

**Submission  
No 667**

## **INQUIRY INTO PROPOSED ENERGY FROM WASTE FACILITIES**

**Name:** Mr Michael Beverley

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## Legislative Council of NSW Inquiry into Proposed Energy from Waste facilities

### SUBMISSION

Michael Beverley

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30 October, 2025

#### Acknowledgement of Country

I acknowledge the Traditional Custodians and First Peoples of NSW and their continued connection to their country and culture.

#### Introduction

As a local primary producer resident of Mayfield Road, Tarago and having been actively encouraged many years ago by the then NSW Government to decentralise, move to the country and enjoy the business opportunities, activities and clean air living way of rural regional life, I have a specific interest in the industrial proposal by the French transnational company Veolia Environmental Services (Australia) Pty Ltd ('Veolia') to build and operate an industrial Energy from Waste (EfW) facility near my home at Tarago.

It raises many challenging issues and questions including:

Firstly, the very core of the objectives under the Protection of the Environment Administration Act 1991 (POEA Act) is:

- to protect, restore and enhance the quality of the environment in NSW, having regard to the need to maintain ecologically sustainable development; and
- to reduce the risks to human health and prevent the degradation of the environment.

Secondly, as mere custodians, we all have a responsibility to protect our land together with the region's human, animal and environmental health.

To this end, one is reminded that when Aboriginal people speak about 'Country' they speak of places, lands, skies and beings, held together through ancestral connection, custodianship and deep responsibility recognising that every single one of us, whatever our relationship to the land we are on, has responsibilities and relationships to maintain.

#### Background

The Tarago/Lake Bathurst region is some 40 km's south of Goulburn (the home of 'the Big Merino'). The 'Big Merino' is in Goulburn for a reason. Furthermore, as one enters both the Tarago and Lake Bathurst townships one is greeted by a welcoming sign to a 'Country Lifestyle'. This region is currently confronted with the industrial concept that there is presently a large hole (arising from failed mining operations) being filled with someone else's rubbish and as the hole fills up, there now appears a need to 'light a match' so that more room can be made for the disposal of more of someone else's rubbish.

In late 2022 Veolia exhibited a State Significant Development Application (SSD 21184278) described as an 'Electricity Generation' development type being the construction & operation of an energy recovery facility (ERF) with a capacity to thermally treat up to 380,000 tpa of residual municipal solid waste and commercial & industrial waste and to generate ~30 MW of electrical energy.

There were multiple formal objections lodged in December, 2022 opposing this Veolia ERF application.

Notably, by letter dated 22 December 2022 (the Letter) (REF1) in response to the exhibit, the NSW Department of Planning and Environment wrote to Veolia clearly requiring further and better particulars from Veolia as identified and detailed in the Letter. Almost 3 years has elapsed since the issue of the Letter plus the lodgement by the community of multiple objections to the Tarago EfW project. The apparent continual failure by Veolia to constructively communicate and consult with an anxious local community (let alone Government) remains unacceptable.

### Public Interest

Veolia claims (REF2) that on balance its proposed Tarago EfW industrial project be considered in the public interest. Veolia claims to be an existing industrial enterprise having been around the area for nearly 2 decades, ignoring of course to acknowledge the greater number agricultural and primary producers within the district existing for many more decades than Veolia.

The only public interest could possibly come from residents in Sydney disposing of their garbage to a place out of sight, out of mind arising from the inadequate waste environmental practices of Greater Sydney local councils, together with Veolia profiting from the exercise in doing so.

In *Addenbrooke Pty Ltd v Woollahra Municipal Council* (REF3) the NSW Land & Environment Court determined (inter alia) that the provision of public benefits was insufficient to satisfy a SEPP and that public benefits had to outweigh other considerations. Positive elements of a proposal were simply not enough.

Even though this case related to SEPP legislation and that the proposed Veolia industrial EfW project is in SSD territory, the principles are the same. Just as there may be positive elements of the Veolia EfW proposal, this does not mean they outweigh the positive benefits currently existing and being generated by the existing significant primary production and local community of the Tarago region which has been in existence for many decades and certainly a lot longer than Veolia.

It would be fair to say that public officials have an overarching obligation to act in the public interest, as the primary purpose of non-elected public officials is to serve the public.

