

21 March 2022

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 abovementioned development application which seeks the 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 at No. 74-76 Beaconsfield Road, Moss Vale.

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 submitted 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.

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 Moss Vale Enterprise Corridor.

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between Building 1 and Building 2 as part of the recycling process. Hence, there are times when potential plastic exposure to air and water quality may occur. Moreover, the operational details of the facility indicate that plastics will be melted and crushed into flakes and pellets within Building 1 before being transferred to Building 2 for reprocessing. No consideration has been given to the potential for plastic flakes and pellets entering waterways which form part of Sydney's drinking water catchment. It is highly unlikely that the potential for plastic entering drinking water catchment results in a neutral or beneficial effect on water quality.

Second, while plastic recycling operations are proposed to be undertaken within the proposed buildings, it is highly unlikely the proposed buildings will be enclosed at all times. The transfer of plastic to and from the site will provide opportunities for potential exposure to drinking water quality. Moreover, the proposed building is unlikely to be fully enclosed as ventilation and exhaust would need to be provided to ensure the plant and equipment can function efficiently. Hence, there is the potential for plastic exposure into the waterways on the subject site even if all plastic recycling operations are undertaken within the proposed buildings.

Third, the EIS acknowledges that the proposed development will result in volatile organic compounds (VOC's) from crushing plastic. However, the submitted soil and water technical report has not addressed the impact of VOC's to Sydney's drinking water catchment. It is unclear whether the MUSIC modelling and Neutral or Beneficial Effect (NorBE) Assessment prepared has considered VOC's as part of water quality assessment.

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.

Holistic Environmental/Water Impacts

In addition to the location of the proposed plastic recycling facility within the Sydney drinking water catchment, aerial imagery and a desktop review (Figure 2) of the development site and surrounds indicates that the natural geomorphology and hydrology of the site has a direct connection to the Wingecarribee River. The connection appears to be a natural course of the river type, 'chain of ponds', a unique river morphology found in eastern New South Wales. An assessment of development on this site, given that it has two (2) minor tributaries running through the site, as well as the wider strategic context of the river system needs to be undertaken to identify what impact development has to the drinking water catchment, and behaviour of the river system. Similar to the Hume Coal Project (SSD-7172) a survey under the River Styles® framework, as adopted by the Department of Planning and Environment (Water), would identify remnant pond features, pond baseflows, levels and depths. A proper assessment may find that this system needs rehabilitation, noting that the applicant has identified in their Biodiversity Development Assessment Report that the drainage line is heavily infested with invasive vegetation.

Such an assessment may also identify and assist the community in understanding whether the use and incorporation of the natural river systems, and modification of the natural form and function, is suitable or appropriate for the proposed 'wastewater treatment plant', 'water storage basins', 'bioretention basin' and 'bioretention swale' that accompany the development; and whether there is a neutral or beneficial effect on water quality, per the SEPP (Biodiversity and Conservation) 2021. The western side of the site has also been mapped on the "Riparian

Lands and Watercourses" Map by the Department of Planning Industry and Environment (Figure 3).



Figure 2: Fluvial geomorphology (Source: SIX Maps; <https://maps.six.nsw.gov.au/>)



Figure 3: Riparian Land and Watercourses Map (Source: www.planningportal.nsw.gov.au and <https://www.planningportal.nsw.gov.au/opendata/dataset/epi-riparian-lands-watercourses>)

In addition to understanding what impact there may be to the natural resources, we consider that additional consideration and information is required on the extent and volume of water the proposed facility is seeking to use: “**46.3 kilolitres per day**”, which is 46,300 litres of water per day. While the applicant states that 80% of this water can be sourced from rainwater harvesting and roof water capture, without understanding and investigating the long term climate of the region, how is it that 37,040 litres of water can be captured from rainwater or the roof **per day**? An explanation, in simple terms, needs to be offered to the community (with source and reference materials) on how the development can possibly harvest its daily water requirement without excessive use of potable town water supplies. As raised by several community members, how does the facility operate during a drought? What is the impact of this on the future development and provision of adequate infrastructure and resources for the development of the region? These questions have not been adequately answered by the proponent of the development.

