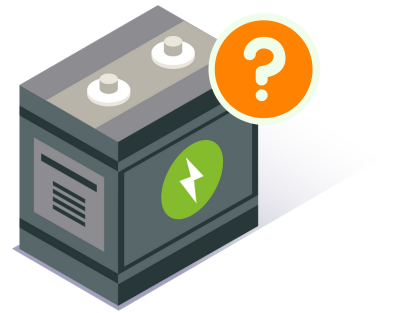


PROPOSED USED LEAD ACID RECYCLING FACILITY



Q&As

The following questions/key themes were raised in ULAB community information session held on 6 August and the Councillor Listening Posts held on 11 and 13 August.

If you feel there is any question from these sessions that has not been responded to, please do not hesitate to contact officers directly

USED LEAD ACID RECYCLING FACILITY



Q&As

THEME ONE

EPA WORKS APPROVAL/LICENSING ISSUES (HEALTH IMPACTS)

"How can the community be protected. Will emissions cause health risks to our grandchildren in future years?"

"Will the EPA wait until they have updated the legislation from 40 years ago on lead pollution?"

"How are you going to monitor the toxic emissions?"

"Does the Council have the power to impose monitoring and testing regimes on the Chunxing ULAB? I.e. Can the Council subject the Chunxing ULAB to tighter monitoring controls via soil testing and air emission monitoring then is legislated by the EPA?"

"Does the Council plan to assess lead exposure currently in the Latrobe Valley- via soil testing and voluntary blood tests of community members? In their application Chunxing ULAB refers to the Yallourn and Loy Yang power stations as regular lead emitters (150kg per year

for Yallourn alone). Has surrounding residential, schools, parks and public spaces been tested to see impact of exposure? Does the Council plan to do this to adequately assess the impact of the ULAB in the region?"

"The impact to community health"

"Past history of Lake Macquarie NSW. Do people know? Safety issues? Environmental / local / lead pollution / employee safety?"

"What impact can this have on local waterways?"

"The proponent is applying for an exemption from a license that will require monitoring. Is this a concern for the Council? If the EPA provides an exemption do the Council have the right to request greater monitoring?"

"Is the WAA going to hold them to the current proposal e.g. plant life, future expansions?"

"Is the EPA Works approval still open to the community to appeal?"

"I had a friend who ran out of time for the EPA so just to clarify - she can definitely still submit?"

"What are Council and EPA doing to ensure their decision fully ensures the protection of the people from pollution?"

"Could you please comment on the smells given off by these kinds of plants? One would assume heating of metals that have been submerged in sulphur for years would result in a strong 'rotten egg' smell blanketing Morwell. Do the scrubbers totally remove these kinds of substances?"

RESPONSE

A works approval application (WAA) has been submitted to Environment Protection Authority Victoria (EPA) who will consider the environmental effects of the proposal, including air and noise emissions from the facility, and waste and environmental management of the proposed facility, including impact on spills on waterways. It is considered unlikely that the EPA will update their guidance in relation to the matter prior to making a decision on the WAA.

If a works approval is issued by EPA, any licence for the facility will include discharge limits that match those assessed in the WAA application. The WAA details that an Emergency

Management Plan, which incorporates fire risk, will be developed as part of the development of procedures and systems for workplace health and safety if the proposal gains all regulatory approvals.

In conjunction with EPA, licence holders are required by licence conditions to undertake a monitoring program to confirm compliance with the licensed discharge limits; these are not conditions that will be imposed by Latrobe City Council (LCC) if a planning permit was to be issued.

The public submission period for the WAA closed on 30 July 2020 in saying that a decision has not been made on the WAA and there is nothing prohibiting community members making submissions to EPA.

USED LEAD ACID RECYCLING FACILITY



Q&As

THEME TWO

PLANNING PERMIT APPLICATION PROCESS

"Information on overall process."

"What is the estimated time frame for the planning permit decision re: Chunxing?"

"As people are unable to view the plans in person, how can Latrobe City Council assure (with evidence) that the proposal is safe and not simply going by the words of the proposing entity?"

