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Report Author: **{position}**
Authoriser: General Manager

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PURPOSE

To provide Council and the community with an update on the State Significant Development Application for the proposed Moss Vale Plastics Recycling Facility, and to seek Council direction in relation to the proponents offer to enter into a Voluntary Planning Agreement.

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OFFICER'S RECOMMENDATION

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THAT in relation to the proposed Moss Vale Plastics Recycling Facility Council:

1. Write to the NSW Department of Planning and Environment expressing its concerns with the Applicants Response to Submissions, as outlined in this report, including:
 - a. The adequacy of the Social Impact Assessment
 - b. The proposed new haulage route
2. Re-state its concerns about the proposed development outlined in this report including:
 - a. Suitability of the site for the proposed development
 - b. Inconsistency with the planning for the Southern Highlands Innovation Park
 - c. Inconsistency with the Moss Vale Enterprise Corridor Development Control Plan
 - d. Infrastructure limitations and capacity issues
3. Advise the applicant that it is not in a position to accept the offer to enter into a Voluntary Planning Agreement at this stage, for the following reasons:
 - a. It is considered premature to formally accept or reject the offer to enter into a Voluntary Planning Agreement until the Social Impact Assessment and Response to Submissions has been completed to the satisfaction of the Department of Planning and Environment, and
 - b. The offer to enter into a Voluntary Planning Agreement has not adequately addressed or demonstrated how the offer represents a material public benefit.
4. Update the project page on its website to include a copy of this report.

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REPORT

BACKGROUND

A State Significant Development Application to construct and operate a plastic waste sorting and recycling facility in Moss Vale is currently being assessed by the State Government.

The proposed facility would extract mixed plastics from waste, sort the plastics into different types, and convert the various plastics to plastic flakes and pellets and polyester fibre and resins.

The facility is proposed on land at 74-76 Beaconsfield Road in Moss Vale, located on the south-eastern boundary of the Southern Highlands Innovation Park (SHIP). Information on the proposed development can be found on the State Significant Development website at: <https://www.planningportal.nsw.gov.au/major-projects/projects/moss-vale-plastics-recycling-facility>

An Environmental Impact Statement (EIS) was lodged with the NSW Department of Planning and Environment in January 2022 and the EIS and supporting technical studies were publicly exhibited throughout February and March 2022.

Council's submission on the proposed development and EIS was considered at the Ordinary Council meeting of 20 April 2022 where it was resolved that:

- 1. The report on the proposed Moss Vale Plastics Recycling Facility be received for information.*
- 2. Council endorse the submission to the Department of Planning and Environment on the Moss Vale Plastics Recycling Facility Environmental Impact Statement as contained in the attachment to this report.*
- 3. Council oppose the proposed development in its current proposed location and until such time as important infrastructure gaps are either resolved, or there is certainty about the completion dates for the necessary infrastructure projects.*
- 4. Council advise the Department of Planning and Environment that a further thorough and transparent review of matters of key concern (e.g. air quality, noise, and other health and amenity issues) is required before a final planning decision is made, in order, to address community concern.*

Following the public exhibition period, and feedback received from Council, Government agencies and the community, the applicant was requested to prepare a formal Response to Submissions. As part of the Response to Submissions, the applicant was required to prepare a Social Impact Assessment, as well as address concerns around access, traffic, noise, air and water quality, visual impact, infrastructure limitations and landowner's consent.

As part of the Response to Submissions, the applicant was required to provide more detail on the proposed east-west access, including the need to provide landowners consent and demonstrate how the land will be acquired for the purpose of the access road.

At the time, the applicant made a formal request for Council to enter into a Voluntary Planning Agreement (VPA), that would commit Council to using its power of compulsory acquisition to acquire the land needed for access to the site (at the cost of the developer), should the developer be unsuccessful in its negotiations to acquire the land directly from the landowner/s.

Council also previously considered a report in August 2022 on the VPA where it was resolved that Council consider the outcome/s of the Social Impact Assessment before considering the applicant's request to enter into a Voluntary Planning Agreement and request for further information on water and sewer modelling.