It is noted that the submitted soil and water technical report has acknowledged that consultation with the Natural Resources Access Regulator (NRAR) was undertaken regarding riparian zone requirements. However, details of the riparian setback recommendations provided by NRAR have not been provided. The recommendations provided by NRAR should be provided in order to determine if the proposal has adhered to the required riparian zone requirements.

Hazardous or Offensive Industry

The EIS notes that a preliminary risk screening has been applied in accordance with SEPP 33 – Hazardous and Offensive Development which concluded that the proposal would not be a potentially hazardous industry.

During the exhibition period, the new SEPP (Resilience and Hazards) 2021 was gazetted which repealed the SEPP 33 – Hazardous and Offensive Development. However, the definition of what constitutes a potentially hazardous industry has not changed.

Clause 3.2 of the SEPP (Resilience and Hazards) 2021 defines potentially hazardous industry as follows:

***Potentially hazardous industry** means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality –*

- (a) To human health, life or property, or*
- (b) To the biophysical environment,*

and includes a hazardous industry and a hazardous storage establishment.

The only details regarding the preliminary risk screening are provided with Chapter 14 of the EIS. While the risk screening in the EIS has discussed the chemicals that will be used during plant operation, it has not addressed the potential impact of plastic resins to the Sydney drinking water catchment. It also has not addressed the potential impact of volatile organic compounds (VOC's) to air and water quality. The plastic resins and VOC's generate by the proposed operation of a plastic recycling facility would pose a significant risk to the biophysical environment, specifically Sydney's drinking water catchment. Hence the proposal should be considered as a potentially hazardous industry and assessed accordingly.

Impacts to Local Roads

As noted in the submitted EIS, the proposed operation of the plastic recycling facility will require 40 to 50 trucks **per day** delivering and exporting plastics and 60 light vehicles entering and exiting the site during AM and PM peak vehicle movements. While the submitted EIS and Traffic and Transport Technical report has not stated the average load of truck deliveries, it was advised during the online community consultation held on 8 March 2022, the likely average load of trucks will be 20 tonnes.

While the proposed development includes the construction of a new road to connect the site to Lackey Road, this is the only change to current transport infrastructure proposed. The existing road network will need to cater for the additional truck and vehicle movements indicated above. The traffic and transport technical report submitted outlines the roads required to access the site from Berrima Road are classified as local collector roads (Douglas Road, Collins Road & Lackey Road). These roads should be upgraded prior to the operation of the plastic recycling facility in order to accommodate the daily 40 to 50 heavy vehicle movements.

The EIS notes bus stops will be provided within 500m of the site in accordance with the strategic plans of the Moss Vale Enterprise Corridor, with future employees encouraged to carpool. However, there is no indication when bus routes will be implemented, noting that this is out of the developer's control. Considering the existing road infrastructure will need to cater for an additional 40-50 truck movements per day, the submitted traffic and transport technical report should consider the impact to the locality if other sites are redeveloped and no public transport is provided.

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 submitted EIS 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. Hence, it is unclear how the prescribed haulage routes will be enforced. 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?

As previously alluded to, the submitted EIS and associated documents have not addressed 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.

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 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 4 below.

