

Lucas Heights Resource Recovery Park

Proposal Title : **Lucas Heights Resource Recovery Park**

Proposal Summary : **The proposal seeks to facilitate the expansion and modification of the Lucas Heights Resource Recovery Park by enabling 'Waste or resource management facility' as an additional permitted use for the site under Sutherland Shire Local Environmental Plan 2015 (Sutherland LEP 2015).**

PP Number : **PP_2015_SUTHE_003_00**

Dop File No : **15/16945**

Proposal Details

Date Planning : **02-Dec-2015**

Proposal Received :

LGA covered :

Sutherland

Region : **Metro(CBD)**

RPA :

Director General, Department of

State Electorate : **MENAI**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **New Illawarra Line Road**

Suburb : **Lucas Heights**

City :

Postcode : **2234**

Land Parcel : **Lot 101 DP 1009354, Lot 3 DP 1032102, Lot 2 DP 605077**

DoP Planning Officer Contact Details

Contact Name : **Louise Starkey**

Contact Number : **0292286580**

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RPA Contact Details

Contact Name :

Contact Number :

Contact Email :

DoP Project Manager Contact Details

Contact Name : **Martin Cooper**

Contact Number : **0292286582**

Contact Email : **martin.cooper@planning.nsw.gov.au**

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **No**

If No, comment : **The Department's Code of Conduct has been complied with.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Sydney Region East Branch has not knowingly met with or communicated with any lobbyist in relation to this planning proposal.**

Supporting notes

Internal Supporting Notes :

The planning proposal supports a State Significant Development Application (SSD) for the Lucas Heights Resource Recovery Park (Lucas Heights RRP) which is currently under assessment by the Department. The application proposes to increase waste processing capacity and involves re-profiling the existing landfill, expanding the composting facility and constructing and operating an Advanced Resource Recovery Technology facility. The planning proposal is required to facilitate some of the activities proposed under the SSD application. Following closure of the landfill, the site would be rehabilitated to create 124 hectares of parkland for community use. The Environmental Impact Statement (EIS) for the project is currently on public exhibition until 18 December 2015.

The Lucas Heights RRP is located on Little Forest Road, Lucas Heights in the Sutherland local government area, approximately 30km south of the Sydney CBD. The residential suburb of Barden Ridge is located 3 km to the north-west and Engadine is about 2.2 km to the south-west.

The landfill originally opened in 1987 with composting and resource recovery operations added to the facility in 1999. The Lucas Heights RRP consists of approximately 205 ha in two ownerships. 89 ha is owned by SITA and 116 ha owned by Australian Nuclear Science and Technology Organisation (ANSTO) and leased to SUEZ for waste management or other agreed purposes. Approximately 55% of the Lucas Heights RRP area is within the 1.6 km buffer zone surrounding the ANSTO facility.

The facility is owned and operated by SUEZ (formally SITA Australia) and processes approximately 630,000 tonnes per year of municipal solid waste from the Sydney basin for recycling or disposal. The maximum permissible acceptance rate to the Lucas Heights RRP in accordance with the existing conditions of consent is currently 630,000 tonnes per year, comprising 575,000 tonnes of waste for disposal and 55,000 tonnes of material for recycling.

The residential suburb of Barden Ridge is located 3 km to the north-west and Engadine is about 2.2 km to the south-west. The Lucas Heights RRP site currently contains a resource recovery centre, waste collection point, landfill, garden organics facility, renewable energy production, heavy vehicle parking and community use areas (PCYC Mini bike Club).

The site neighbours Sydney International Clay Target Association (SICTA) to the north west

Lucas Heights Resource Recovery Park

towards Heathcote Road. The proposal encroaches onto a portion of land leased by SICTA which currently operates as part of the shooting range. The implications for the shooting ranges lease arrangements and site operations are discussed under s117 Direction 3.6 Shooting Ranges.

The intent of the planning proposal is supported as:

- it facilitates expansion of the Lucas Heights RRP site which aims to provide landfill disposal for Sydneys growing population;
- the Lucas Heights RRP plays a strategically important role in Sydneys waste disposal network and without the planning proposal to allow additional permitted uses on the site, many aspects of the SDD would not be realised;
- the land use intensification is not incompatible with the existing operations on site or surrounding land uses;
- the proposal is generally consistent with relevant strategic planning framework; and
- the proposal will assist in achieving strategic targets for the diversion of waste from landfill each year.

