

Attachment 1 – Planning proposal



PLANNING PROPOSAL

Belrose Waste Management Centre – Additional permitted use

18 September 2013

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Introduction

The planning proposal is for the addition of *Recreation facility (outdoor)* as an additional permitted use for the site.

The following outcomes will result from the planning proposal:

- 1) To allow an additional development type as an option once the current landfill operations cease.

Site Context and Location

The subject property is legally described as Lot 2 in DP 1144741 Bundaleer Street, Belrose and is known as the Belrose Waste Management Centre (BWMC).

The site is irregular in shape having an area of 35.3 hectares and characterised by two large plateau (flat) areas of approximately 4.86 hectares, with the remainder of the site consisting of a series of terraced benches falling at relatively steep grades.

A sealed internal road is accessed from Crozier Road via an existing easement for access through the adjacent Lot 1, DP 1144741, on which the Waste Transfer Station and weighbridge is located and separately operated by SITA Australia.

The sealed road also provides access to a biogas power plant operated by EDL Ltd and other infrastructure including a leachate treatment plant and leachate and stormwater dams.

Background

In October 1965 approval was granted by Council for the commencement of land filling operations on the subject site, with subsequent approval granted to WSN Environmental Solutions in 1978 to operate the site as a regional waste facility pursuant to Development Consent DA78/213. The land filling of waste will cease no later than November 2014. Hence, the Waste Assets Management Corporation (WAMC), the current owners of the land, are currently preparing for the future use of the site. This application is part of this future planning and is needed to enable *Recreation facility (outdoor)* as an additional permitted use.

WAMC are considering the construction of a Mountain Biking facilities on the site.

The Planning Proposal

Section 55 (2) Environmental Assessment & Planning Act 1979 outlines what a planning proposal must include. To comply with these requirements, this planning proposal comprises four (4) main parts;

- Part 1 - Objectives or intended outcomes
- Part 2 - Explanation of provisions
- Part 3 - Justification
- Part 4 - Community consultation

Part 1 – Objectives or Intended Outcomes

The objective of the planning proposal is to add *Recreation facility (outdoor)* as an additional permitted use for the subject site in Schedule 1 of the Warringah Local Environmental Plan 2011 (WLEP 2011).

The site currently has approval for use as a landfill facility until November 2014 or when the site reaches its maximum permitted height, whichever comes first. It is likely that operations will continue through to November 2014 and therefore, the owners have commenced planning for the future recreational use of the land.

Part 2 – Explanation of Provisions

The planning proposal is an amendment to the WLEP 2011. Please insert the following into Schedule 1 of the Warringah Local Environmental Plan 2011:

19 Use of certain land at Bundaleer Street, Belrose

(1) This clause applies to land at Bundaleer Street, Belrose, being Lot 2 in DP 1144741, shown as Area 19.

(2) Development for the purposes of recreation facility (outdoor) is permitted with consent.

Lot 2 DP 1144741 (Bundaleer Street, Belrose) should be mapped as "Area 19" on Map Sheets APU_003 and APU_007.

Please be aware that significant changes are being made to Schedule 1 and the APU maps under WLEP 2011 amendment 4 (which is currently with the department). These changes will result in all additional permitted uses being mapped and labelled correctly.

The above explanation matches the changes being made for amendment 4, which should be made prior to this amendment.

The relevant maps for this planning proposal will follow the making of amendment 4 and be forwarded to the Department post gateway determination.

The Planning Proposal will provide certainty to all stakeholders in relation to the future use of the site consistent with that historically anticipated by the previously adopted legislative framework. The proposal will also enable the necessary land use consents to be obtained to facilitate the orderly and efficient recreation facility (outdoor) use of the land in addition to the uses permitted under the provisions of the prevailing SP2 Infrastructure (Waste or Resource Management Facility) zoning, including environmental monitoring and management.

These amendments will facilitate the development of the site in accordance with the objective and intended outcomes of this Planning Proposal.

Part 3 – Justification

A. Need for the planning proposal

Is the planning proposal the result of any strategic study or report?

