

# **WINGECARRIBEE SHIRE COUNCIL**

**SUBMISSION TO NSW INDEPENDENT PLANNING COMMISSION**

**RE: State Significant Development (SSD-9409987) Proposal for Moss Vale Plastics Recycling Facility**

5 November 2024

NSW Independent Planning Commission

5 November 2024

**RE: Council Submission to NSW Independent Planning Commission on State Significant Development (SSD-9409987) Moss Vale Plastic Recycling Facility (Plasrefine) Proposal**

Dear Commissioner,

Thank you for the Stakeholder Meeting held on 21 October 2024 and subsequent Public Meetings on 28 October 2024 and 1 November 2024. Council appreciates these opportunities to express the significant concerns of our residents in Moss Vale and across the Southern Highlands region.

Wingecarribee Shire Council strongly opposes the State Significant Development (SSD) proposal for a Plastics Recycling Facility at Moss Vale, also known as Plasrefine.

Council certainly supports the broader vision and initiatives towards achieving a circular economy, including plastics recycling. However, in this case, the fundamentally irreconcilable matter of unsuitable location makes the SSD proposal untenable for our community and this Council.

On 15 November 2023, Council resolved to formally oppose the Plasrefine SSD proposal in its current location and form. The newly Elected Members of the 2024-2028 Council reiterated that Resolution and unanimously passed the following Resolution (overleaf) on 30 October 2024.

If you require further information or clarifications, please contact Council's acting Executive Manager Strategic Outcomes Ms Susan Stannard at [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au).

Kind Regards



Lisa Miscamble

General Manager

MN 2024/312

MOTION moved by the Cr Russell, seconded by Cr Farrell

THAT Council:

1. Reiterate its strong opposition to the proposed State Significant Development (SSD-9409987) for the Moss Vale Plastic Recycling Facility, on fundamental grounds that the proposal:

1. Is an unsuitable location at a residential interface on Braddon Road creating long-term land use conflict issues.

2. Compromises and sterilises land for future employment-generating landuses across the broader Southern Highlands Innovation Park (SHIP) with excessive truck movements across the entire precinct, from the highway traversing available heavy industrial lands, available general industrial lands and navigating 3 level rail crossings to reach a well-established residential interface.

3. Undermines Council's State-funded strategic framework, including a Master Plan, Governance Strategy and Strategic Positioning Paper for the Southern Highlands Innovation Park (SHIP) to foster an emerging biotechnology sub-precinct at that location.

4. Still presents unresolved matters in NSW Department of Planning Housing & Infrastructure (DPHI) Assessment Report and Recommended Conditions of Consent, that are unresolved and in their current form deemed unworkable and irreconcilable to Council.

2. Does not accept DPHI's risk assessment relating to known and emerging microplastics (airborne and water) contaminants, as the site is immediately adjacent to a riparian corridor in a Sydney Drinking Water Catchment Area. This environmental impact requires further rigorous assessment, independent evidence-based validation and assurances from State Agencies including DPHI and EPA that residents' health would not be compromised.

3. Endorse the draft Submission at Attachment 1 for lodgement with the NSW Independent Planning Commission.

4. Lodge the exhibited SHIP strategic work, including Master Plan, Governance Strategy and Strategic Positioning Paper at Attachment 2, in support of its formal Submission to the NSW IPC.

5. Highlight the significant community impacts and unaddressed matters associated with the current Proposal by writing to the NSW Minister for Planning requesting a statutory Public Hearing into this matter, with the Hearing to consider:

\* The environmental impacts of the proposal

\* All submissions received on the proposal

\* Any relevant expert advice

\* Any other relevant information

CARRIED UNANIMOUSLY

## SUBMISSION

### Executive Summary

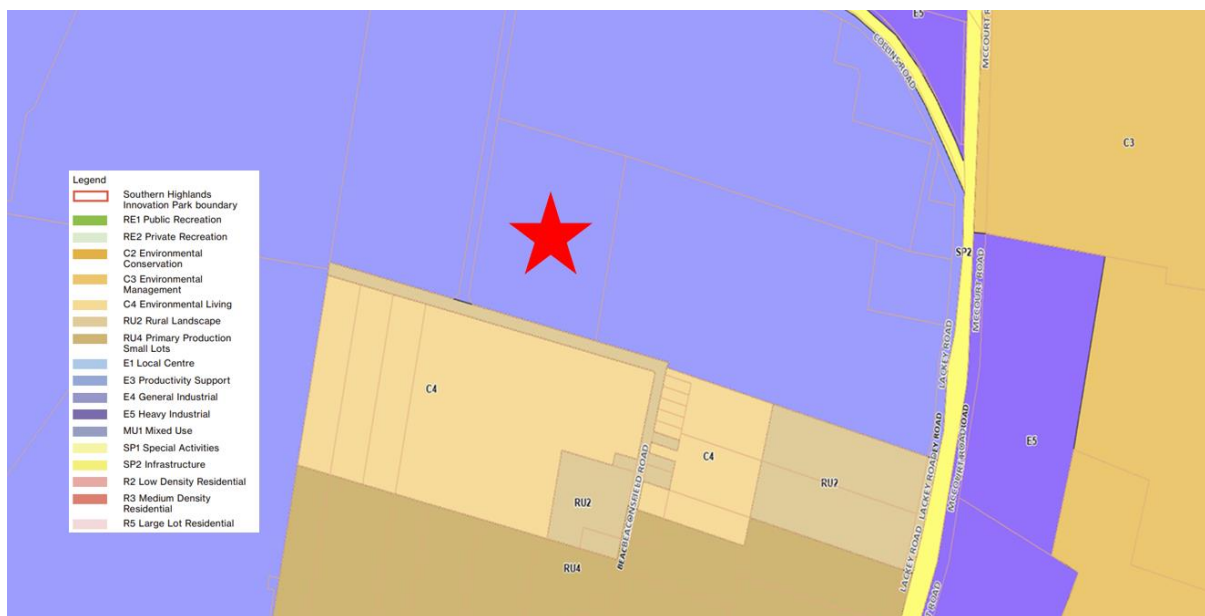
Council strongly opposes the SSD proposal at its current location and in its current form.

Council's concerns expressed in previous submissions and correspondence with the Department remain largely unresolved. Council considers that the proposal has neither strategic nor site specific merit. Amendments and revisions to the SSD proposal overlook the fundamental and irreconcilable matters of location and form. The technical amendments and refinements inside the facility, to filtration systems, reduced vibrations, stormwater management and fire retardants, are welcomed, but need to be applied to an appropriate location.

Concerns regarding emerging contaminants such as PFAS remain unresolved in the Assessment Report. These unresolved and emerging risks may be considered acceptable in another location, however the primary argument is that these risks are unacceptable in a drinking water catchment area, immediately adjacent to a first order riparian corridor and to an extensive area of residential development.

### Reasons for Recommended Refusal of SSD Proposal

#### 1. Lack of Broad Strategic Merit



The red star represents the proposed Plasrefine site

One key objective of the *Environmental Planning & Assessment Act 1979* is “to promote the orderly and economic use and development of land”. The generally accepted process for doing so is through the assessment of both strategic and site-specific merit, a process Council

fully supports and consistently applies to land use assessments at both the strategic and development level.

