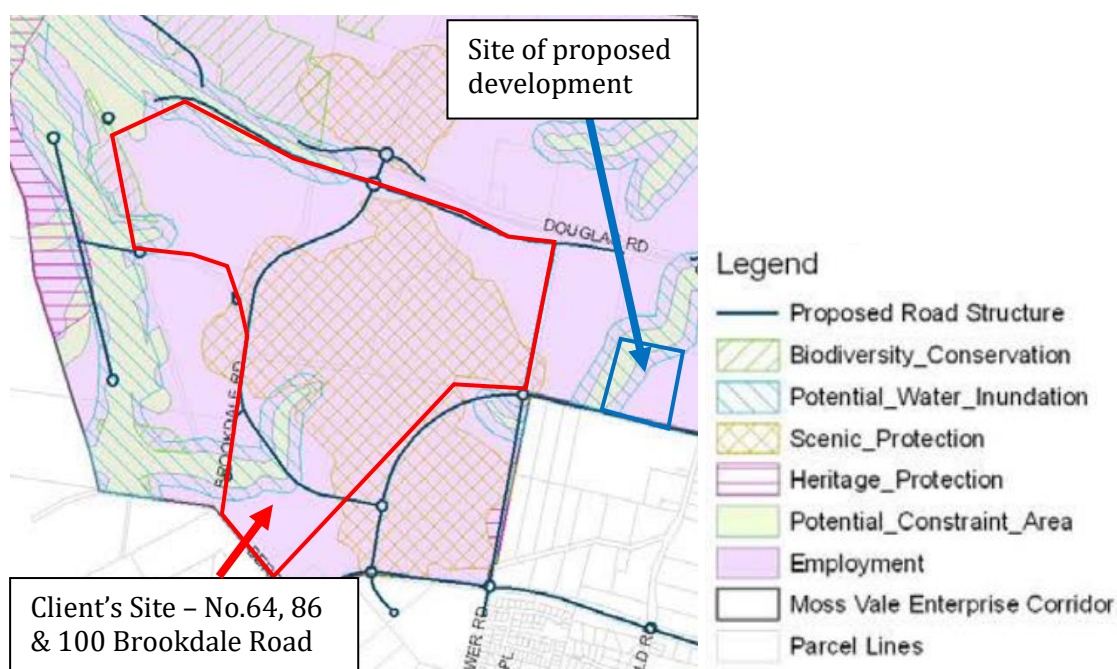


Figure 3: Extract from Moss Vale Enterprise Corridor DCP 2008.

As previously requested, an updated view loss study should be undertaken which includes an assessment of the potential impact the proposed plastic recycling plant will have to views from my client's site, especially considering the site has been reserved for scenic protection.

Although a reduced building height represents an improvement to the original scheme, in the absence of an updated visual impact study we are unable to confirm the impact the proposed factory will have on views from my client's property. Furthermore, although requested in the original objection letter, no details of the proposed landscape screening have been shown on the updated set of architectural plans. The original EIS prepared for the development outlined that landscape screening would be incorporated to offset the visual intrusion generated by the proposed plastic recycling factory. These details should be provided to demonstrate whether the proposed landscaping will adequately screen the visual intrusion of the plastic recycling factory and be exhibited for further comment.

Biodiversity

The amended documentation notes that the change in road access will result in nine (9) mature planted trees being impacted, with the amended documentation further stating that the trees impacted (*Eucalyptus macarthurii*) are listed as a Matter of National Environmental Significance (MNES) under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The submitted documentation states that this patch of trees is insignificant, and referral is not considered necessary.

The trees identified form part of the *Southern Highlands Shale Forest and Woodland of the Sydney Basin Bioregion*. The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) listed this ecological community as critically endangered on 28 August 2015. Given the significance of the trees identified for removal, further investigations should be undertaken to confirm whether the trees can be retained. Moreover, considering the critically endangered listing of the vegetation required for removal, a referral to the Department of Climate Change, Energy, the Environment and Water should be undertaken.

Draft Southern Highlands Innovation Park (SHIP) Report

At the Ordinary Meeting of Council on 15 February 2023, Wingecarribee Shire Council presented the draft Phase 1 Master Plan for the Southern Highlands Innovation Park (SHIP). The draft document included a structure plan which outlined the vision for the SHIP. An extract of this structure plan can be seen in Figure 4 below.