WAMC have been investigating potential future uses of the land for a number of years in preparation for the completion of land fill operations.

This Planning Proposal seeks to reinstate the post closure recreational use anticipated on this site for the past 23 years, a circumstance prohibited by the recently gazetted WLEP 2011. The land was located within the C7 Bare Creek Locality pursuant to the provisions of the recently repealed Warringah LEP 2000 with the Desired Future Character Statement (DFC) as follows:

The Bare Creek locality will be characterised by undeveloped native bushland on the north-eastern side of the locality and a waste facility and landfill site. Over time the landfill site will be phased out and the area rehabilitated. The waste facility including waste transfer, recycling and processing operations will continue to operate. The rehabilitated landfill site will eventually accommodate recreational uses in accordance with a plan of management for the locality.

On the basis that the cessation of the landfill operation will conclude in November 2014, this Planning Proposal sets out appropriate mechanism to address the future use of the site for recreational purposes.

Accordingly, the Planning Proposal seeks an additional permitted recreational use, consistent with the historical strategic planning for the site.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is the best means of achieving Council's intended outcomes, for the following reasons:

- The inclusion of an additional permitted use for a site requires an amendment to Schedule 1 in the WLEP 2011.
- LEP amendments, such as that proposed, can only be achieved through a planning proposal.

Is there a community benefit?

Yes, it is an established planning outcome for landfill sites to be utilised as recreation areas. As this is a site that will have had recent landfilling it is appropriate to keep the SP2 Infrastructure zone in order to protect and monitor the waste management and environmental protection infrastructure (for example, ventilation flues and leachate ponds). However, with appropriate protections in place and subject to further approvals, the site can be suitable for a low intensity recreational use and therefore, adding recreation facility (outdoor) as an additional permitted use will have a community benefit.

B. Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within applicable Regional and sub-regional strategies?

The planning proposal is consistent with the objectives and actions within the relevant regional and sub-regional strategies in that it will provide additional recreational facilities to support the current and future population.

Is the planning proposal consistent with the local council's community plan or other strategic plan?

The planning proposal is consistent with the Community Strategic Plan 2023 in that it will allow for additional recreational facilities for the community.

Is the planning proposal consistent with applicable state planning policies?

Consideration has been given to which SEPPs are relevant to the assessment of this Planning Proposal.

The following table provides an assessment of the planning proposal with the relevant SEPPs:

SEPP title	Consistency
State Environmental Planning Policy 55 - Remediation of Land	When carrying out planning functions under the Act (including undertaking LEP amendments), SEPP 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination. The BWMC site has operated as a municipal landfill since 1965 and landfilling will cease in 2014. WAMC operates the BWMC site in compliance with an Environmental Protection Licence (No. 4807) under the provisions of <i>The Protection of the Environment Operations Act (1997)</i> as administered by the EPA. The Licence will continue for a number of years after the cessation of landfilling, until the EPA decides to replace it with a surrender notice that would contain similar conditions for ongoing monitoring and maintenance. The Licence requires compliance with the Belrose WMC Landfill Environmental Management Plan (LEMP) which details how the cap and infrastructure are maintained to meet the goals of the EPA's Environmental Guidelines: Solid Waste Landfills (1996). These provisions ensure that WAMC will remain responsible for maintaining the integrity of the landfill cap through a program of environmental monitoring and mitigation works for several decades into the future. The LEMP details indicators of performance (odour, visual inspection, etc) are included in daily and weekly checklist inspections for WAMC operational and environmental staff. There are obligations for infrastructure inspection and maintenance with the gas extraction contractor (EDL). Other monitoring in line with the landfill guidelines occurs at least quarterly. These measures are required in terms of compliance with <i>The Protection of the Environment Operations Act (1997)</i>. The BWMC site will continue to be regulated under the provisions of <i>The Protection of the Environment Operations Act (1997)</i> until such time as the EPA considers the landfill to be stabilised.