External Supporting Notes :

SUEZ (formally SITA Australia) and Sutherland Shire Council have submitted a State Significant Development (SSD) application to increase the quantity of waste processed at the Lucas Heights Resource Recovery Park.

The proposal is classified as State Significant Development and has a capital investment value of \$100 million and would create an additional 60 jobs in the area. As part of the SSD application, the approved quantity of waste landfilled at the site is proposed to increase from 575,000 to 850,000 tonnes per year. This would enable the reprofiling of the site to be completed in 2037.

Therefore the SSD project would extend the life of the existing landfill from 2024 to 2037 and is currently under assessment by the Department. The proposal includes a number of activities including increasing the landfill capacity by re-profiling the existing landfill, relocating and expanding the existing garden organics facility and constructing a new advance resource recovery facility to recover more resources from the waste material. The facility would operate until 2037 and would then be rehabilitated to create 124 hectares of parkland for community use. The planning proposal is required to support activities proposed under the SSD application.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of this planning proposal is to facilitate the expansion and modification of the existing Lucas Heights RRP, zoned SP1 Special Activities (Waste Recycling) and RE1 Public Recreation under the Sutherland LEP 2015.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : To achieve this objective, the planning proposal seeks to insert the following clause in part 6 local provisions of Sutherland LEP 2015:

6.23 Lucas Heights Resource Recovery Park

(1) In this clause, Lucas Heights Resource Recovery Park Map means the Sutherland Local Environmental Plan 2015 Lucas Heights Resource Recovery Park Map.

(2) The objectives of this clause are as follows:

(a) To improve the resource recovery capabilities of the Lucas Heights Resource Recovery Park,

(b) To increase the waste disposal capacity of the Lucas Heights Resource Recovery Park to meet the needs of Sydney,

- (c) To ensure that quality open space for recreation purposes is achieved following the closure of the Resource Recovery Park,
 - (d) To ensure landfill is of a type and degree of compaction that is capable of supporting the future use of the land for recreation purposes,
 - (e) To minimise the environmental impacts of the continued operation of the Lucas Heights Resource Recovery Park on local residents and the environment.
- (3) This clause applies to the land shown as "Lucas Heights Resource Recovery Park" on the Lucas Heights Resource Recovery Park Map.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to the development of land to which this clause applies for the purposes of a waste or resource management facility.
- (5) Development consent must not be granted under subclause 4 unless the consent authority is satisfied that the objectives of this clause are met.

DISCUSSION:

The intent of the proposal is to permit 'Waste or resource management facilities' on the Lucas Heights RRP site to enable activities proposed under the SSD application to be carried out. The mechanism proposed achieves the intent of the proposal and provides a set of objectives for the development of the site. Notwithstanding, it is considered that listing 'Waste or resource recovery facility' as an additional permitted use in Schedule 1 is also a satisfactory mechanism to achieve the proposals intent. This would be accompanied by identifying the applicable area on the relevant Additional Permitted Uses map.

Therefore, it is recommended that the Gateway determination require the planning proposal be updated prior to public exhibition, to remove the proposed mechanism and provide the intent of the proposal in plain English only. The most appropriate mechanism can be established through the legal drafting process.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney
3.6 Shooting Ranges

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Further justification for the inconsistency with section 117 direction 3.6 Shooting Ranges is recommended to be required as a condition of the Gateway determination.

The objective of this direction is to maintain appropriate levels of public safety, reduce landuse conflict and identify considerations for proposals adjacent to an existing shooting range. This direction applies when an authority prepares a planning proposal that will alter, create or remove a zone or provision relating to land adjacent to a shooting range. The shooting range site is currently in the ownership of SUEZ (proposal applicant), and is leased to and operated by Sydney International Clay Target Association (SITCA).

The proposal identifies that it will encroach on the southern boundary of the shooting range, however it is not expected to reduce operational activities of the shooting range. Notwithstanding, it is anticipated that the proposal may have implications for the lease agreement currently in force between SUEZ and SICTA (active until 2025), specifically in relation to the southern portion of the shooting range directly impacted by the proposal and any future extensions to the timeframe. The proposal does not appear to have direct implications on the lease between SICTA and Sutherland Shire Council regarding land to the north of the shooting range.