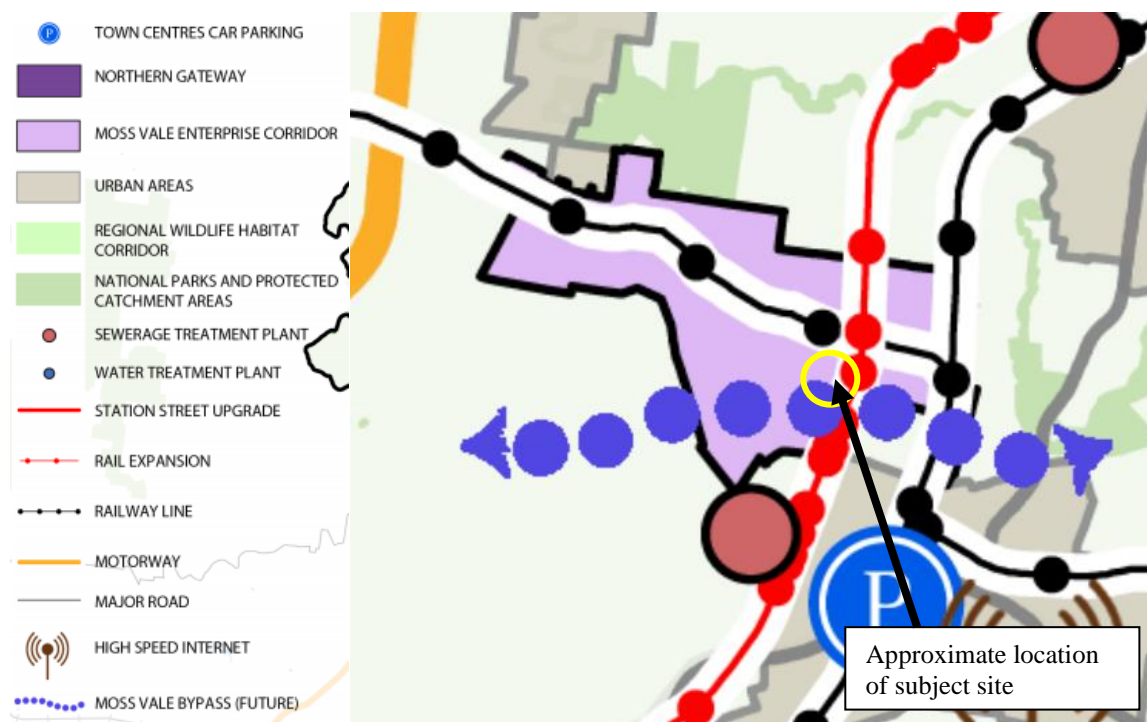


Figure 4: Extract from Wingecarribee 2040 Local Strategic Planning Statement, Infrastructure pg.55.

The submitted EIS 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 Moss Vale Enterprise Corridor, further analysis should be provided as to whether the proposed recycling facility will be impacted by these infrastructure projects.

View Loss

The EIS acknowledges there will be a significant impact to views of the surrounding rural landscaping from adjoining lots, including my client's site. The EIS has only justified the view loss proposed by stating landscaping will eventually screen the built form.

With no elevation or section plans submitted with the EIS, it is difficult to determine the extent of the impact the proposed development will have to the views of the rural landscape. While the site is located within industrial zoned land with the existing rural landscape subject to undergo significant changes, consideration should still be given to the impact the proposal will have to existing views of the rural landscape.

The view analysis undertaken has not consider views from my client's site. My client's site at No. 64, 86 & 100 Brookdale Road is at a higher point in relation to the immediate area, hence has scenic views of the surrounding rural landscape. The site is identified in the Moss Vale Enterprise Corridor DCP 2008 as being within a scenic protection area (see figure 5 below).