In March 2023, the Applicant submitted its formal Response to Submission (RTS) report to the NSW Department of Planning and Environment. The RTS was supported by a Social Impact Assessment and among other things, proposed a new haulage route for waste being transported to and from the site. Details of the RTS, including the proposed transport route and Social Impact Assessment are considered in the body of this report.

REPORT

Proposed Transport Route

The RTS proposes a new north-south access to the site, and a new haulage route for waste being transported to and from the site. The proposed new haulage route would utilise Lackey Road, Innes Road and Berrima Road as shown in **Figures 1 and 2**.

The proposed haulage route passes through established residential areas as well as St Pauls College in Moss Vale. The identified route is not considered suitable or appropriate for heavy vehicle haulage, and Council do not support the route proposed in the RTS. Further consideration needs to be given to access, to and from the site, as well as alternate haulage routes that do not create impacts on residential areas and / or sensitive land uses such as schools.

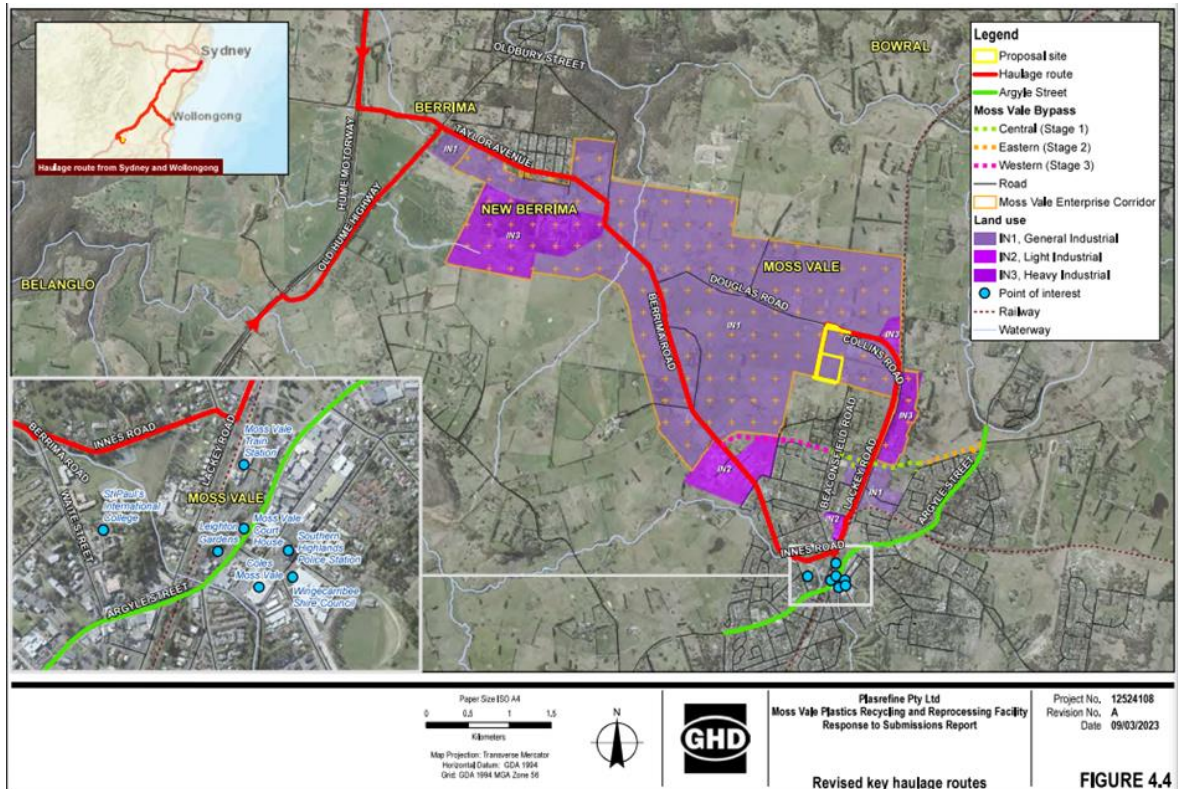


Figure 1 – Proposed Haulage Route Overall

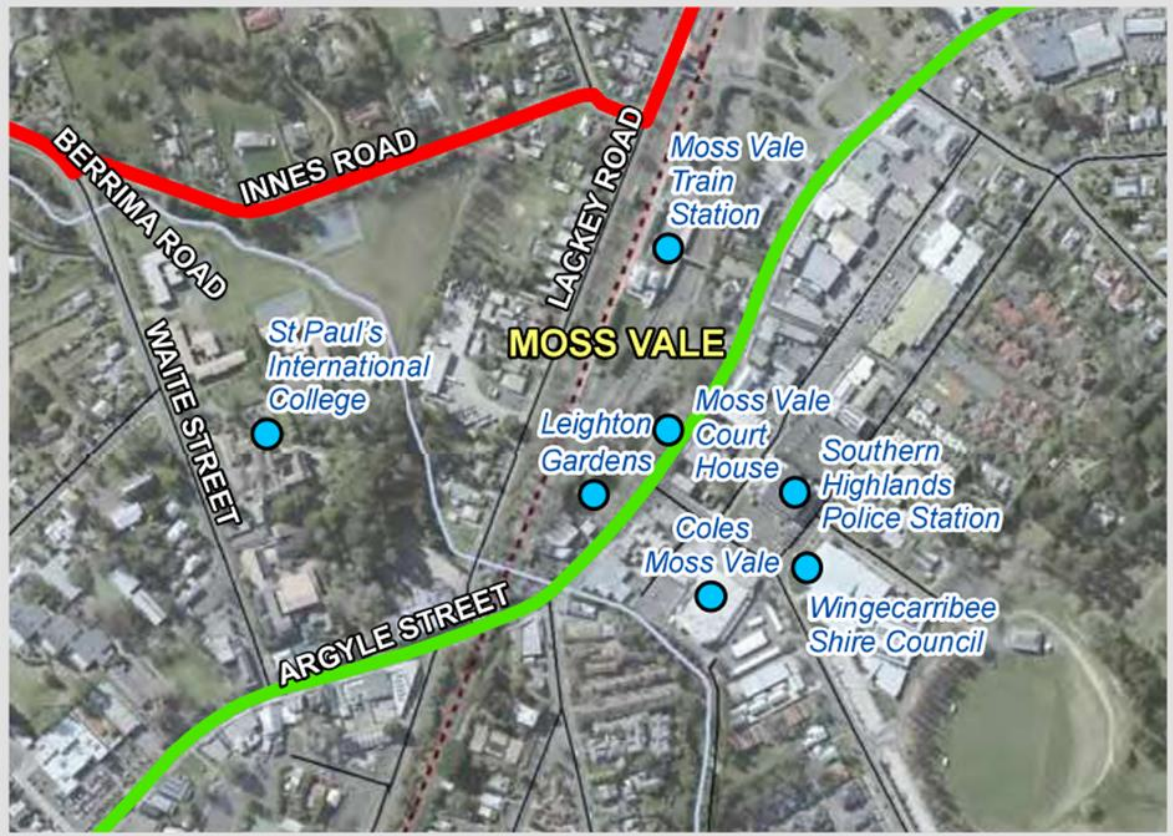


Figure 2 – Proposed Haulage Route Innes Road

Social Impact Assessment

As part of the Response to Submissions, the Applicant was required to prepare a Social Impact Assessment (SIA). A SIA provides an opportunity to identify and understand the social impacts of the proposed development and should help to inform responses / changes to the proposal that aim to avoid, mitigate or reduce negative impacts and enhance positive impacts.

It was Council's expectation that the SIA would be informed by detailed consultation with the local community, to assist in identifying, predicting and evaluating the likely social impacts arising from the proposal and propose responses / changes to those predicted impacts.

It was also Council's expectation, that the SIA would be prepared objectively, and would potentially lead to significant changes to the current proposal, to mitigate any social impacts associated with the proposed development.

Council has significant concerns with the SIA that has been prepared in support of the RTS. The SIA was not informed by independent consultation with the community, as was requested by Council. Further, it is Council's view that the comments in the SIA attributed to Council staff, do not accurately reflect the significant concerns raised by Council, and the potential social impacts associated with the development.