	As required by this Act, a Closure Plan will be submitted by WAMC to the EPA for their approval several months prior to the cessation of landfilling in 2014. This Closure Plan will specify closure and rehabilitation measures completed and to be undertaken, an appropriate environmental monitoring and maintenance program and identify any proposed future uses. The final landfill cap, along with effective stormwater, leachate and landfill gas collection and treatment systems, will ensure "fitness for use" and a safe environment for outdoor recreational uses following the cessation of landfilling and appropriate closure and rehabilitation works. There are hundreds of former landfill sites throughout Sydney currently being used for sporting and recreational purposes, including the site of the Sydney 2000 ("Green") Olympic Games. This widely accepted practice of reusing former rehabilitated landfills for recreational uses confirms that this is an appropriate additional permitted use.
State Environmental Planning Policy (Infrastructure) 2007	The planning proposal is consistent with this SEPP and does not contain provisions that contradict or hinder the application of this SEPP.

Is the planning proposal consistent with Ministerial Directions?

The following table provides an assessment of the planning proposal with the relevant s.117 Directions:

s117 Direction	Consistency
Direction 4.4 Planning for Bushfire Protection	The planning proposal is consistent with this direction, as the applicant and Council are prepared to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination.
Direction 6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. The application proposes an additional permitted use on the site with no change to any existing planning controls or the creation of any site specific provisions.
Direction 7.1 Implementation of the Metropolitan Strategy	In accordance with this direction Planning Proposals shall be consistent with the NSW Government's <i>Metropolitan Strategy: City of Cities, A Plan for Sydney's Future</i> . As discussed previously in this report, the planning proposal is consistent with the relevant provisions of the Metropolitan Strategy.

C. Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Given the highly modified nature of the site it is a low likelihood that the proposal will adversely affect any critical habitat or threatened species, populations or ecological communities. There is also some potential for recreation related landscaping and plantings of indigenous native species to compatible with the surrounding natural bushland environment.

Permitting recreational uses on the BWMC site could potentially reduce the some of the negative environmental impacts, upon local and regional native bushlands, currently resulting from such uses as (illegal) mountain bike riding.

Are there any other likely environmental effects as a result of the planning proposal and how they are proposed to be managed?

The recreational use of the site will have positive amenity impacts in terms of providing the community with a new recreational facility.

Potential environmental effects related to the future recreational use of the site are capable of being managed. These could include things like stormwater erosion, weed impacts, litter, noise, traffic changes, and light spill. Careful planning and effective facility management could minimise or mitigate these impacts. Furthermore these matters are generally likely to be of a lesser nature and scale than the impacts arising from the land's current / use for waste disposal.

Has the planning proposal adequately addressed any social and economic effects?

Yes. Recreational use of the site has the potential to generate a range of positive social and economic community benefits.

D. State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Existing electricity and water connections that service the waste processing centre are likely to be adequate for any future recreational use.

The road network currently handles the volume of truck traffic generated by the landfilling operations. Any future recreational use is unlikely to generate traffic levels above the capacity of the local roads.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Relevant public authorities will be consulted following the Gateway Determination.

Part 4 – Community Consultation

Council will exhibit the planning proposal in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act.