It is noted that the Environmental Planning and Assessment Act 1979 is the primary land use planning statute in NSW. Its Objects include (inter alia);

- to promote the social and economic welfare of the community and a better environment via the proper management, development and conservation of the State's natural and other resources;
- to facilitate ecologically sustainable development by considering economic, environmental and social factors in planning decisions;
- to promote the best use of land;
- to promote sharing of planning responsibility between different levels of government;
- to allow better community participation in environmental planning and assessment.

The Environmental Planning and Assessment Amendment Bill 2017 made amendments to the Act. The purpose was to:

- enhance community participation;

- promote strategic planning;
- increase transparency and accountability in decision making;
- promote simpler, faster processes.

There is a high level of community awareness of Veolia's proposed Tarago EfW industrial project with overwhelming community and surrounding response ranging from strenuous objection to downright fury on all aspects of the proposal. The Veolia EfW proposal does not offer the community of Tarago nor its surrounding local and regional communities anything more favourable than what currently exists and is therefore not in the public interest.

### Performance of Technologies

I will allow the more informed to comment on specialised ERF technical matters including thermal technology and 'state of the art' facilities.

However, my observation is that the inception of the Tarago EfW facility was probably conceived around 2019. Since then Veolia has produced material (primarily consisting of assumptions, estimates, predictions and models) dating from 2019 through to 2022.

It is noted that in 2019 Apple introduced the iPhone 11. Some 6 years later in 2025 Apple, has introduced the iPhone 17. Meaning much has happened with the development of world and 'state of the art' technology during this time and indeed accelerated (including AI) since we last heard from Veolia in 2022.

It begs the question just how up to date is the information and 'state of the art' technology upon which Veolia relied in their 2022 submission and continues to rely. Indeed, how up to date will this technology be by June 2026 after the conclusion of the deliberations and findings of the Select Committee?

In a recent Victorian case *Anderson v PWM (Lyndhurst) Pty Ltd (REF4)* during the trial proceedings, the defendant Veolia and its subsidiary (inter alia) was found to have engaged in serious misconduct when it briefed one of the expert witnesses with out-of-date data regarding the performance of the LGF extraction system at the relevant landfill site in Hampton Park.

Of particular concern, the trial judge Justice McDonald noted in his judgement (inter alia) 'Through the evidence of Mr Lane (the expert) in his report of 5 June, 2023 Veolia sought to neutralise a key issue in the case. It nearly succeeded in doing so'.

The trial judge further noted that the briefing with out-of-date data had seriously prejudiced the conduct of the proceedings.

### Spread of predicted emissions

Incinerating waste pollutes the environment with a variety of toxic chemicals including dioxins, furans, PCBs, PFEAs and mercury in volumes contributing to biodiversity loss. Both fly ash and bottom ash arising from the incineration process are highly contaminated with dioxins and other chemicals.

Why do these EfW facilities have chimney stacks if there are no emissions? The Tarago district and surrounding region is a well-known region susceptible and exposed to high and damaging winds. During these extreme weather conditions particularly, any emissions to the air cannot possibly be fully controlled, no matter the methods of monitoring.

### What is the Purpose/Performance of the EfW Facility Proposed by Veolia at Tarago

Is it a EfW facility or just simply an incinerator?

Veolia proposes to convert from the industrial waste facility, 380,000 tonnes of waste into electrical energy, powering 40,000 homes throughout the surrounding region. It proposes an EfW process offering

‘new technology in Australia’ (not so new elsewhere in the world) with a more sustainable waste management technique and yet Veolia after many years, still has not identified just precisely how it will connect to the electricity network to achieve the purpose of the EfW facility.

Reference by Veolia in its published EfW proposal to ‘reducing reliance on fossil fuels and being cleaner than gas and coal fuel alternatives’ would imply that the EfW process is ‘green’.

Surely if the proposed Tarago EfW project is about converting usable energy from waste, then it must be a condition precedent that Veolia be able to and indeed connect to the grid. To properly validate or support the project as a ‘green energy generator’ Veolia needs to connect the facility to the grid. Without a connection, then the facility is simply a waste incinerator and places the project at the bottom of the waste hierarchy. It also means Veolia lose the veil of ‘green’ which in turn exposes the company to ‘greenwashing’ which of course is an offence.