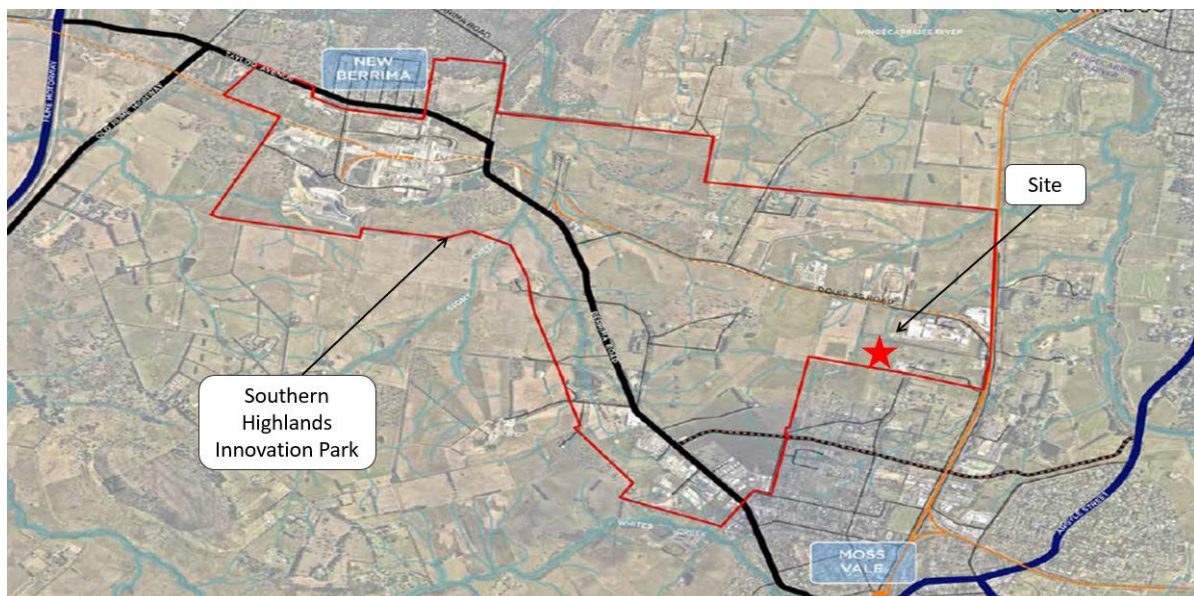
Foremost, Council considers the aims of the *Wingecarribee Local Environmental Plan 2010* and, in particular, the objectives of the specific zone within which a development proposal would be located. In the case of the Plasrefine Proposal, that zone is the E4 General Industrial zone within which the following objectives are noted:

- To ensure the efficient & viable use of land for industrial purposes
- To minimise any adverse effect of industry on other land uses
- To ensure new development and land uses incorporate measures that take into account the spatial context and mitigate potential impacts on neighbourhood amenity and character and the efficient operation of the local and regional road system.

These objectives are highlighted because they specifically identify the need for a nexus between strategic and site-specific merit when assessing a land use application, a nexus Council recognises as key to the successful outcome of any development proposal.

Zoning can be a blunt planning instrument. Each zone's land use table generally contains a broad range of uses which are permissible with consent, intended to offer the consent authority maximum opportunity to utilise the zone, and therefore the land to which it applies, to optimum effect. In drafting their land use tables, Councils are encouraged by state government to provide as much opportunity and flexibility as possible. Zones, their objectives and land use tables, all form the local strategic merit framework for assessing development proposals.

However, balancing this broader strategic framework is the essential complementary site-specific merit test which ensures that, just because a proposal could occur under the zone, it does not automatically imply that it should. The assessment of a proposal within the context of the opportunities and constraints of a specific site and its environs ensures that the development is appropriate not just to the zone, but to the location and its immediate vicinity.



## 2. Lack of precinct specific merit

To further support the strategic framework for future development within the South Highlands Innovation Park (SHIP), Council commissioned the preparation of a SHIP Master Plan to curate and define the SHIP's strategic vision and direction. The premature recommendation of support for the Plasrefine proposal undermines the intent and value of this comprehensive state funded strategic effort.

The SHIP is a regionally significant, long-term employment precinct comprising some 1,053 hectares of industrial zoned land. The land is primarily rural in character, typified by gentle hills and long undulating roads with vast views to landscape. The SHIP presents an opportunity to become a major economic driver for the Shire and the broader region, providing future employment opportunities and stimulating investment in enabling infrastructure.

Following Council securing grant funding from the Department of Regional Planning NSW, a Master Plan and detailed Governance Strategy for the precinct were prepared. These documents, supported by a Strategic Positioning Study, concluded public exhibition in October 2024. The outcomes of this strategic process will be reported back to Council in early 2025 and once these documents have been adopted, a review of the Planning Framework for this precinct can then be finalised.