"Is it normal for the proponent to get so many chances to provide new info with both the Council and the EPA?"

"If EPA approve or refuse the Works approval Application how will this impact Councils decision on the application?"

RESPONSE

Application lodged:

Applicant lodged application with LCC on 3 February 2020.

Preliminary Assessment:

A preliminary assessment of the application was undertaken. Further information was requested on 27 February 2020. A partial response to this request was made on 22 April 2020 with the request being satisfied on 5 August 2020.

Referral of Application:

Under the Latrobe Planning Scheme (the Scheme) the application was required to be referred to the EPA.

Advertising Period:

The proposal is exempt from notification under Section 52 of the Planning and Environment Act 1987 (the Act), and exempt from review from third parties under Section 82 of the Act.

Detailed Assessment:

A detailed assessment of the proposal against planning policy contained in the Scheme is undertaken.

Time for a Decision:

Once all matters have been finalised an officer's report with a recommendation will be referred to a Council Meeting for a decision.

The Act allows for further information to be asked of an applicant and sets out a minimum time frame for the applicants to provide a response. Following an initial review of the application it was considered that the documentation submitted to LCC was not sufficient for a decision to be made in relation to the planning permit application. A further information request was made requiring plans to be amended to fix errors and include additional details/notes and also requiring additional information regarding threshold distances to sensitive uses.

The applicant submitted their response to the further information request on 5 August 2020.

LCC are currently reviewing all information provided to date and the exact date of when the matter will be referred to a Council meeting for consideration will be confirmed when officers are confident that they have all the necessary information to make an assessment on the application.

EPA provided a referral response to the proposal on 25 February 2020 detailing that *"EPA have no concerns with Council issuing this permit, pending the outcome of the Works Approval"*. Both a Works Approval and a planning permit are needed to operate the facility. If the EPA Works Approval was not approved any planning permit would not be able to be activated.

A copy of the plans submitted for the proposal can be viewed on our website:

www.latrobe.vic.gov.au/proposeddevelopments

USED LEAD ACID RECYCLING FACILITY



Q&As

THEME THREE

ASSESSMENT OF THE PLANNING PERMIT APPLICATION

"Under what criteria are the Council assessing the suitability of the ULAB? (ie. What are the criteria that the planning process takes into account)?"

"What policy and guidelines will the application be assessed on? ie. What criteria does the project need to meet?"

"Is community sentiment a criteria for the assessment? Is community opposition enough to allow the Council to deny the permit? ie. If the Council assesses community as being overwhelmingly opposed to the proposal- is this enough for the permit to be denied?"

"What incentives are there for Latrobe City Council to approve the application in view of all of the disadvantages and objections from the local community?"

"How does ULAB fit into LCC development plans?"

"When assessing the proposal is it enough for Councillors that the community opposes the project to decline the permit application? ie. Can Councillors decline it on community opposition alone?"

"Can LCC place conditions on the permit regarding rehabilitation of the land once the plant closes?"

"Does Council planning consider the existing or future compatibility of a ULAB facility to other uses within the Industrial Zone 2 - given this is a prescribed facility?"

"Will the Council consider other things such as community feeling, future community direction, image of the valley? Not just technically meeting EPA standards and monetary value?"

"Do emergency services get consulted in the process? They will be the ones that would have to respond if ever anything went wrong."

"Will Council be considering (assuming EPA approved the works approval application) or still have the option to decline the PP application, are they going to take into consideration things other than just meeting EPA standards, such as community feel, image of the valley, liveability, future direction of Latrobe Valley, and how something like this would continue the direction we've had instead of creating something new. A wider array of concerns, will they all be considered? Or will it just going to be based on that technically it falls in EPA standards and that's the only consideration?"

"Given the existing Industrial zoning - what are planning rules which must be complied with?"

"Do Council know that the proponent want to expand the existing facility?"