Representatives of Veolia claim it is grossly misleading and incorrect to call its Tarago EfW proposal an incinerator and yet at the time of presenting its EIS in 2022 there was no certainty of connection to the grid and some 3 years later that uncertainty remains.

### Air Quality

Veolia’s Tarago EfW proposal notes that air quality has been assessed in accordance with NSW EfW policy. Notwithstanding the assessment, the fact must be that irrespective how good the technology, particulate matter and specific compounds such as dioxins, ammonia, sulphur dioxide and furans will be emitted into the local atmosphere. This will ultimately mean that no matter how good the policing, the emission of compounds not currently emitted from the industrial site and will expose the wider ranging communities to a health risk that is not currently present. This is hardly an example of reducing the risks (or potential risks) to human health.

The Veolia EfW proposal of itself involves the submission of numerous assumptions, predictions and models all of which cannot reflect nor allow for ‘real world’ considerations such as human error, accident, malfunctions, events beyond control and dear old Mother Nature. It is not a matter of what happens if, but a matter of what happens when.

For example, one is reminded of the catastrophic damage arising from the ‘Currandooley’ fire initiated by an electrocuted crow at the Woodlawn wind farm in 2017 and without being too dramatic, Chernobyl was not supposed to happen either.

What happens if in fact there is a waste sorting malfunction during the processes and that asbestos (for example) does in fact end up where it should not. What happens?

CATTI (a local anti-incinerator organisation) researched over an 18-month period, which showed that the industrial incinerator would emit harmful pollutants: acid gasses; heavy metal particulates (mercury, lead, and cadmium); and persistent organic particulates (dioxins, furans, PCBs, PFEAs). These can cause illness and death from respiratory problems (asthma, lung disease, breathing difficulties), strokes, cancer, heart disease, and heart attacks. CATTI also states that the NSW Government has stated that “for some common air pollutants, there is no safe threshold of impact”. According to CATTI’s emissions modelling, these pollutants will spread throughout the ACT, Bungendore, Goulburn and the Southern Tablelands region, contaminating water and food supplies.

In the end, the rain comes down ....

### Impact on human health

The Veolia EfW proposal at Tarago referenced (inter alia) that sulphur dioxide has a short-term effect on the respiratory system with children and people over 65 years of age as well as people with existing health conditions.

Well, my wife and I are well over 65 years with existing health conditions and have children and grandchildren visiting us at our Tarago primary producing property on a regular basis. Now what?

There also remains to be insufficient evidence of certainty for long term health effects and therefore the community is exposed to an unknown level of risk or harm or potential risk or harm.

I read that a systematic review (REF5) in 2019 by various stakeholders of the health impacts of waste incineration, found that “there is insufficient evidence to conclude that any incinerator is safe”, and that “contamination of food and ingestion of pollutants is a significant risk pathway for both nearby and distant residents”.

This extremely serious issue cannot be glossed over and surely calls for an immediate moratorium to be placed on all EfW proposals in NSW until such time as independent public health assessments be properly conducted and form part of the overall EfW assessment process.

Impact on local agriculture – No Farms, No Food

Within a 40-kilometre radius of the proposed Veolia EfW proposal at Tarago there is approximately 65,000 HA of active agricultural land and enterprises valued at some \$700M with farming activities including sheep, wool, cattle, chickens, cropping and associated employment support.

The Veolia EfW proposal raises numerous concerns (without explanation) as to the adverse impacts to which agricultural practices will be exposed and the uncertainty of how the statutory authorities and biodiversity regulators will react.

It is noted that the Veolia EfW Tarago site is within the Sydney water catchment precinct and our surrounding agriculture relies upon this bore water. Any impact of potential leaching now or in the future, of highly toxic substances into this aquifer (including Crisps Creek, Mulwaree Ponds and Taylors Creek) would be catastrophic.

The Tarago and surrounding communities comprise many diverse walks of life. We all contribute and add social and environmental value to our region. There are those in the farming and agricultural industry where history and establishment go back many generations. Indeed, we are now seeing the next generation with young families coming through making an outstanding contribution to the NSW food chain environment.

There are also others who are more recent arrivals or been here for ever, doing their own thing in making significant community contributions. We all work hard in doing what we do and what we believe in. But in the end, we are all entitled, each and every one of us, to have clean, healthy, non-pollutant air without compromise, risk or potential risk, harm or potential harm.