The proposed site is located within the eastern area of the SHIP, characterised in the Draft Master Plan as semi-rural, bordered by rail tracks and intermittent views to the countryside. This area of the SHIP has been characterised as a Research, Training and Advanced Manufacturing precinct, building on proximity to existing industries and research and training opportunities. This precinct is anchored by the Garvan Institute Medical Research Facility and Southern Highlands Data Campus that are established and functional.

The intention of this area of the SHIP is to cluster like-minded businesses to cultivate local knowledge and skills in order to attract innovative high-value businesses into the future. Council is already receiving and considering proposals from businesses interested in locating within the SHIP in precincts designated for their types of development with businesses recognising the economic, environmental and social benefits of such clusters.













The range of precincts proposed for the SHIP and the types of industries they would attract are indicated in the figures below.



The Structure Plan provides the key structuring moves for the Southern Highlands Innovation Park. This provides a high level structure identifying proposed industries and character areas, key existing and new roads, and approach to landscape and views.

The structure plan is further detailed through the master plan (See chapter 4).

**Key features of the structure plan**

-  Upgrade and reinforce the key vehicle movements within the precinct
-  Deliver new road infrastructure
-  Provide green landscape setbacks and buffers between adjacent lots and land uses
-  Activity node at the southern entry point into the SHIP with easy access to Moss Vale
-  Consider areas of high environmental value/constraints
-  Celebrate the vast landscape views from along Berrima Road and Collins/Douglas Road
-  Protect and celebrate views towards the elevated topography
-  Create defined and memorable gateways into the precinct
-  Activity Node/Creative Hub at southeastern interface with Moss Vale centre
-  Agribusiness/Agri-Innovation Precinct
-  Heavy Industry and Construction Precinct focused around Boral Cement Works
-  Research, Training and Advanced Manufacturing Precinct

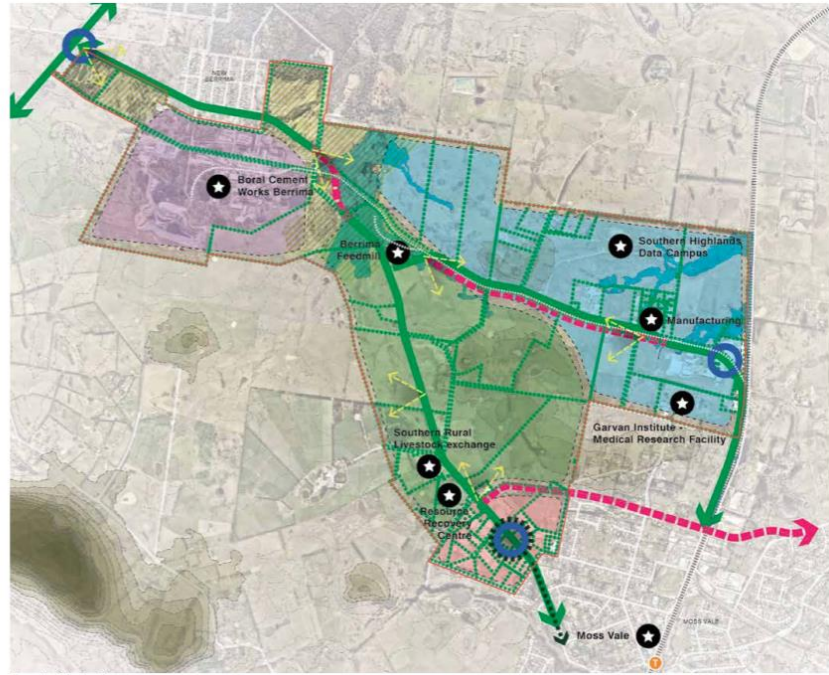
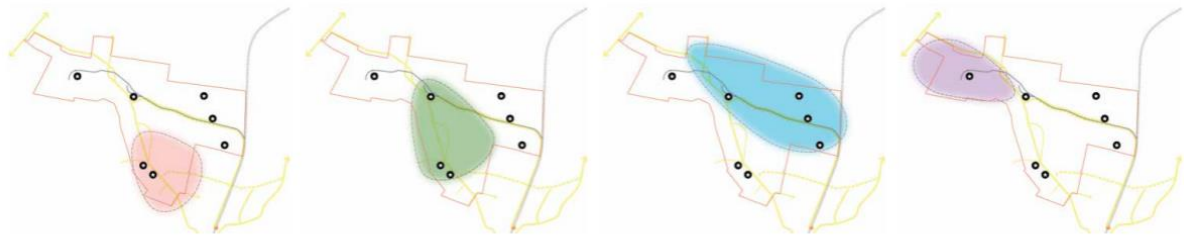


