

MF24/2903
8 January 2025

Mrs Josephine Beverley
3499 Mayfield Road
TARAGO NSW 2580

Via email: jo@mjblaw.com.au

Dear Mrs Beverley,

Re: Biosecurity Concerns

Thank you for your correspondence of 5 November 2024 regarding biosecurity concerns from a proposed industrial incinerator in your region of Lake Bathurst, Tarago. The Minister has asked me to respond to you on her behalf.

I understand your concerns relate to potential impacts on livestock production from the proposed development of a waste incineration and energy recovery facility in your local area. Although not referred to in your correspondence, we understand this proposed development to be the Woodlawn Advanced Energy Recovery Centre (WAERC), a major project proposed within the 6,000ha Woodlawn Eco Precinct site in the former Woodlawn mine area, 6 km west of Tarago.

The project involves the construction and operation of an energy recovery facility with a capacity to thermally treat up to 380,000 tonnes per annum of residual municipal solid waste and commercial and industrial waste and to generate ~30 MW of electrical energy.

The NSW Department of Primary Industries and Regional Development (the Department), collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

The Department has limited decision-making authority in development assessment processes however we regularly provide advice on planning and development matters which have the potential to impact important agricultural resources and industries.

The Department's advice is guided by section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), where a consent authority is required to evaluate a project's potential environmental, social, and economic impacts and the public interest.

The Department reviewed the Environmental Impact Statement (EIS) for the proposed project in 2022 and note the proposed development was publicly exhibited during this time. The proponent is required to review these submissions and provide a response which may include further amendments. This will require public exhibition and further submissions to the proposal can be provided at this time. I understand that an Amendment Report to the proposal is likely to be lodged next year.

The project, if approved, will need to be consistent with the Environmental Protection Authority (EPA) updated Energy from Waste Policy Statement (2021) (<https://www.epa.nsw.gov.au/your-environment/waste/waste-facilities/energy-recovery>) and NSW Government's Energy from Waste Infrastructure Plan (2021) (<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/waste/21p3261-energy-from-waste-infrastructure-plan.pdf>). The new emissions standards in the EPA policy have been reviewed by the NSW Chief Scientist and Engineer to ensure they meet and/or exceed world best practice.

Biosecurity

Good biosecurity practices help protect our economy, environment and community from pests, diseases, weeds and contaminants.

The *NSW Biosecurity Act 2015* was introduced to prevent, eliminate and minimise biosecurity risks, including adverse effects on the economy, environment or community. The Act applies a general biosecurity duty (GBD) on producers, communities and industries to prevent, eliminate or minimise biosecurity risks that could result in adverse effects, including (but not limited to):

- a. the introduction, presence, spread or increase of a disease or disease agent into or within the State or any part of the State, or
- b. the introduction, presence, spread or increase of a pest into or within the State or any part of the State, or
- c. on animals, plants or animal products becoming chemically affected.

An animal or plant, or a product of an animal or plant, is chemically affected if it contains a contaminant and, as a result –

- a. it is or is likely to become unfit for sale or export for human consumption, or
- b. it is or is likely to pose a danger to human health or to the environment, or
- c. it is or is likely to be detrimental to export or other trade.

A Human Health Risk Assessment (Appendix P of the EIS - <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-21184278%2120221013T070653.009%20GMT>) examined the impact to agricultural land uses including crops and water sources surrounding the project. The EIS indicated that there is a very low to negligible risk associated with chemical contaminants issuing from this facility and that these would not affect the organic status of primary producers in the area. This is pursuant to the

facility meeting emission standards established by the NSW EPA. Specific questions in relation to emissions should be directed to the NSW EPA Environment Line on **131 555** or email info@environment.nsw.gov.au.

I note your specific concerns in relation to PFAS and PFOA contamination. Section 4:10:3 of the [human health assessment](#) (<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-21184278%2120221013T070653.009%20GMT>) details the potential for PFAS contamination to agricultural commodities and risks to human health. Per- and poly- fluoroalkyl substances (PFAS) are a group of chemicals that include perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA) and perfluorohexane sulfonate (PFHxS). PFAS are very stable chemicals that do not easily break down and can persist for a long time in the environment. PFAS are widely present in the environment at low levels, due to their widespread use and persistent nature.

New health standards have recently been released (June 2024) with regards to PFAS. It is unknown whether this has been considered as part of the revised technical studies to be exhibited as part of any amended proposal or response to submission however a revised risk assessment on this aspect of the analysis will be recommended to the proponent as part of our submission if this has not occurred. The Department will provide a further assessment of any revised studies as part of the next phase of the development application process in relation to potential impacts on agricultural production in the area.

Soil contamination

The PFAS National Environmental Management Plan (PFAS NEMP) provides a practical basis for nationally consistent environmental guidelines and standards for investigating, assessing and managing PFAS waste and contamination.

The Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) recently released the [draft PFAS NEMP version 3.0](#) (NEMP 3.0) (<https://www.dcceew.gov.au/environment/protection/chemicals-management/pfas>). You can find more information on the [DCCEEW page](#) (<https://www.dcceew.gov.au/environment/protection/chemicals-management/pfas>).

There are currently no Australian or international restrictions on the production, movement or sale of animals or any animal products from areas affected by PFAS. Department of Primary Industries and Regional Development is assisting the Environment Protection Authority (EPA) who is leading the NSW Government's response to PFAS contamination.

Specific and general precautionary advice to reduce exposure continues to be provided by NSW EPA in communities where PFAS contamination has been identified and investigation areas established. DPIRD Agriculture and Biosecurity has published PrimeFact 1611 PFAS contamination and animal health (PUB18/415; https://www.dpi.nsw.gov.au/__/data/assets/pdf_file/0009/822798/PFAS-contamination-and-animal-health.pdf).

It is recognised that contaminants can be ingested by grazing animals through soil and plants. Should the proposal be approved, soil testing is recommended to provide a baseline for continued monitoring.

Water quality

The National Health and Medical Research Councils Australian Drinking Water guideline values for PFAS chemicals are under review with updated (lower) values included (public consultation closed 22 November 2024 -<https://www.nhmrc.gov.au/health-advice/environmental-health/water/PFAS-review>, <https://www.nhmrc.gov.au/health-advice/environmental-health/water/PFAS-review/draft-fact-sheet>). Due diligence would require consideration of the updated guidance as part of any revised studies to be undertaken for the project.

Specific water quality concerns for the proposal should be addressed to the NSW Department of Climate Change, Energy, the Environment and Water on 1300 081 047 or via their Contact Us page: [Contact us | NSW Government Water \(https://water.dpie.nsw.gov.au/about-us/contact-us\)](https://water.dpie.nsw.gov.au/about-us/contact-us).

Should you wish to discuss this matter further, I have arranged for Ms Selina Stillman, A/Manager Agricultural Land Use Planning, to be available on 0412 424 397 or landuse.ag@dpird.nsw.gov.au.

Yours sincerely,



Darren Bayley

A/Executive Director, Agriculture
Agriculture and Biosecurity
NSW Department of Primary Industries
& Regional Development