Impacts of waste dumping in the Tarago region

EPA breaches – Veolia constantly breaches its EPA licence requirements and the EPA rules and regulations. Almost contemptuously Veolia continues to disregard its fiduciary duty and obligations and would rather simply make the ‘commercial decision’ to pay the insignificant statutory fines for breach rather than follow best practice principles and properly address the source of the breach.

Leachate – failures by Veolia to responsibly manage leachate levels as evidenced at its Tarago and also at Raymond Terrace facilities in NSW as recently as 2024. Just one instance of leachate is too many.

Incidence of Odour - we are encouraged to report all incidence of odour to the Woodlawn Bioreactor Community Feedback OR the EPA. There is constant odour. There is no point reporting it as no one does anything nor can do anything to eliminate it. In any event, the EPA has just announced an 8% job cut, so now there will be less people to take the call.

Harm – there has been damage to vegetation and to the amenity of neighbouring land surrounding the Woodland precinct which of itself has also become most unsightly. One should always train the way one plays. If you keep the place in a mess, that’s the way you’ll play.

Traffic and road safety - garbage is being delivered to the Woodlawn precinct at an ever increasing and accelerated rate, not only by rail but also by an increasing number of trucks which now are the size of AB doubles. Our local roads are simply unable to cope with this constant flow of heavy vehicles to and from Goulburn and Bungendore.

It is obviously apparent that particularly Braidwood, Bungendore and Collector roads and others around the surrounding district are currently inadequate to cope with the amount of increasing heavy vehicle use and are in an unsafe condition. There is a failure to properly repair and maintain existing community infrastructure. A proper and formal planning road, safety and maintenance agreement must be initiated, prepared, and adopted.

Housing - there are existing housing and accommodation shortages and stress within the Tarago community and surrounds.

#### Alternative solutions

Arguably the 'proximity principle' should be reconsidered and each local council community should be responsible for its own waste management. I understand for example, that our own local council Goulburn Mulwaree manages its own waste without relying upon the Woodlawn Eco-Precinct.

The NSW Government is at the waste management crossroads, and it is now time for the NSW government to call upon Sydney local councils to control and improve their waste management practices, rather than providing the quick fix of shipping it, dumping it and then burning it in Tarago, Parkes, West Lithgow or Tomago.

If the NSW Government's plans are for accelerated housing precincts and for thousands of new dwellings to be constructed in say the Woollahra and Ku-ring-gai municipal areas how is the waste that will obviously be generated to be managed.

I read that some critics of incineration claim that the incineration process (inter alia) ultimately encourages more waste production because incinerators require large volumes of waste to keep the fires burning, and authorities may opt for incineration over recycling and waste reduction programs.

I further note that the ACT government has placed a ban on waste incineration for energy production, arising from significant opposition by local communities to a series of proposed industrial projects in the national capital. The fear of potential toxic pollution created through the burning of rubbish was the primary reason for community opposition. I understand the prohibition on waste incineration projects has been included in the 2020-2025 waste management policy published by the ACT government.

I also read, that the ACT government's waste policy states that "an important element of this policy is that it respects the waste hierarchy. Waste reduction, reuse and recycling of materials will take PRECEDENCE over energy recovery applications. Thermal treatment of waste including incineration, gasification and pyrolysis will not be permitted in the ACT".

I further read that if we exploited every available opportunity to recycle the plastic, metal, glass, rubber and other non-organic waste that gets discarded, and if we composted as much of our excess organic matter as we conceivably could, zero waste supporters say, we could cut our garbage production by as much as 80 percent.

From a cost-efficiency standpoint, embracing the zero-waste philosophy would surely make more sense.

I note the very close proximity of the Tarago region to the Canberra CBD and the closer proximity to the ACT border.

I also understand that completely contrary to the ACT, the NSW Government currently supports thermal energy recovery as a residual waste management option, but ONLY where it can deliver positive outcomes for the community and human health and the environment are protected.

I read that an analysis of future residual waste infrastructure needs in the NSW Waste and Materials Strategy 2041 shows that a mix of potential infrastructure solutions are needed. The Strategy recommends a limited number of new energy from waste facilities will be needed to manage residual waste in NSW.