Figure 15. Structure Plan



**Activity Node/Creative Hub**

- Create a key attractor for the SHIP in close proximity to Moss Vale.
- Create a synergy between industry and community.
- Locate public facing uses next to existing community and away from heavy industrial uses.
- The existing smaller lot pattern is well-suited to support smaller retail and light industrial tenancies.

**Agribusiness/Agri-Innovation**

- Location of agribusiness and agri-innovation precinct complements the existing Livestock centre and Feed Mill.
- Adjacent to activity node where it can contribute to growers markets.
- Recommended uses are more likely to be compatible with areas that have environmental value.
- Maintains the landscape character of the SHIP.

**Research, Training and Advanced Manufacturing**

- Locate research and development uses near infrastructure and access.
- Build on existing industries in manufacturing and technology.
- Location provides employment opportunities in proximity to research and training.

**Heavy industry and Construction**

- Cluster heavy industrial or more high impact uses around the Boral Cement Works anchor.
- Future industries should not impinge on the cement works buffer.
- Location along rail line enables future opportunities to connect to the rail freight network for distribution.
- The rail line provides a natural separation buffer from other uses and serves as a point of transition.

A series of design considerations are encouraged through the draft Master Plan to enable the successful establishment of each precinct within the SHIP. These include utilising opportunities for high quality architectural design that is considerate of sustainable materials and processes, innovative façade articulation, tree planting and vegetation to mitigate visual impact and encourage low scale built form that is below the tree line and does not interfere with landscape views.

The proposed Plasrefine facility does not reflect these design aspirations and would significantly undermine the ability of this area of the SHIP to deliver intended design and function objectives identified in the Master Plan. This is particularly concerning because this area of the SHIP is especially sensitive to such outcomes due to its close proximity to residential development.

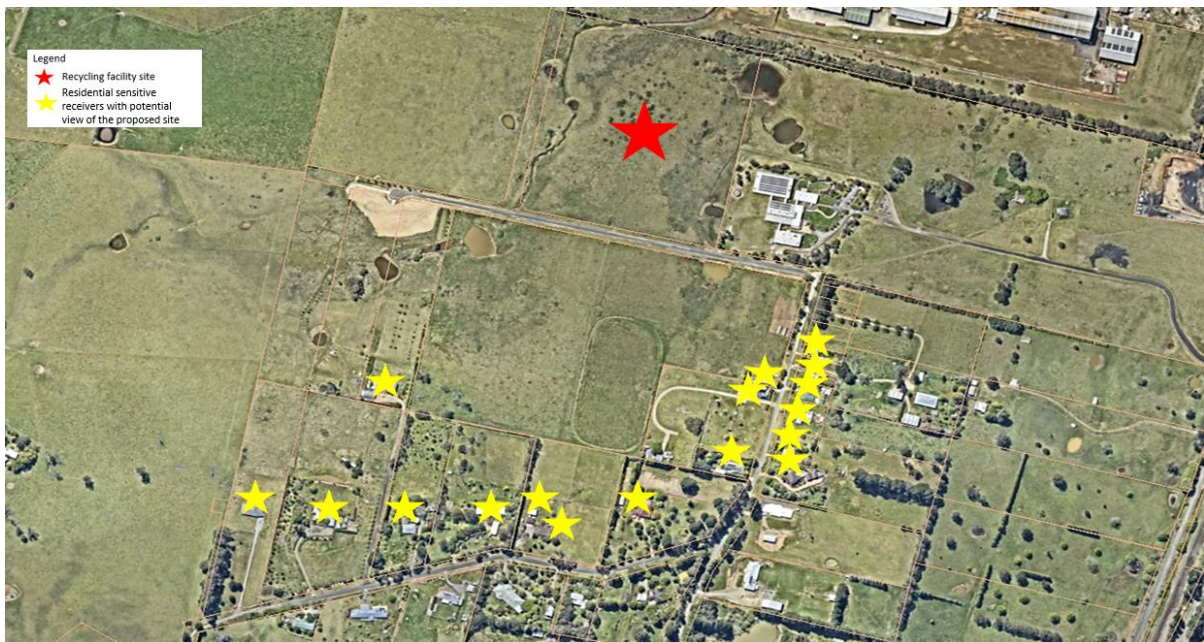
These concerns are reflected in the resolution of Council that the proposal be rejected on the basis that it:

*\* Undermines Council's State-funded strategic framework, including a Master Plan, Governance Strategy and Strategic Positioning Paper for the Southern Highlands Innovation Park (SHIP) to foster an emerging biotechnology sub-precinct at that location.*

### 3. Lack of site specific merit

The proposed location for the Plasrefine development is on the northern portion of Lot 11 DP 1084421 which is zoned E4 General Industrial and is located within the SHIP. The southern portion of Lot 11 DP 1084421 is zoned C4 Environmental Living and is located outside of the SHIP.

The two zones which comprise Lot 11 are separated by a road reserve of some 20 metres containing the newly formed Braddon Road. This road reserve also serves as the only separation between the SHIP and a residential area to the south of some 90 hectares which currently contains some 30 dwellings with a potential for a further 15 lots resulting from a local residential strategy undertaken by Council in 2019. Braddon Road has also been identified as the primary egress point from the site.



**Yellow stars represent current dwellings**

On page 4 of the Department of Planning, Housing and Infrastructure's State Significant Development Assessment Report (SSD-9409987) it is stated that the nearest existing dwelling from the Plasrefine site is around 240m to the south-east of the site. However, DA22/0811 was approved on 2 November 2022 creating a new three lot subdivision on Braddon Road which can facilitate residential dwellings. These lots are approximately 90 metres to the south-west of the Plasrefine site.



Additionally, DA25/0454 was lodged on 25 September 2024 and is currently under assessment for a single residential dwelling on one of the newly created lots derived from DA22/0811.

The SHIP Master Plan recognises this interface and therefore identifies the proposed site as most suitable for a Research, Training & Advanced Manufacturing Precinct comprising lower intensity and less intrusive uses which do not have the potential for further negative impacts on an already existing and growing residential community.

The Plasrefine proposal provides a master class in the crucial significance of assessing both strategic and site-specific merit. The objectives of the E4 zone, specifically the following, are considered central to both the strategic and site-specific merit of the proposal and include:

- *To ensure the efficient & viable use of land for industrial purposes*
- *To minimise any adverse effect of industry on other land uses*
- *To ensure new development and land uses incorporate measures that take into account the spatial context and mitigate potential impacts on neighbourhood amenity and character and the efficient operation of the local and regional road system.*

Council does not consider that the use of the subject land for a plastics recycling facility represents the efficient and viable use of the site. Council does not consider that the use of the subject land for a plastics recycling facility will minimise any adverse effect of industry on other land uses.

Attempts to meet the objective that *new development and land uses incorporate measures that take into account the spatial context and mitigate potential impacts on neighbourhood amenity and character and the efficient operation of the local and regional road system*, are currently contained within a 28 page document drafted by the NSW Department of Planning, Housing & Infrastructure setting out conditions of consent covering matters of such importance, and on occasion, complexity, that it causes Council to question the fundamental viability of the proposal, let alone its merits. Council considers that such a document would not be required if the proposal could demonstrate genuine strategic and site-specific merit.

These concerns are reflected in the resolution of Council that the proposal be rejected on the basis that it:

*\* Is an unsuitable location at a residential interface on Braddon Road creating long-term land use conflict issues*

#### 4. Heavy Vehicle Access Movements



The current road system across the SHIP already needs to accommodate rail movements. Of particular concern are the Department's recommended Conditions of Consent B17 (Level crossing Roadworks & Access) and B22 (Operational Traffic Management Plan), which Council regards as unworkable and unacceptable to be delegated to post-consent design solutions.