During the preparation of the SIA, Council raised concerns with both the applicant and the Department of Planning and Environment that the SIA was being prepared to accommodate the existing proposal and was not appropriately considering the social impacts of the development, which may result in significant changes to the proposal.

Council remains concerned about the adequacy and objectivity of the SIA and recommends that an amended SIA be prepared with an understanding and commitment that the SIA may result in significant changes to the proposal. It is Council's view that the SIA should be informed by detailed and independent consultation.

Ongoing Concerns with the Development

Council has undertaken a review of the RTS and is not satisfied that the concerns raised in its submission have been satisfactorily addressed. Specifically, Council remains concerned about the suitability of the site for the proposed development, inconsistency with Council's planning framework, infrastructure limitations and development out of sequence.

Existing Planning Framework

The framework for the development of the Southern Highlands Innovation Park (SHIP) is the adopted Moss Vale Enterprise Corridor Development Control Plan (MVEC DCP).

The proposed development is in a designated precinct of the SHIP that is not planned for this type of activity. The subject site is part of transitional interface area of the SHIP classified as an Enterprise Precinct. The Enterprise Precinct is flagged to accommodate a mix of light industrial and commercial office uses to facilitate the transition between residential uses, and heavier industrial uses planned across the northern parts of the SHIP.

Further, the DCP contains provisions which seek to limit site coverage and the bulk and scale of buildings, and to support landscaping on individual sites to mitigate the visual impacts of development within the precinct, particularly in interface areas.

While the RTS states that the development is permissible and consistent with the zone objectives, this is not considered an appropriate response to Council's concerns. The DCP provisions were established for sound planning reasons, and while not technically a consideration in the SSD assessment, Council's

firm view is that greater consideration should be given to the established planning framework for the area.

It is also noted that Council has recently completed the first phase of a Master Plan for the SHIP, which reinforces the need for lower impact uses to act as a transition between residential areas and more intensive uses proposed for the western part of the SHIP. **Figure 3** below shows the subject land within an 'Innovation and Business Park' precinct, and the proposed development is not considered consistent with this precinct.