RESPONSE

The planning permit application will be assessed against the Latrobe Planning Scheme (the Scheme) and the views of referral authorities, with EPA being a referral authority for the proposal. Of particular note are the 'Decision Guidelines' of the Industrial 2 Zone. The 'Decision Guidelines' require the following to be considered when deciding on an application:

Use of land:

- The Municipal Planning Strategy and the Planning Policy Framework.
- "The suitability of the industry or warehouse being located in the core of the zone, where the land is more than 1500 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone.....and the industry or warehouse is a purpose which is listed in the table to Clause 53.10 as requiring a threshold distance of less than 1500 metres, or is not listed in the table".
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.

Buildings and works:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The suitability of the proposed buildings or works for the types of industries and warehouses shown in the table to Clause 53.10.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor Storage.
- Lighting.
- Stormwater discharge.

LCC will also consider the submissions made by the community and other documents such as *EPA Publication 1518 of March 2013 Recommended separation distances for industrial residual air emissions* (EPA 2013), *State Environment Protection Policy (Air Quality Management)* and other relevant adopted documents of LCC. It should be noted that LCC have to consider the proposal in front of them and the future expansion of the facility is not included in the current proposal and therefore not relevant to the consideration of the current planning permit application.

If a planning permit is approved, appropriate conditions will be considered including requiring the land to be rehabilitated once the plant closes to its current state.

The new *Environment Protection Amendment Act 2018*, which will come into effect on July 2021, will contain general environmental duty (GED) requiring the proponent for the facility to effectively manage any land contamination if it occurs.

USED LEAD ACID RECYCLING FACILITY



Q&As

THEME FOUR

BUFFER DISTANCES

"What is the required buffer zone for the plant?"

"Distance / buffer zone: how can you justify a safe zone when within 5km you run into - the Princess Hwy, fast food restaurants, Mid Valley, Hospital, yogurt factory, industry estate, Hazelwood North, Morwell Township and close surrounding towns like Traralgon?"

"How can you put a number on distance when we know what effects lead has on human health and the environment?"

"What is an adequate buffer zone for a toxic heavy metal other than atmospheric deposition (and modelling limitations) given lead dusts will remobilisation and redistribution from soils in dry conditions or in wildfire events?"

"Is there an available site not so close to schools and homes?"

"Are there other possible sites in the Latrobe Valley that aren't near a school and homes?"

"How can the community be protected. Will emissions cause health risks to our grandchildren in future years?"

"...Industrial 2 zone, speaks about which does not affect the safety and amenity for surrounding areas, this is a big concern for local residents that it is affecting their safety and amenity – could this be addressed? Had discussion with scientist on distance from homes, schools etc, advised separation distance is important, even within 5km, wind extremes pushing pollution to a much broader area, including hospitals and other schools."

"I was under the impression that lead wasn't included in Clause 53.10 but rather it fell under "non-ferrous" metals as default? Is this correct?"

"The reason I ask is that aluminium has a threshold of 2km. Is lead included in non-ferrous not because 500m is suitable but because lead wasn't considered?"

"There are many schools, kinders and uni high schools in a close range to the ULAB if it was approved."

"The school was there first, started in 1881, shouldn't it have preference?"

RESPONSE

The activities proposed in the facility are identified in Clause 53.10 - Uses with Adverse Amenity Potential of the Scheme which are Victorian Planning Provisions (so state-wide provisions). There are two separate threshold distances based on the proposal activities with Clause 53.10:

- Non-ferrous metal production – requires a 500m threshold distance; and
- Materials recovery and recycling component - None specified.

As the materials recovery and recycling facility aspect of the proposal does not have a specified threshold distance, the planning permit application was referred to EPA under Section 55 of the Act who is the determining referral authority. The Department of Environment, Land, Water and Planning (DELWP) has recently reviewed Clause 53.10,

including threshold distances and relevant impacts. The outcomes of this work were used alongside EPA advice to inform the proposed threshold distances found in Clause 53.10.

A referral response was provided by EPA on 25 February 2020 detailing that they had no concerns with LCC issuing a planning permit, pending the outcome of the WAA.