In accordance with Rail Safety National Law (NSW) 2012, any level crossing upgrade requires the road manager (Council) and rail infrastructure manager (Boral) to assess risks associated with the level crossing, determine suitable mitigation measures of the risks and enter into an on-going interface agreement. It is entirely inappropriate to defer resolution of this item to post-consent, given the fundamental viability of the site is predicated on the resolution of this matter.

Design of the proposed level crossing upgrade is still in its preliminary stages with no road safety audit, no Australian Level Crossing Assessment Model (ALCAM), no swept paths for A-double trucks and no written commitment from the RIM or Road Manager. The level crossing upgrade may therefore still prove to be an unworkable outcome which would necessitate a significant reworking for much of the proposal.

Council is unwilling to facilitate a road outcome for an SSD proposal that it does not support, is as yet unproven as workable, and which undermines the strategic vision of an entire precinct with all the long-term implications associated with such a premature decision.

Council believes the Department needs to take responsibility for undertaking the necessary investigations to adequately assess and resolve road and rail interface issues regarding the level crossing relocation.

These concerns are reflected in the resolution of Council that the proposal be rejected on the basis that it:

*\* Compromises and sterilises land for future employment-generating landuses across the broader Southern Highlands Innovation Park (SHIP) with excessive truck movements across the entire precinct, from the highway traversing available heavy industrial lands, available general industrial lands and navigating 3 level rail crossings to reach a well-established residential interface.*

## **5 Traffic Impacts on surrounding roads**

### **5.1 Braddon Road**

Council also believes the Department needs to take responsibility for the critical matter of the management of an estimated one truck movement every seven minutes along the residential interface at Braddon Road.

The proposal nominates Braddon Road for the egress of trucks from the site in an attempt to mitigate the visual impacts of large block buildings in an undulating landscape. These topography and level differences across the two buildings will require trucks to accelerate up a ramp to the egress point on Braddon Road. However, Braddon Road forms the southern boundary to the SHIP in this location and represents the interface between the industrial zoned land to the north and residential zoned land to the south. This interface creates an acoustic impact that remains outstanding and unlikely to be reconciled with attempts to minimise visual impacts. This irreconcilable situation reiterates Council's opinion that the proposed site is an unsuitable location for the proposed development.

It is understood that modelling was undertaken for the original access proposed next to the Garvin Institute. However there has been no modelling presented for the current proposed road and the intersections of Collins Road and Braddon Road. Nor has any modelling been presented for the Douglas Road/Berrima Road intersection.

### **5.2 Douglas Road**

The proposed development would also generate a further 50 heavy vehicle right turn movements from Douglas Road into Berrima Road without any modification to the intersection proposed. Although it is unlikely to generate traffic congestion, it considered to create an increased likelihood of collision at the intersection.

### **5.3 Beaconsfield Road**

The development will also generate an additional 280 daily light vehicle movements from workers. The Operational Traffic Management Plan does not consider these movements, with the assumption being they are instead considered in the Work Travel Plan. However, the Work Travel Plan will be advisory only. The 280 daily light vehicle movements will therefore significantly increase traffic along the full length of Beaconsfield Road without any modification proposed for the road. The northernmost 800m of Beaconsfield Road is less than 4m wide

and so it is unsafe to introduce up to 280 additional vehicle movements without also upgrading the road.

## **6 Prominent Wind Direction & Airborne Microplastics**

One of the key concerns raised by the community is the discharge of microplastics into the environment and the potential impact this will have. Council has consistently raised these concerns in previous submissions and do not consider that the issue has been fully quantified and therefore not resolved.

Discussion of the environmental discharge of microplastics in the application and planning assessment has been centred on particulate matter health criteria only. There is no assessment of where the microplastic dust will settle out, and what the cumulative impact would be once it has settled across the community. Over the course of time, settled microplastics would reasonably expect to accumulate into substantial quantities. There has been no description of where this is expected to occur and what the impacts would be.