The proposal is considered inconsistent with this direction as it facilitates an expansion of the Lucas Heights RRP by permitting more intensive land uses than those currently permitted under the existing zone. The planning proposal does not adequately justify the inconsistency with this direction. Therefore, it is recommended that the Gateway require the planning proposal be updated prior to public exhibition to justify that this inconsistency is of minor significance or justified by a strategy.

The planning proposal is considered consistent with all other relevant s117 directions and SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal is accompanied by a maps showing:

- the site location;
- the extent of the Lucas Heights Resource Recovery Park to which the proposal applies;
- existing key infrastructure and facilities; and
- zoning under Sutherland LEP 2015

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal recommends a 28 day community consultation period. This is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Sutherland Shire Local Environmental Plan 2015 was notified on 23 June 2015.

Assessment Criteria

Need for planning proposal : The Lucas Heights RRP is one of two main active putrescible waste (waste from Municipal & commercial industrial sources) landfills in Sydney and plays a strategically important role in Sydneys waste disposal network. The Lucas Heights RRP has the longest lifespan of

the two landfills (currently expected to cease in 2024) and is a critical piece of Sydney's waste infrastructure.

The proposal aims to facilitate expansion of the facility and to provide landfill disposal capacity for Sydney's growing population. An additional 58 million tonnes of waste is expected to be generated by Sydney due to population growth during the facility's operational lifespan.

The planning proposal is required to permit a "waste or resource recovery facility" (which includes 'resource recovery facility' and 'waste disposal facility') on the site. There is a current development consent in place for the existing operations however, the planning proposal is a necessary mechanism (running along side a State Significant Development application) to enable expansion of the facility. The site's land zoning under Sutherland LEP 2015 does not permit some of the proposed land uses and without the planning proposal, many of the aspects of the State Significant Development and its proposed activities, could not be realised under the existing LEP.

Consistency with strategic planning framework :

NSW 2021: A PLAN TO MAKE NSW NUMBER ONE

The proposal is generally consistent with the aims and objectives of the plan as it:

- assists in reducing waste generation and keeping of materials by facilitating the construction of the Advanced Resource Recovery Technology (ARRT) facility; and
- the facility will divert up to 140,000 tonnes of waste from the landfill per year.

A PLAN FOR GROWING SYDNEY

The proposal does not undermine the goals and aims of the Plan. Specifically, the proposal is consistent with the following actions and directions:

- Direction 4.3 Manage the impacts of development on the environment; and
- Action 4.3.2 Identify and protect land for new waste management facilities.

The proposal facilitates the expansion of a critical piece of Sydney's waste management and recycling infrastructure and accommodates landfill disposal capacity for Sydney's growing population.

SUTHERLAND COMMUNITY STRATEGIC PLAN 2030

The proposal is generally consistent with the aims of Council's Community Strategic Plan. The strategy identifies that 66 percent of domestic waste and 76 percent of commercial waste is to be diverted away from landfills. The proposal will assist in achieving these targets by enabling the expansion of the facility, catering for waste increase due to a growing population, construction of ARRT facility for resource recovery and the continued management of waste within the local government area.

OTHER

The proposal is also consistent with the National Waste Policy: Less Waste More Resources 2009 and State Waste Policy: NSW Waste Avoidance and Resource Recovery Strategy 2014-21.

Environmental social economic impacts :

ENVIRONMENTAL

The planning proposal accompanies the SSD application which includes an Environmental Impact Statement (EIS) supporting the project. Ecology investigations were undertaken as part of the EIS process, and found that a moderate diversity of flora and fauna were recorded within the project footprint with two threatened species recorded in this area. An additional four threatened species were recorded further toward the eastern boundary and may occur within the project footprint. With the identification of threatened species recorded on the site there is the potential adverse impact on these ecological communities. However, these are considered low when placed in the context of the existing approved operations of the site. As the site is currently operated as a waste management facility, this planning proposal is not considered to generate any significant new impacts to those already experienced on the site.

However, it is noted the proposal aims to extend the lifespan of the Lucas Heights RRP site and delay remediation for community use from 2024 until 2037, which would extend the time frame over which existing environmental impacts are experienced.

The site contains no known Aboriginal and non-Aboriginal heritage items and low potential for any unknown items due to the existing disturbance under the current operations of the Lucas Heights RRP site.

