

To:
Environment, Planning and Sustainable Development Directorate
Customer Service
GPO Box 158
Canberra ACT 2601

Submission on Materials Recovery Facility – Fyshwick - EIS application 201700053

This is a submission on the draft Environmental Impact Statement (EIS) lodged by Capital Recycling Solutions Pty Ltd regarding its proposed Materials Recovery Facility (MRF).

The draft EIS fails to comply with the *Planning and Development Act 2007* (the Act).

Section 216 (2) (a) of the Act states that a draft EIS must address each matter raised in the scoping document for the development proposal. The draft EIS does not meet that requirement. Please see the discussion below.

The draft EIS fails to comply with the *Planning and Development Regulation 2008* (the Regulation).

Sec 50 (2) (b) of the Regulation requires that the EIS must include a glossary of technical terms and any abbreviations and acronyms used in the EIS. The draft EIS does not meet those requirements. It uses scores of technical terms that are not defined in a glossary.

Sec 50 (2) (c) (vii) of the Regulation requires that the EIS must include the time for implementation of the proposal, including for any stage. The draft EIS does not meet that requirement.

Sec 50 (2) (c) (ix) of the Regulation requires that the EIS must include details of any alternatives to the proposal considered in developing the proposal. The draft EIS does not meet that requirement. It includes only a perfunctory discussion of two alternatives.

Sec 50 (2) (d) (ii) of the Regulation requires that the EIS must include the base information used for predicting each potentially significant environmental impact identified in the scoping document for the EIS. The draft EIS does not meet that requirement.

Sec 50 (2) (d) (iii) of the Regulation requires that the EIS must include the criteria used for assessing the significance of each environmental impact and the performance of any alternative

to the proposal considered under paragraph (c) (ix). The draft EIS does not meet those requirements.

Sec 50 (2) (f) of the Regulation requires that the EIS must include for each potentially significant environmental impact identified in the scoping document for the development proposal—

- (i) an identification of the relevant environmental values; and
- (ii) an identification of the findings and results of any environmental investigation in relation to the land to which the proposal relates; and
- (iii) a description of the effects of the environmental impact (including cumulative and indirect effects) on physical and ecological systems and human communities; and
- (iv) an analysis of the significance of the potential environmental impact of the development; and
- (v) a statement of the approach proposed to be taken to the environmental management of the land to which the proposal relates, including any proposed impact prevention, mitigation or offsetting measures to deal with the environmental impact of the proposal;

The draft EIS does not meet those requirements.

Sec 50 (5) of the Regulation requires that the EIS must be prepared in accordance with any requirement set out in the scoping document for the EIS. The draft EIS does not meet that requirement. Please see the discussion below.

The draft EIS fails to comply with the Scoping Document.

The Scoping Document states that digital files must not exceed 10 MB each. The draft EIS does not meet that requirement. Three of the digital files exceed 10 MB each. See Appendix H - Part 1, Appendix H - Part 2 and Appendix I shown in the partial screenshot below from the ACTPLA website:

Draft EIS and supporting documentation

- [DRAFT-EIS-201700053-01](#)  (7.9 MB)
- [SUPP-201700053-APPENDIX A \(SCOPING DOCUMENT\)-01](#)  (451.1 KB)
- [SUPP-201700053-APPENDIX B \(ENVIRONMENTAL HISTORY\)-01](#)  (355.5 KB)
- [SUPP-201700053-APPENDIX C \(REFERENCE LIST\)-01](#)  (169.7 KB)
- [SUPP-201700053-APPENDIX D \(STUDY TEAM\)-01](#)  (139.0 KB)
- [SUPP-201700053-APPENDIX E \(TRAFFIC ASSESSMENT\)-01](#)  (1.8 MB)
- [SUPP-201700053-APPENDIX F \(VISUAL ASSESSMENT\)-01](#)  (8.2 MB)
- [SUPP-201700053-APPENDIX G \(REMEDIAL ACTION PLAN\)-01](#)  (14.4 MB)
- [SUPP-201700053-APPENDIX H - Part 1 \(ADVICE ON EIS\)-01](#)  (22.3 MB)
- [SUPP-201700053-APPENDIX H - Part 2 \(ADVICE ON EIS\)-01](#)  (19.6 MB)
- [SUPP-201700053-APPENDIX I \(ODOUR IMPACT ASSESSMENT\)-01](#)  (17.0 MB)
- [SUPP-201700053-APPENDIX J \(NOISE MGMT PLAN\)-01](#)  (9.6 MB)
- [SUPP-201700053-APPENDIX K \(BUSHFIRE RISK ASSESSMENT\)-01](#)  (6.2 MB)
- [SUPP-201700053-APPENDIX L \(HEALTH IMPACT ASSESSMENT\)-01](#)  (2.7 MB)
- [SUPP-201700053-APPENDIX M \(CASA ADVICE\)-01](#)  (309.6 KB)
- [SUPP-201700053-APPENDIX N \(COMMUNITY & STAKEHOLDER ENGAGEMENT REPORT\)-01](#)  (5.2 MB)
- [SUPP-201700053-APPENDIX O \(ENVIRONMENT MGMT SYSTEM\)-01](#)  (1.3 MB)