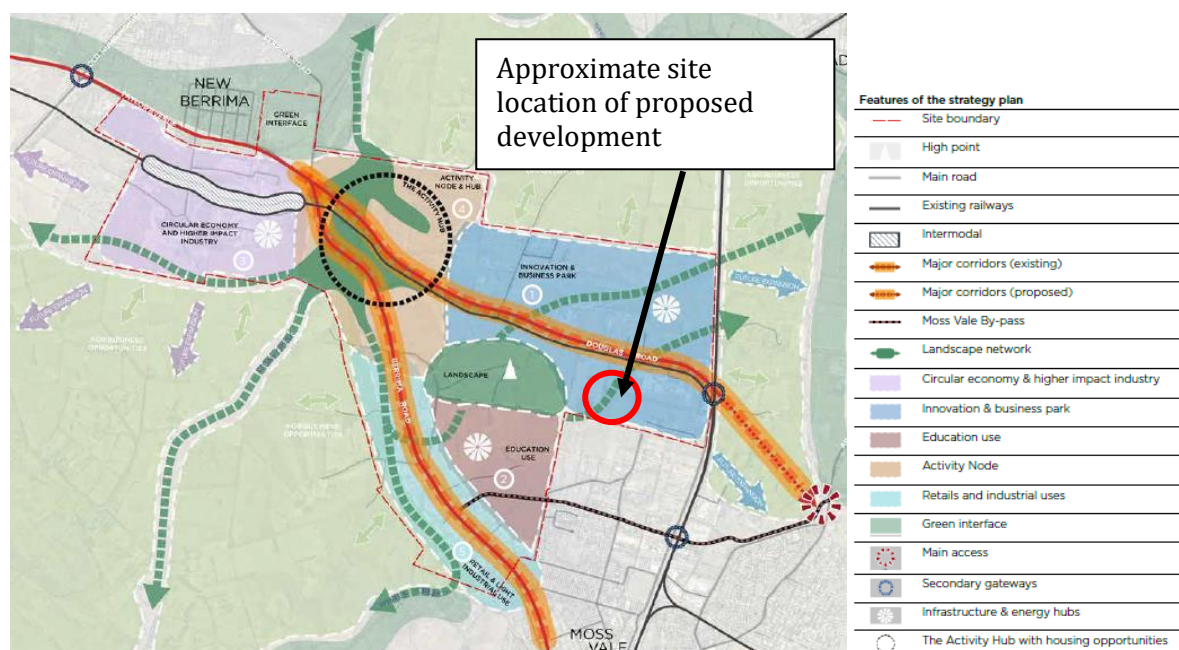


Figure 4: Extract of Draft SHIP Structure Plan taken from Agenda of the Ordinary Meeting of Council - Wednesday 15 February 2023.

The landscape network identified in the draft structure plan above appears to follow the existing waterway which flows towards the Wingecarribee River. The draft structure plan indicates that the site sits within a landscape network. The proposed location of the plastic recycling factory appears to be in conflict with the draft structure plan envisaged by Wingecarribee Shire Council for the SHIP.

Moreover, the structure plan indicates that a new major road corridor will connect the Hume Highway with Argyle Street via Douglas Road. As previously noted, the amended proposal seeks to utilise a north-south access road from Douglas Road and relocate the level crossing for the Berrima Branch Line. Further details should be provided to confirm whether the proposed changes to the road and rail network will remain consistent with the transport and infrastructure vision for the SHIP envisaged by Wingecarribee Shire Council.

The Agenda of the Ordinary Meeting of Council noted that *“a Master Plan for the SHIP is considered critical to establish a clear Vision and ensuring that future development is reflective of the unique Southern Highlands context, and is in keeping with the broader strategic framework including the Local Strategic Planning Statement.”* Therefore, while it is acknowledged that the structure plan identified above is only a draft version, due consideration should still be given to the draft master plan to ensure the proposed development remains consistent with Council strategic vision for the SHIP.

Conclusion

The development in its current form will have a detrimental impact to the natural environment, neighbourhood and residential amenity within the locality, future development potential of other lands within the community, and Sydney's drinking water catchment for the reasons detailed in this letter. It is therefore considered the proposed development is not suitable to the context of the site. The significant adverse impacts to the locality and Sydney's drinking catchment justify its refusal and the application in its current form should not be supported by the Minister of Planning or Independent Planning Commission.

We trust that the NSW Department of Planning will give due consideration to the issues raised in this submission.

Should you have any questions, please do not hesitate to contact the undersigned.

Kind regards,

A handwritten signature in black ink that reads "RBianco". The letters are cursive and fluid, with the "R" and "B" being particularly prominent.

Roberto Bianco
GAT & Associates
Plan 3924