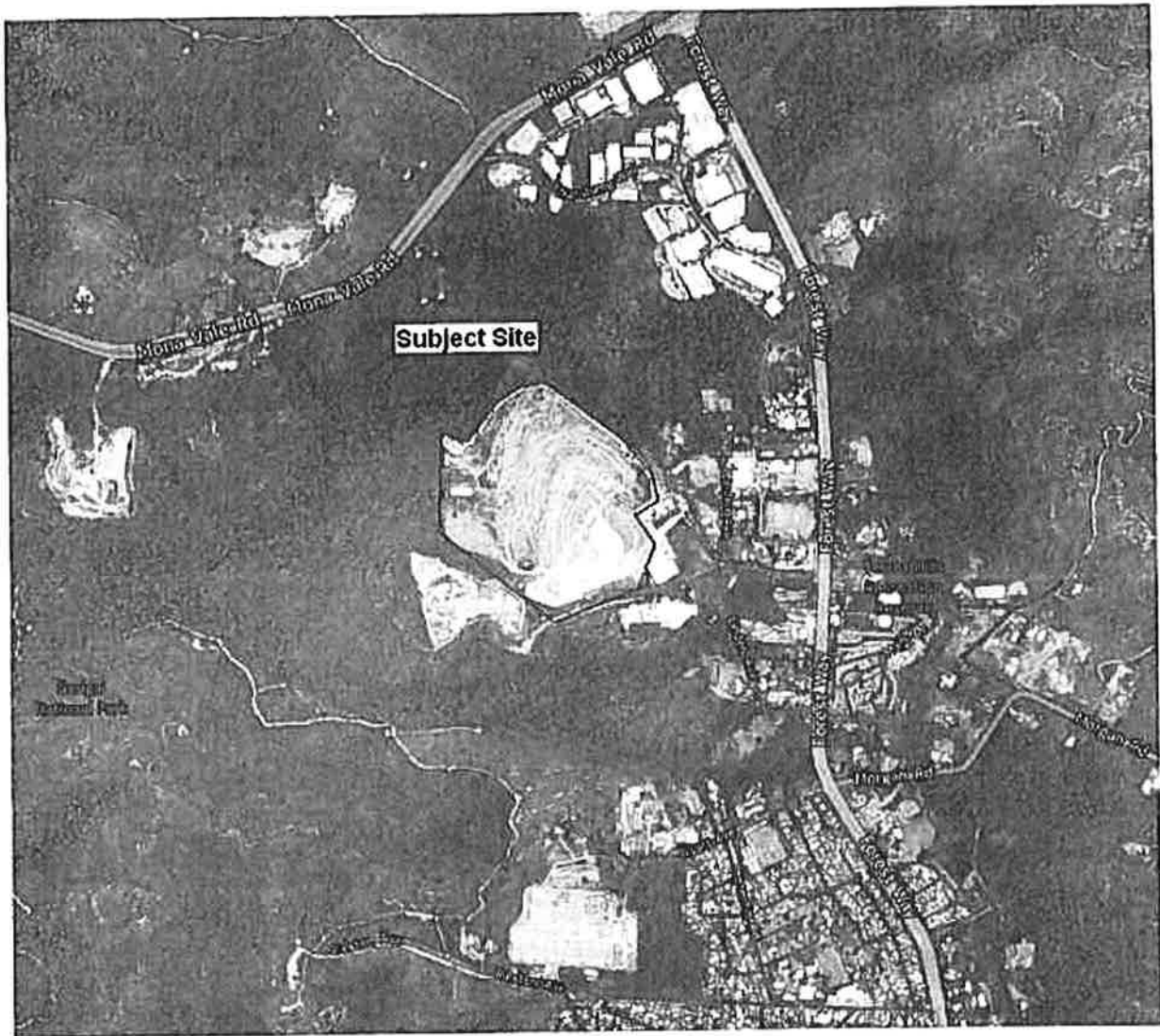
Council also proposes to undertake community consultation in accordance with Council's adopted Community Engagement Policy, in the following manner:

- Advertise the planning proposal in a local newspaper and on Council's website at the start of the exhibition period
- Exhibit the Planning Proposal for a period of twenty eight (28) days from the date it appears in the news paper and on Council's website
- Notify adjoining property owners of the exhibition of the planning proposal.