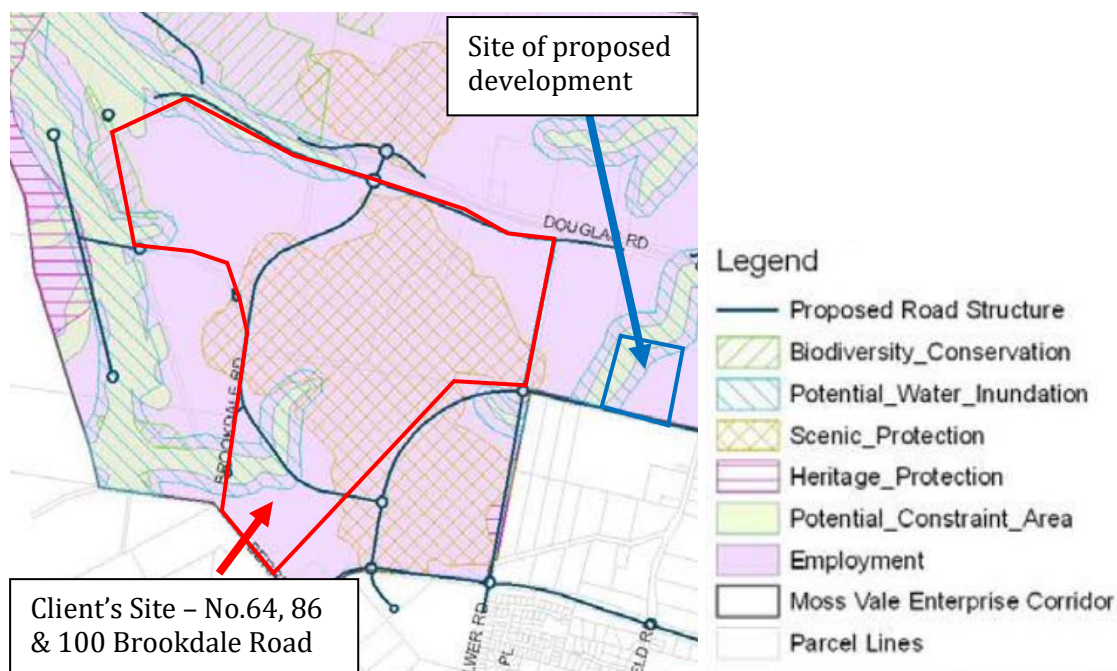
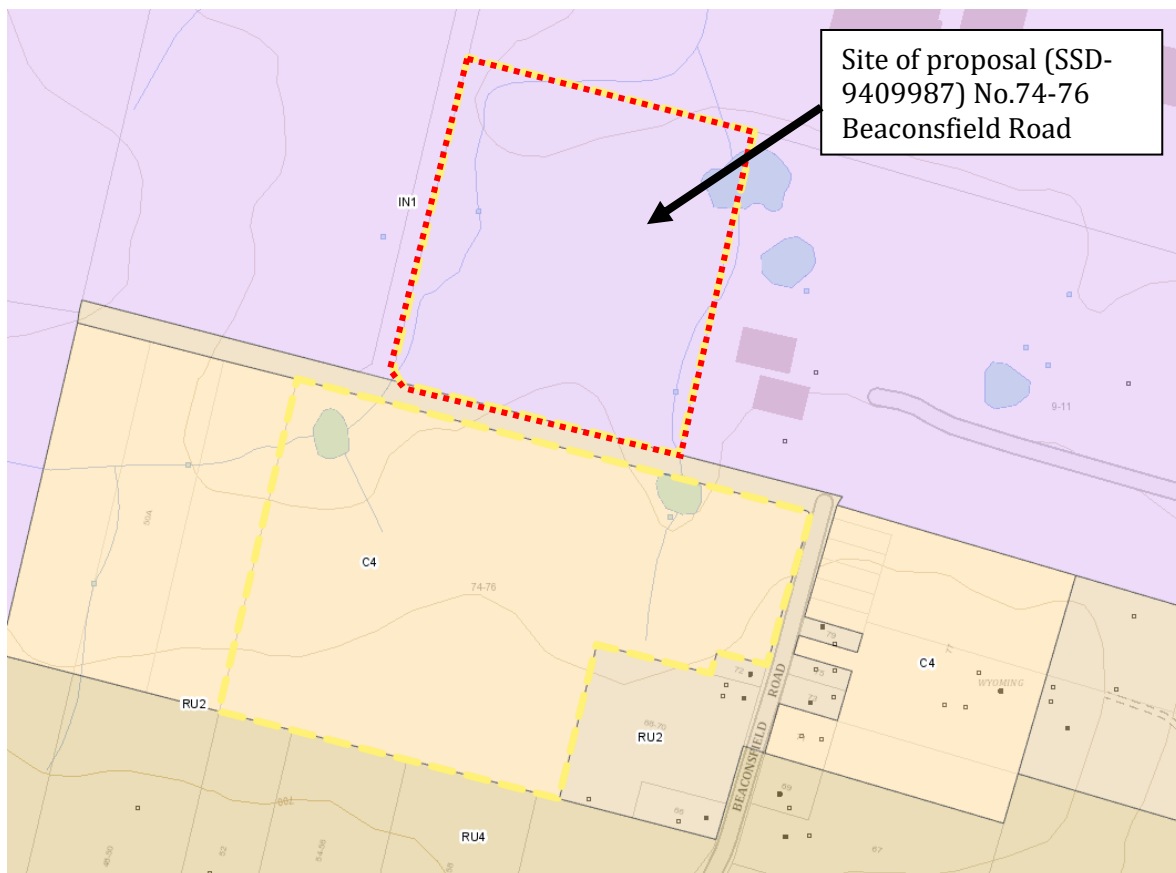