This is not just a technical failure to meet a requirement. The requirement was created for good reasons, one of which is the ability of the public to have reasonable access to the digital files.

The Scoping Document also states that the EIS must be written in plain English and avoid the use of jargon as much as possible. The draft EIS does not meet that requirement. The draft EIS is not written in plain English and it is replete with unscientific gibberish and jargon, much of which is unintelligible, illogical and contradictory.

The proposal is inconsistent with the ACT Government's published strategy for a new rail freight terminal.

The ACT Government published its strategy for a new rail freight terminal. It is titled *Building an integrated transport network – Freight, ACT Government, 2016*. Among other things it states:

While road pavement rehabilitation may be required to restore the Kingston rail yards, prerequisites for a new rail terminal are demanding requiring level land and rail tracks to accommodate freight trains (can be up to 1.8km long) and the upgrading of neighbouring roads and pavements to accommodate trucks delivering or offloading freight. **With only short branch lines in Fyshwick, it is not clear that an alternative location could be found along the corridor, as noted by community input to the freight strategy.** (Page 25) [Emphasis added.]

Hume is the ACT Government's designated industrial growth precinct. The ACT Government is committed to a rolling release of commercial and industrial land in freight and transport hubs such as Hume. (Page 37)

Hume is a high functioning industrial estate that presents greater opportunities for growth than the ACT's other industrial locations – Fyshwick and Mitchell. These have more intensive land use, including significant commercial activity and, as a result, are more constrained. (Page 37) [Emphasis added.]

Fyshwick is not the preferred location for a new rail freight terminal according to the ACT Government's own strategy. The government's own strategy states that Fyshwick and Mitchell have more intensive use, including significant commercial activity and, as a result, are more constrained than Hume. The new industrial suburb of Beard, near the border with Queanbeyan along the existing rail line, would also be a far better location for a new rail freight terminal.

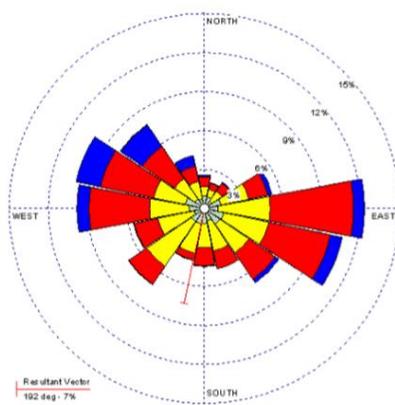
The economic and social impacts could be devastating.

The proposed location of the MRF is amongst a thriving retail, commercial and industrial area that is used by many thousands of people. Putting a garbage processing facility in the midst of this thriving area does not accord with proper planning principles.

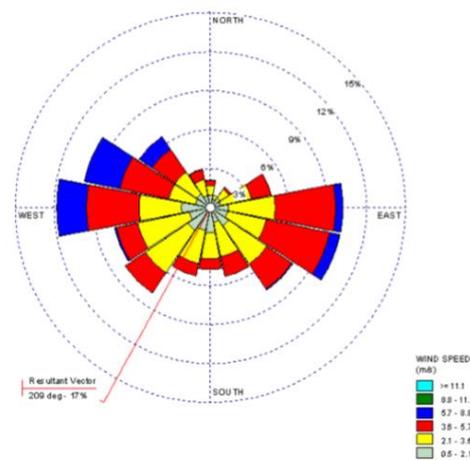
Emissions and odours would blow onto the Fyshwick Fresh Food Markets, just 849 metres from the proposed garbage facility.