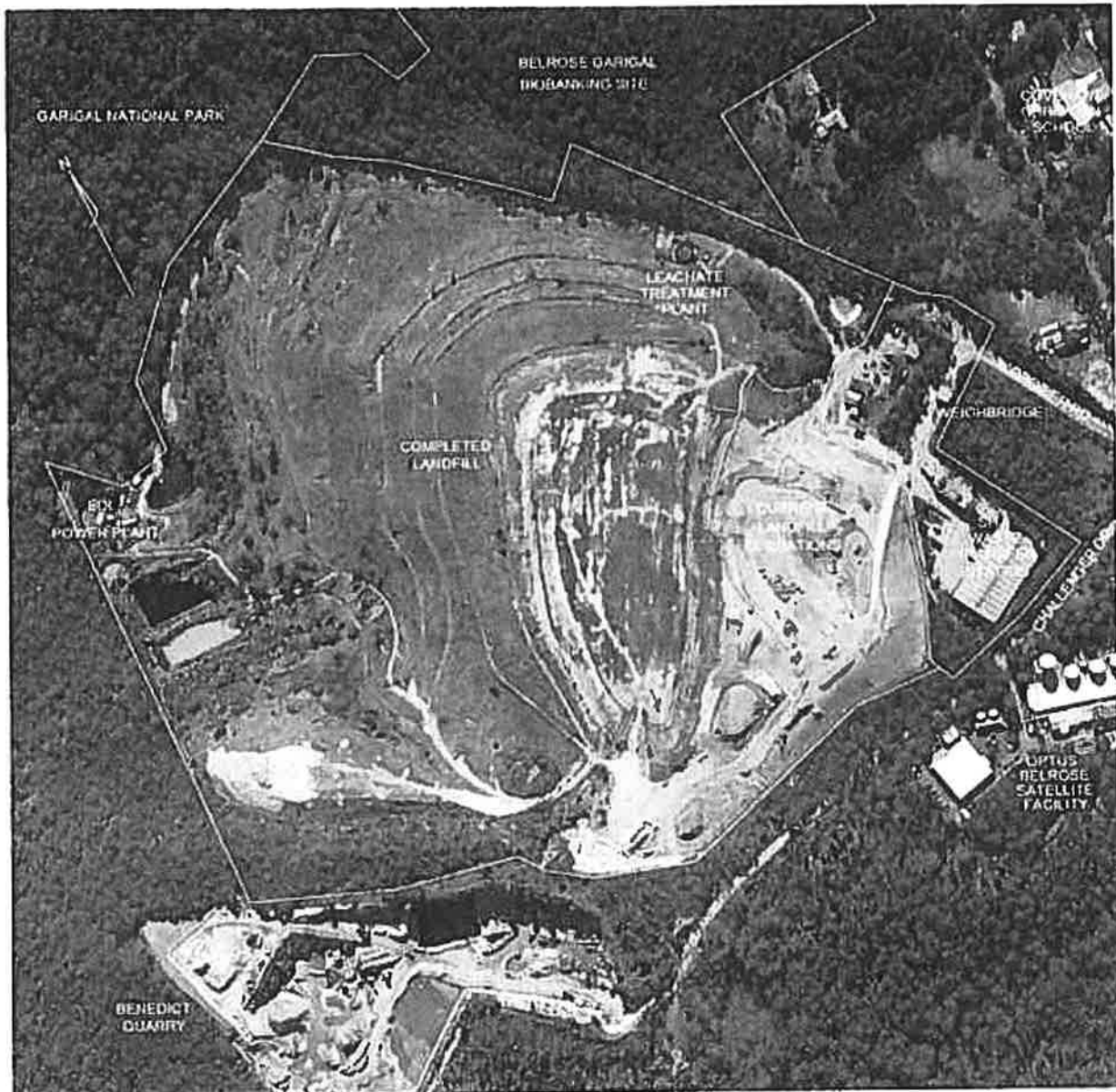
Conclusion

Considerations of the factors relevant to the planning proposal assessment have been made and it is considered that *Recreation facility (outdoor)* is an appropriate additional permitted use for the site. The addition of this use while keeping the current SP2 Infrastructure zone, will enable the land to be managed as a landfill site in association with future recreational facilities.

Attachment 2 - Site Location



Attachment 3 - Site Context



Attachment 4 - Council Resolution

Resolution of Council Meeting on 6 August 2013

ITEM 8.8 BELROSE WASTE MANAGEMENT CENTRE

That:

A. Council prepare a Planning Proposal to amend WLEP 2011 to amend Schedule 1 by adding Recreation facility (outdoor) as an additional permitted use for Lot 2, DP 1144741, Bundaleer Street, Belrose;

B. Council send the Planning Proposal to the Department of Planning and Infrastructure (DoPI) seeking Gateway Determination,

C. Upon receipt of the DoPI's Gateway Determination, and in accordance with any directions contained, Council authorises the public exhibition of the Planning Proposal.