However, I also read, that all energy from waste facilities proposed for NSW must comply with relevant planning and environmental legislation, including public consultation requirements, and the NSW Energy from Waste Policy Statement, which sets out technical, operational and pollution control criteria

and contains air emissions standards that meet and exceed world best practice. If this is so and world's best practices are being implemented, then why are alternative locations not being considered, let alone alternative locations closer to the source of or proximity to the waste.

Begs the obvious question doesn't it. "If they aren't safe for Canberra and Greater Sydney, then surely they aren't safe anywhere." If indeed the EfW facilities are safe, risk free and harmless then every Local Government Area (LGA) in Greater Sydney should have an EfW facility to manage the garbage and waste generated by each LGA.

Sadly, it would appear not, as it is proposed that an industrial-scale waste incineration close to the homes of thousands of regional and country people who are totally reliant for example, on rainwater collected in household tanks, for drinking.

I cannot understand why one State has a policy completely contrary to that of a neighbouring State/Territory. Nonetheless community safety, risk and wellbeing cannot be compromised in any circumstance. We all have a duty of care to each other.

Other related matters

Veolia – Credentials & Corporate Accountability Observations

If EfW facilities are to be implemented then surely the 'track record' must be asked of those charged with the responsibility for the implementation, construction, managing and on-going maintenance of such facilities.

Veolia is a water, energy and waste management multinational corporation holding itself out as experts and accredited specialists. The corporation states on its website and offers:

- 'sustainable water services and innovative technology. Veolia leads the way with reliable water solutions for a better future.
- comprehensive waste management services to businesses. Our Commercial Waste Collection solutions ensure efficient & sustainable waste disposal.
- We combine innovative technologies & technical expertise to create energy solutions & services for municipal, commercial & industrial operations.'

It is noted that the Mission Statement of Veolia recites for the benefit of their CUSTOMERS and claims, that it balances 'the needs of growth with environmental sustainability and community acceptance'.

The proposed high temperature incineration facility at Tarago will be in addition to the existing waste management processes operated by Veolia at Woodlawn that it says it has been undertaking for more than 20 years. Sadly, during these years of operation Veolia has faced multiple breaches of environmental regulations, non-compliance issues and failures to properly disclose and communicate, resulting in significant fines and legal scrutiny relating to its waste management practices.

Consistently poor performance over the past 20 years not only creates reasonable doubt of Veolia's capabilities to properly manage and control its existing Tarago operations, but it also questions Veolia's capability to safely, effectively and responsibly manage and control a proposed and more complex and high-risk high temperature waste incineration process.

Confidence and trust in Veolia from the local Tarago and surrounding community appear to no longer exist. The concerns are all about risk, potential risk, harm and potential harm.

The concerns are hardly helped by Veolia nor its administration when it attempts to use the local monthly newspaper 'The Tarago Times' as a purported means of communication or consultation with the community.

An example of the confusion being created by Veolia to the local community is evidenced in The Tarago Times (REF6) when Veolia claimed:

'You can be sure, ash will definitely not fall from the sky'.

This statement appears next to an artist's impression of the proposed ARC at Woodlawn proudly showing a chimney stack. This remark seems consistent with Veolia's modus operandi – 'rubbish'.

As previously mentioned, in the recent Victorian case *Anderson v PWM (Lyndhurst) Pty Ltd* (REF4) it is noted that on 18 July 2024 the Victorian Supreme Court found that Veolia and one of its subsidiaries breached the conditions of its landfill operating licence together with the general environmental duty (GED). The relevance of this case is:

- This is the first substantive decision under the relatively new GED provision in the Environment Protection Act 2017 (Vic) (Act) (REF7) since that Act came into effect in Victoria on 1 July, 2021.
- The Act is the primary law for protecting human health and environment from pollution and waste in Victoria. Its key features include a shift to preventative, risk-based approach with a new general environment duty (GED) a tiered permissions system, modernised enforcement and update rules for contaminated land and waste management. The Act imposes duties on ALL Victorians including government, businesses and the community.
- In assessing the GED claim, the Court was required to determine whether Veolia was engaging in activity that may give rise of 'harm' to human health or the environment from pollution or waste AND whether Veolia took steps which were reasonably practicable to mitigate the risk of that 'harm'.
- In its consideration of the potential risks of 'harm' arising from Veolia's landfill activities, the Court specified the types of 'harm' to which the landfill activities may give rise and noted that the application of Section 25 of the Act was 'future focussed' and risk-based, not outcomes-based, meaning that actual 'harm' is NOT required to establish a breach.
- The Court found that Veolia in this case was engaging in activities which gave rise to risks of 'harm' to vegetation and 'harm' to the amenity of neighbours' land.
- This decision suggests that the Victorian Courts are likely to take an expansive view in assessing the risks of 'harm' and the practical steps to mitigate those risks under the Act and that failing to comply with the conditions of a licence may trigger a breach of the GED and 'harm' could be interpreted to include potential adverse effects even where those effects have not yet materialised.
- Another extremely disturbing factor of this case is that during the trial proceedings, Veolia was found to engage in serious misconduct when it briefed one of the expert witnesses with out-of-date data regarding the performance of the LGF extraction system at the relevant landfill site.
- I read, that the trial judge Justice McDonald stated in his judgement (inter alia) 'Through the evidence of Mr Lane (the expert) in his report of 5 June, 2023 Veolia sought to neutralise a key issue in the case. It nearly succeeded in doing so'.
- The trial judge further noted that the briefing with out-of-date data had seriously prejudiced the conduct of the proceedings.

Putting to one side in this case just for a moment, Veolia's breach of its landfill operating licence, together with engaging in serious misconduct during the trial proceedings, the case introduces another principle in the protection of our lands together with that of human, animal and environmental health.

That is, the risk of harm shall include potential adverse effects even where those effects have not yet materialised. Evidence of actual harm is not required to establish a breach.

Another example of Veolia expertise and (in this instance) 'leading the way with reliable water solutions for a better future' is the never-ending water crisis in the City of Flint, Michigan USA. Here Veolia has denied responsibility and liability and yet after more than 10 years Veolia has undertaken the 'commercial decision approach' and negotiated financial settlements with the Flint community including the most recent settlement with some 25,000 Flint residents of US\$53M in early 2025.

## Conclusion

Veolia's Tarago EfW proposal of itself involves the submission of numerous assumptions, predictions, estimates and models all of which cannot reflect nor allow for 'real world' considerations such as human error, accident, malfunctions, events beyond control and an Act of God.

It is not only a matter of risk or harm, but also a matter of potential risk and potential harm.

Furthermore it does not seem credible, neither technically nor morally, that the value of the human, cultural and physical environment in and around any district or region of NSW (including the precincts of Tarago, Parkes, West Lithgow & Tomago) should be placed at any risk whatsoever, let alone be deemed worth any less than any other district or region of NSW (metropolitan or otherwise) let alone that of Australia. To suggest for instance, that the proposed Veolia EfW project in Tarago is 'on balance' green and completely safe, risk free and harmless is nothing short of risible.

Ultimately, community and environmental safety, risk and wellbeing are paramount and cannot be placed at any risk or harm nor compromised in any circumstance, no matter the legislation. Again, we all have a duty of care to each other.

## References/End Notes

REF1 - Letter dated 22 December 2022 (as published on the NSW Governments Planning Portal – Major Projects) Chris Ritchie, Director of Industry Assessments of the NSW Department of Planning and Environment to Ms Kathryn Whitfield, General Manager Business Development, Veolia

REF2 – Woodlawn Advanced Energy Recovery Centre – Environment Impact Statement prepared by EMM Consulting Pty Limited on behalf of Veolia Environmental Services (Australia) Pty Limited and dated October, 2022.

REF3 - Addenbrooke Pty Ltd v Woollahra Municipal Council [2008] NSWLEC 190

REF4 - Anderson v PWM (Lyndhurst) Pty Ltd [2024] VSC 417

REF5 - The review, by academics from the Australian National University Medical School, the Public Health Association of Australia, and Council of Academic Public Health Institutions Australia, was published in the Australian and New Zealand Journal of Public Health in 2020 and referenced by the NSW Government Chief Scientist and Engineer in his report to the NSW Minister for Environment that same year.

REF6 - the October 2023 edition of The Tarago Times.

REF7 - Environment Protection Act 2017 (Vic)