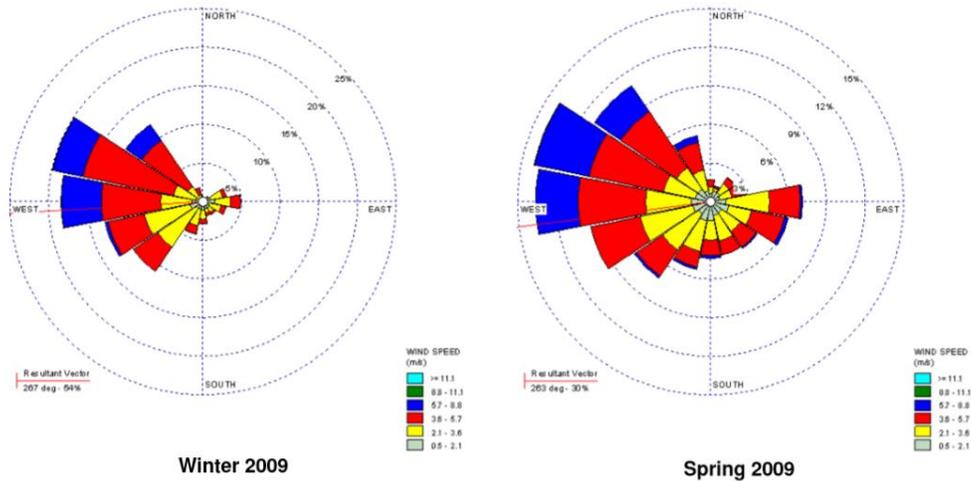
The proposed location of the MRF is just 849 metres East/Southeast of the Fyshwick Fresh Food Markets. During Summer the prevailing winds are precisely from the East/Southeast. During Autumn, significant components of the wind are from the East/Southeast. Please see the wind roses below. Garbage stinks most is hot weather during Summer. Putting a garbage facility directly upwind of, and only 849 metres away from, one of Canberra's two fresh food markets does not accord with proper planning principles.



Summer 2009



Autumn 2009



Source of wind roses: *Molonglo Valley Air Quality Assessment, 16 February 2011* - Prepared for ACT Planning and Land Authority by AECOM Australia Pty Ltd.

Emissions and odours would blow onto residences just 450 metres from the proposed garbage facility.

The draft EIS states that the distance from the proposed MRF to the nearest residence at the Canberra South Motor Park is approximately 450 metres, and the nearest house in the suburb of Narrabundah in Matina Street is approximately 630 metres from the proposed MRF. It is a fact that many more thousands of residences are located within a few kilometers of the proposed MRF. Putting a garbage facility this close to so many residences does not accord with proper planning principles.

Stormwater

The draft EIS's treatment of the risk of polluted stormwater egressing the site is simply pathetic. Among other things, the draft EIS states

6.7.4.2 Risk to Jerrabomberra Creek and Wetlands

As stated previously, conducting the waste unloading, loading and processing within the MRF building and employing mitigation measures such as bunding the perimeter of the MRF building to separate the storm water from any leachate collected in the building means that the residual risk is low.

This statement is vague, unscientific gibberish and jargon, and the draft EIS gives no factual or empirical assurances that polluted stormwater will not egress the site.

Fire

The draft EIS's assessment of the risk of fire is grossly inaccurate and dangerous. Among other things, the draft EIS states

Description			Post-Mitigation Risk Assessment		
Aspect	ID	Risk Scenario	Likelihood	Consequence	Risk Rating
Hazard and risk	HR-1	Plant based or spontaneous combustion fire impacting on the facility and surrounding land uses	Unlikely	Minor	Very Low

The statement that the consequence of fire in the proposed large garbage facility is only minor is contradicted by the fact that the consequences of numerous fires at large garbage facilities in Australia and all around the world have been major and catastrophic.

Traffic

Adding hundreds of large vehicle movements per day in Fyshwick does not accord with proper planning principles. The area is already clogged with traffic at times, especially the intersection of Newcastle Street and Ipswich Street. Access from the North is of special concern. Many trucks going to the proposed facility from the North will have to go through that intersection after exiting the Monaro Highway. Many people have been warning ACTPLA, other Directorates, and Members of the Legislative Assembly about traffic problems. If this facility goes forward and gridlock results, government officials and Members of the Legislative Assembly will catch a lot of well-deserved criticism from the public, and won't be able to say they weren't warned.

Thank you for your consideration of my submission.

Regards

[Redacted Signature]

26 June 2018