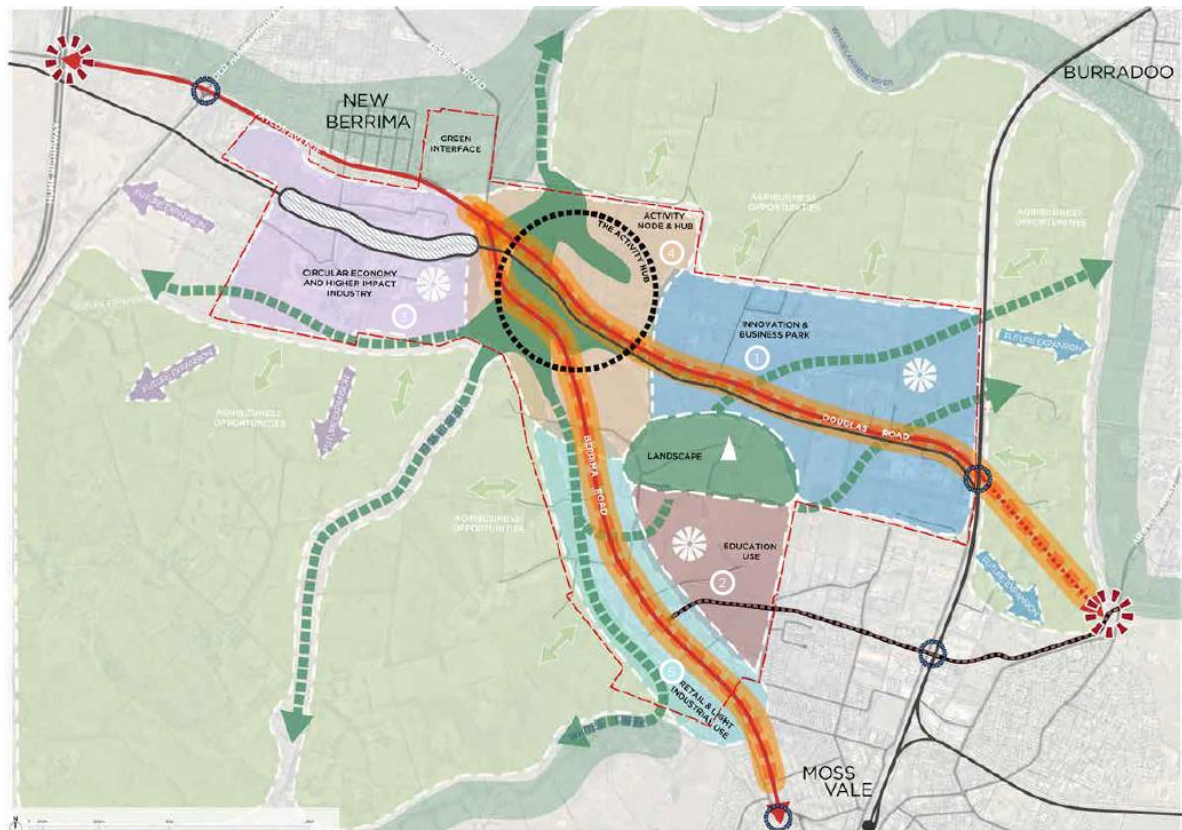


Figure 3 – Phase 1 Master Plan

Infrastructure limitations and capacity issues

Council remains concerned about the significant infrastructure limitations within the SHIP and is not supportive of out of sequence development until the infrastructure limitations have been resolved.

Offer to Enter into Voluntary Planning Agreement

The Applicant has made a formal request for Council to enter into a Voluntary Planning Agreement (VPA), that would commit Council to using its power of compulsory acquisition to acquire the land needed for access to the site (at the cost of the developer), should the developer be unsuccessful in its negotiations to acquire the land directly from the landowner/s.

Council previously considered a report in August 2022 on the VPA where it was resolved that Council consider the outcome/s of the Social Impact Assessment before considering the applicant's request to enter into a Voluntary Planning Agreement and request for further information on water and sewer modelling.

Council understands that an amended SIA is currently being prepared, which may result in significant changes to the proposed development. It is considered premature to formally accept or reject the offer to enter into a Voluntary Planning Agreement until the Social Impact Assessment and Response

to Submissions has been completed to the satisfaction of the Department of Planning and Environment.

Further, it is Council's view that the current offer to enter into a VPA has not adequately addressed or demonstrated how the offer represents a material public benefit. It is noted that the acquisition and construction of the proposed road would be funded by the development, however, that is standard practice (and a requirement) for out of sequence development and does not represent a public benefit outside of what is required for the development to proceed.

COMMUNICATION AND CONSULTATION

Community Engagement

No consultation with the local community occurred as part of the preparation of this report. However, it is recommended that a copy of this report be made available on the project page on Council's website to ensure the community remains informed about the proposal.

Internal Communication and Consultation

This report was prepared in consultation with Council's Environment and Sustainability team, as well as Council's Traffic and Transport team.

External Communication and Consultation

Not applicable in the context of this report.

SUSTAINABILITY ASSESSMENT

Environment

The proposed development raises a number of concerns that have been outlined in Council's submission. The facility, if approved, would be licenced by the NSW Environment Protection Agency (EPA) and they will assume the regulatory role for environmental matters.

Social

The proposed development raises a number of concerns that were outlined in Council's submission. Council remains concerned about the adequacy of the Social Impact Assessment to properly assess the social impacts of the proposed development.

Broader Economic Implications

Not applicable in the context of this report.

Culture

Not applicable in the context of this report.

Governance

Not applicable in the context of this report.

COUNCIL BUDGET IMPLICATIONS

There are no Council budget implications associated with this report.

RELATED COUNCIL POLICY

The proposed development would be located in the Southern Highlands Innovation Park (SHIP). The Moss Vale Enterprise Corridor Development Control Plan (MVEC DCP) outlines the planning framework for the development of this area.

CONCLUSION

This report provides Council and the community with an update on the State Significant Development application for the proposed Plastics Recycling Facility in Moss Vale.

The report recommends that Council write to the Department of Planning and Environment expressing its concerns with the applicant's Response to Submissions, and the ongoing concerns with the proposed development.

ATTACHMENTS

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