LCC have to consider the application submitted; the proponent for the facility has made a site selection and LCC have to consider the proposal on that land, being Fourth Road, Hazelwood North. Consideration will be given to the surrounding uses and the safety and amenity of the local community.

To assist in informing their consideration of the planning permit application, in particular threshold distances, LCC have engaged an

Environmental Consultant to undertake an independent review of the proposal documentation to assist in informing any decision made in relation to the planning permit application.

USED LEAD ACID RECYCLING FACILITY



Q&As

THEME FIVE

ZONING OF LAND

"If the project ends up being rejected, would the Industrial 2 zoning be reassessed so this process doesn't repeat itself again?"

"Perhaps the question is why were residential lots developed near an industrial estate / Level 2 zoning?"

"Why was the industrial zoning placed near farm land? Hazelwood North was farming land way before industry came along."

"What sort of industries can be located in an Industrial 2 Zone?"

RESPONSE

Currently LCC has no plans to re-assess the zoning of this land.

The existing precinct is identified in the Scheme for 'Large Format Industry / Heavy Industry' and is part of the Morwell to Maryvale Industrial corridor. The Industrial 2 Zone identifies the 'uses' allowed to be located in this area, including those which require a permit (Section 2 Uses) i, a copy of the table of uses can be found https://planning-schemes.delwp.vic.gov.au/schemes/vpps/33_02.pdf

There are current industrial businesses that exist within this precinct, both in the Industrial 1 Zone and Industrial 2 Zone land. There is unlikely to be a more suitable zone for these industries, it is also unlikely due to the

nature of some of these industries that this land could be suitable for any other use. Since at least 1949, the land has been designated for industrial purposes.

The land to the east of Tramway Road is located in the Farming Zone and not identified for 'residential purposes' but for agricultural activity and associated uses. It is likely that prior to the establishment of the industrial precinct along Tramway Road that the land was used for agricultural purposes.

USED LEAD ACID RECYCLING FACILITY



Q&As

THEME SIX

SUBMISSIONS TO THE PLANNING PERMIT APPLICATION

"There's been 2 separate businesses plus workers at the transfer station who work or do business with Council who have thought there would be consequences to their career that would be noted there would be some sort of reprimand for objecting, clearly people aren't aware of this, what are the Council doing to dispel this myth?"

"What are the rules around submitting objections? I have had people from 3 separate organisations say that they can't submit objections because they do business with the Council and it may hurt their career. I think this is blatant bullying and not allowed, what is the Council doing to oppose/counteract this?"

"Do we just write a submission letter or is there a form?"

"Do you summarise submissions in favour of the proposal?"

"When does the public submission time end for the LCC objections?"

"Will the submissions be available online for community to see like EPA?"

"Does section 52 prevent the community from going to VCAT if they are not happy with Council's decision?"

"Why do the people not have the right to object?"

"Even though we can't appeal to the Council/VCAT can't we still appeal to the State Minister?"

"So then where can community appeal to?"

"Have Emergency Services being referred the planning permit application?"

"Has the application been referred to Professor Michael Abramson to understand the cumulative health impact of the proposal?"

"If the application is appealed to VCAT can community members attend the hearing?"

RESPONSE

The planning permit application is exempt from the notification requirements and review rights for third parties under the Planning and Environment Act 1987 (the Act), in saying that, to date 66 community members have made submissions to LCC with 64 of these submitters objecting to the proposal.

EPA are the only statutory referral authority for the planning permit application and as the application is exempt from notification it has not been referred to other agencies or individuals.

There is nothing stopping any individual party or company putting in a submission to LCC on the matter as many have already. Submissions can be received up until Council make a decision. Submissions must be:

- made in writing; and
- contain the name and address of the person making the submission.

Submissions can be emailed to ulabsubmissions@latrobe.vic.gov.au or via post to C/-Statutory Planning Team PO Box 264, Morwell VIC 3840

Given the level of concern raised by community members, Councillors facilitated Listening Posts via Zoom to hear community sentiment in relation to the application.

Submissions can and will be presented to Councillors for their consideration. However, an application must be approved with conditions or refused based on planning grounds.