In the absence of clear data, Council believes the application of some form of precautionary principle would be appropriate and appreciated. Council firmly believes that the application should not be determined without a full assessment of the potential impact of microplastics on human health, on local agriculture, including livestock, crops, and feed supplies, on food chains, on nearby land uses, on water catchments and water courses on ecology and the local economy.

## **7 Microplastics adjacent to a first order riparian corridor in a Drinking water Catchment area**

Microplastics are an emerging and complex contaminant. Although there is currently no specific framework or requirement within the EPA licence conditions of the Moss Vale Sewage Treatment Plant (STP) for the complete removal of microplastics in wastewater – it is understood that requirements will likely be imposed and thresholds introduced by the EPA once it is attainable and practical to measure microplastics in wastewater.

Given the emerging nature of the contaminant, the current Moss Vale STP has no specific treatment element in the process to remove microplastics. Augmentation and upgrade of the Moss Vale STP is also in progress (forecast completion June 2026), primarily catering for growth and increasing hydraulic capacity. However again, with this design, there is no specific treatment mechanism for microplastics removal.

The proposed Plasrefine development expects to discharge up to 400g/day of microplastics to the Moss Vale STP. This has the potential to double the amount of microplastics likely being received by the Plant. This will inevitably result in a subsequent increase in microplastics making their way into the environment in treated effluent which is wholly within the Sydney Water Drinking Catchment.

Therefore, any industrial-scale source for microplastics, such as the proposed Plasrefine development, should be wholly addressed and resolved at the source rather than at the Council sewage treatment plant. Again, Council believes the application of some form of precautionary principle would be appropriate.



These concerns are reflected in the resolution of Council that the proposal be rejected on the basis that Council:

*\* Does not accept DPHI's risk assessment relating to known and emerging microplastics (airborne and water) contaminants, as the site is immediately adjacent to a riparian corridor in a Sydney Drinking Water Catchment Area. This environmental impact requires further rigorous assessment, independent evidence-based validation and assurances from State Agencies including DPHI and EPA that residents' health would not be compromised.*

## 8 Built Form & Visual Amenity Impacts



Council understands that visual amenity impacts will occur as the area transitions from a rural landscape to an employment-generating hub. However, much can be done to ameliorate these impacts through sensitive design, appropriate building location and appropriate land use clusters.

It has always been Council's expectation that less-intensive land uses at this industrial-residential interface location would attract well-articulated buildings, with a moderate footprint and generous landscape buffers and setbacks to create acceptable built form outcomes. The adjacent Garvan Institute Australian Bioresources building demonstrates acceptable visual amenity impacts, particularly when viewed from Braddon Road and Beaconsfield Road.

The SSD proposal remains monumental in scale with expansive floorplates, due to the inherent nature of operations inside the facility. That is why the fundamental issue of location is paramount. These built form outcomes would be acceptable in many other areas of the SHIP

away from a residential interface location. The adjacency to a residential interface of the Plasrefine proposal creates insurmountable design challenges for a facility that requires, by its inherent nature of operations, a bulky, expansive footprint with no façade articulations.

## 9 Unreasonable Compliance Burden

It is highly questionable whether a satisfactory assessment of both strategic and site specific merit can result in a 28 page document containing administrative, environmental, social, heritage, and risk conditions which need to be met prior to construction, many of which cannot be resolved and most of which will require sign off, and/or ongoing compliance confirmation by Council.

So many of these unresolved matters will result in ongoing and burdensome compliance obligations on the part of Council. It does not have the resourcing for such compliance and nor should Council be responsive for the ongoing management of a matter which Council does not support.

These concerns are reflected in the resolution of Council that the proposal be rejected on the basis that it:

*\* Still presents matters in NSW Department of Planning Housing & Infrastructure (DPHI) Assessment Report and Recommended Conditions of Consent, that are unresolved and in their current form deemed unworkable and irreconcilable to Council.*

## Recommendation

Wingecarribee Shire Council strongly opposes the proposed SSD and advocates for the NSW IPC to reject the proposal on the grounds outlined in this Submission.