Figure 5: Extract from Moss Vale Enterprise Corridor DCP 2008.

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.

Further, while the proposal notes landscape screening will be proposed, no details on the location or species of vegetation proposed has been provided. Hence, we are unable to confirm whether the proposed landscape screening will adequately offset the visual intrusion the



Objectives of IN1:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To allow a range of non-industrial land uses, including selected commercial activities, that provide direct services to the industrial activities and their workforce or that, due to their type, nature or scale, are appropriately located in the zone without impacting on the viability of business and commercial centres in Wingecarribee.*
- *To ensure that new development and land uses incorporate measures that take account of their spatial context and mitigate any potential impacts on neighbourhood amenity and character, or the efficient operation of the local or regional road system.*

The third objective requires consideration of other land uses. The site is proximate to C4 Environmental Living and RU2 Rural Landscape. The environmental impact of the proposed facility to its proximate location to these Zones, which permits a myriad of sensitive residential, agricultural and recreational uses, such as...

C4 Environmental Living: Bed and breakfast accommodation; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Health consulting rooms; Horticulture; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Secondary dwellings; Viticulture; Water storage facilities.

RU2 Rural Landscape: Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Health consulting rooms; Information and education facilities; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Secondary dwellings.

As per the sixth objective, the spatial context and impact on neighbouring amenity and character needs due consideration. The site is proximate to sensitive land uses, as described above – how does it tie into the smaller scale development and objectives the C4 and RU2 zones, with the scale and footprint of the built form, and extent of operations proposed?

Objectives of C4:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values;*
- *To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture and other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas;*
- *To manage land in a way that minimises impact on its environmental and scenic value from adjacent and nearby development and land use activity;*
- *To minimise the proliferation of buildings and other structures in these sensitive landscape areas.*

Objectives of RU2:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide opportunities for employment-generating development that is compatible with, and adds value to, local agricultural production through food and beverage processing and that integrates with tourism.*

While the proposed use is technically permissible in the industrial zone, further assessment and due consideration of whether it is appropriate for this allotment and parcel of land (being so proximate to sensitive land zones that seek to retain landscape, scenic, environmental values within a drinking water catchment) is necessary.

Noise and Vibration Assessment

It is noted that the submitted Noise and Vibration Technical Report has been prepared by GHD Pty Ltd, the applicant for the proposed development. The noise assessment and recommendations should be peer reviewed by an independent expert to confirm the noise readings and methodology are correct.

Proximity to Existing Infrastructure

A desktop review of infrastructure available in the vicinity of the site, other than the transport and road matters addressed above, identified that the site is proximate to a high-pressure gas transmission pipeline and associated infrastructure (assets owned by APA and Jemena). No information has been sourced as to whether concurrence or comment from service providers to the suitability of the development proximate to these potential hazards has been found in the documents available. Due consideration and further assessment, given the sensitive adjoining land uses, should be required.

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 zones 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,



Roberto Bianco
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