The Scheme outlines that as the permit is exempt from notification that it is also exempt from being reviewed under section 82(1) of the Act at VCAT. If Council refuse to grant a permit the applicant can appeal this decision to VCAT. Hearings are generally open to

the public and conducted at 55 King Street, Melbourne, noting that at this time due to COVID-19 restrictions hearings that are proceeding are being held by phone or via video conference.

The Minister for Planning can call in any application to make a decision in relation to whether it should be approved with conditions or refused.

USED LEAD ACID RECYCLING FACILITY



Q&As

THEME SEVEN

FUTURE OF LATROBE VALLEY – HEAVY INDUSTRY VS SUSTAINABLE GREENER INDUSTRY

"Australia already has a lead legacy don't make it worse and destroy Latrobe Valley."

"Explain - Latrobe city already is a hotspot for Sulphur dioxide why contribute by building a lead smelter."

"Tell me why you would build a lead smelter in Latrobe City? After the legacy Latrobe City already has been through - Hazelwood mine fire, dirty industry?"

"Latrobe City quotes - "Living Well Latrobe is our community's health and wellbeing plan"... "we were told that the biggest factors that contribute to our health are - being connected, being active, feeling like we belong, mental health, the ability to learn and find work

and feeling safe in our homes and our community" - explain to me how a lead smelter fits into Latrobe city's values? I don't feel safe."

"Latrobe Valley's new slogan "visit Latrobe City home of a Lead smelter."

"How will this proposal fit with Latrobe City Wellbeing project/amendment?"

"Is Latrobe City still looking at liveability?"

RESPONSE

From a high level perspective there is a significant investment in the liveability of Latrobe City from Council, State and Federal Government. This investment can be seen in the development of the new Performing Arts Centre, Aquatics and Recreation Infrastructure across the municipality and the improvements to hospitals and rail from State Government investments.

In relation to the planning permit application, LCC need to consider the proposal on its merits and against the Scheme and will consider relevant adopted documents including *Living Well Latrobe Health and Wellbeing Plan*.

USED LEAD ACID RECYCLING FACILITY



Q&As

THEME EIGHT

ECONOMIC IMPACTS

*"How many jobs will be created?
[Consider that closing pokies would
yield 500+ new jobs annually...and
better healthier businesses]"*

*"Our real estate is already low....now
coal will be replaced by lead pollution?"*

*"How are you going to support the
community when house prices drop?"*

*"How many of the jobs will be awarded
to locals? After being at the meetings
at Hazelwood North, I remember the
proposers were considering bringing
workers in and from overseas."*

*"Has an Economic Benefit Assessment
been undertaken to measure the
benefits of the proposal against the
impacts on Latrobe City if the project
goes ahead?"*

RESPONSE

The applicant has detailed that there will be an investment of \$40 million from the development of the facility and that they expect that the facility will employ 50 people including lab staff and administration. At any given time there will be a maximum of 26 staff onsite during the day, which reduces to 12 onsite in the afternoon and night.

There may be some degree of local employment but LCC does not have the power to assert requirements through the planning permit process.

Property valuations are not a consideration in the assessment of the planning permit application.

USED LEAD ACID RECYCLING FACILITY



Q&As

THEME NINE

EXISTING LAND CONTAMINATION

"Is the land contaminated?"

"How will workers be protected during the construction of the facility given the land is contaminated?"

RESPONSE

The land at Fourth Road, Hazelwood North has an Environmental Audit Overlay (EAO) applied to the whole of the land. An Environmental Audit was carried out on the land in 2008 and a Statement of Environmental Audit was issued on 29 September 2008. The audit statement details that:

"The site is suitable for the beneficial uses associated with Commercial and Industrial land uses, subject to the following conditions attached thereto:

- a. *Groundwater shall not be extracted (withdrawn) from the site for uses other than clean up or monitoring without testing of its suitability for the proposed use.*
- b. *Site development protocols must take into account the requirements of the Environmental Management Plan (EMP) attached to this Statement of Environmental Audit and the presence of aesthetically-impacted material at the site.*
- c. *The site owner/occupier shall notify the responsible authority and EPA when construction of the capping layer across the "building restriction zone" shown in Figure S2 and as described in the EMP is completed.*

- d. *No buildings with enclosed spaces shall be constructed within the boundaries of the "building restriction zone" as shown in Figure S2, unless a risk assessment including consideration of vapour risk is conducted that indicates it is safe to do so.*

- e. *If the owner/occupier undertakes the redevelopment of the part of the audit site that includes the "building restriction zone" (other than construction of the capping layer referred to above), the owner/occupier must review the suitability of the EMP for the proposed development.*

- f. *The owner/occupier shall notify EPA and the responsible authority of any significant revision to the EMP."*

The full Environmental Audit Statement, including the Environmental Management Plan and appendices, is available on the EPA portal <https://portal.epa.vic.gov.au>

If a permit is issued for the proposal, a condition will be placed on any permit issued requiring that the development of the facility is carried out in accordance with the provisions of the *Environmental Audit Statement* and *Environmental Management Plan* conditions.

In addition, the plans submitted for the proposal identify "building restriction zones"; one is a rectangular area located adjacent to the northern boundary and the other is a 45m x 45m square adjacent to the southern boundary, with no proposed buildings or works to occur in these areas.

USED LEAD ACID RECYCLING FACILITY



Q&As

THEME TEN

LACK OF TRUST/ DATA IN THE PROPONENT

"Why a Chinese company?"

"Explain how you can trust the Chinese government - when they don't have a clean record. When no one has visited the Chinese plant. Trust?"

"Is there an issue that all information about the plant is from the proponent & we need to take them at face value? The Independent health study was only based on information from the

proponent & not peer reviewed."

"The only other plant is in China, no other country has adopted this technology, Chunxing told us that."

RESPONSE

Chunxing Corporation Pty Ltd is a registered Australian Proprietary Company.

In terms of the data used to inform the WAA, if the data is 'wrong', during the commissioning process, the environmental performance requirements as outlined in the WAA would not be able to be met. The onus would be on the proponent to rectify the performance so that the commissioning requirements are satisfied.

If this could not occur the proponent would need to seek an amendment to their WAA to seek to increase or alter an existing discharge to the environment, or change the way in which waste is treated or stored.

USED LEAD ACID RECYCLING FACILITY



Q&As

OTHER THEMES

OTHER THEMES RAISED IN SUBMISSIONS TO DATE:

"How are you going to support mental health and well-being of the community when children/ unborn children develop lead poisoning, young couples who want to start a family?"

"Does Council consider existing regulatory lead limits suitable?"

"Are there any similar plants recycling lead in Australia? To use as a guide?"

"Has Councillors looked at the submissions to EPA including from the Health Assembly, John Catford"

"Did Council approach Chunxing to come to Latrobe?"

"Who originally owned the land?"

"Given current COVID restrictions could Council use their Sister Cities relationships to do some ground truthing of the facility in China?"

"How would emergency services be able to deal with road traffic accidents from trucks carrying batteries to the facility and refined lead travelling from the facility?"

RESPONSE

In relation to the environmental impacts of the proposal, LCC has engaged an independent Environmental Consultant to undertake an independent review of the WAA documentation. This review is being undertaken to assist in informing any decision made in relation to the planning permit application.

It is anticipated that as part of the review the Consultant will look at other similar facilities in Australia.

LCC did not approach Chunxing to establish the proposed facility in Latrobe City.

Land transfer details are publically available at www.landata.vic.gov.au

The purpose of the "Sister Cities" relationship is to foster international exchange and cooperation in the fields of economy, trade, science and technology, cultural exchange, education, sports, health and people. This relationship does not assist in the assessment of the application which is considered solely on its merits as per the information provided in support of it by the applicant.

Emergency services current turnout procedures for hazardous chemicals are prescribed and if an incident were to occur it is anticipated that appropriate measures would be implemented as per existing procedures.