The proposal may also result in the following environmental impacts:

- construction and increased operational impacts such as noise, air quality and odour;
- increased vehicular movements;
- changes to storm water flows, leachate flows and potential impacts on ground water;
- visual impacts and vegetation clearing; and
- increased potential to impact on existing bush-land (including its flora and fauna) through the expansion of the facility and lifespan of its operation.

Environmental impacts will be assessed by the Department in parallel with this proposal under the SSD application process. The SSD application process will consider the EIS and accompanying environmental investigations in significant detail prior to determination of the application. Any potential adverse environmental impacts experienced from the activities proposed will have mitigation and management measures applied through appropriate conditions contained within the instrument of approval.

The proposal would also provide for the site the following environmental benefits:

- increased capacity for resource recovery during operation of the Lucas Heights RRP and increased diversion of waste from landfill through construction of the ARRT facility;
- re-profiling of the landfill will assist surface water run off, more efficient collection of greenhouse gasses produced by decomposition, decreased amount of leachate generated and a reduction in potential odour and greenhouse emissions; and
- following the closure of the Lucas Heights RRP the site will be suitably remediated for passive public recreational uses in 2037.

SOCIAL AND ECONOMIC

The proposal has the following social and economic impacts:

- delays the remediation of the site and dedication back to the community for public recreational purposes by 13 years (from 2024 until 2037); and
- has potential conflicts with lease arrangements and operations for a small portion of the SICTA operated site currently leased as a shooting range.

The proposal has the following social and economic benefits:

- prolongs the operation of the Lucas Heights RRP site from 2024 until 2037 catering for waste disposal and resource recovery needs of Sydney's growing population;
- has a capital investment value of \$100 million and results in increased employment opportunities (60 additional jobs) for the local government area during construction and operation of the Lucas Heights RRP site;
- Council and the proponent have identified that they will enter into a Voluntary Planning Agreement which will provide social infrastructure benefit to the community; and
- following closure of the landfill, the site would be rehabilitated to create 124 hectares of parkland for community use and provide social infrastructure such as paths, picnic areas, facilities and open space.

The proposal provides numerous social and economic benefits by providing increased waste disposal and resource recovery which caters for Sydney's growing population within Sutherland Shire local government area and the greater Sydney basin.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority
Consultation - 56(2)(d)
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover letter.pdf	Proposal Covering Letter	Yes
LHRRP Planning proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **4.4 Planning for Bushfire Protection**
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney
3.6 Shooting Ranges

Additional Information : **It is recommended that the planning proposal proceed subject to the following:**

1. The planning proposal is required to be updated prior to public exhibition to:
• remove all reference to the proposed Part 6 Mechanism and describe the intent of the planning proposal in plain English with an accompanying application map; and
• provide justification of the proposal's inconsistency with section 117 Direction 3.6 Shooting Ranges.

2. The planning proposal is to be publicly exhibited for a minimum of 28 days.
3. The planning proposal be completed within 9 months of the date of the Gateway determination.
5. A public hearing is not required to be held into the matter.
6. Consultation be undertaken with the following stakeholders:
 - a, Australian Sporting Clays Sydney;
 - b, Sydney International Clay Target Association (SICTA);
 - c, Macroni Clay Target Club;
 - d, Sydney Clay Target Club;
 - e, NSW Field and Game Association;
 - f, Sutherland Shire Council;
 - g, Environmental Protection Authority (EPA);
 - h, Office of Environment and Heritage (OEH);
 - i, NSW Roads and Maritime Services (RMS);
 - j, Department of Primary Industries (DPI);
 - k, Sydney Water;
 - l, Sutherland PCYC; and
 - m, Australian Nuclear Science and Technology Organisation (ANSTO).

Supporting Reasons :

- The intent of the planning proposal is supported as:
- it facilitates expansion of the Lucas Heights RRP site which aims to provide landfill disposal for Sydneys growing population;
 - the Lucas Heights RRP plays a strategically important role in Sydneys waste disposal network and without the planning proposal, many aspects of the SSD would not be realised;
 - the land use intensification is not incompatible with the existing operations on site or surrounding land uses;
 - Sutherland Council provided preliminary support for the SSD application's submission to the Department;
 - the proposal is generally consistent with relevant strategic planning framework; and
 - the proposal will assist in achieving strategic targets for the diversion of waste from landfill each year.

Signature:



Printed Name:

MARTIN COOPER

Date:

14/03/2016

