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| <b>PSR24/013</b> | <b>PLANNING PROPOSAL 23 - AMENDMENT OF ZONE BOUNDARY TO PERMIT BROU WASTE MANAGEMENT FACILITY EXPANSION</b> | <b>S031-T00017</b> |
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Responsible Officer: Gary Bruce - Acting Director Planning & Environment

Attachments: 1. Under Separate Cover - Brou Waste Management Facility - Planning Proposal

Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles

Community Strategy: 1.1 Move together for a sustainable future

Delivery Program Link: 1.1.3 Facilitate waste management services guided by the strategy and asset management plan

Operational Plan Link: 1.1.3.1 Build, renew, operate and maintain waste landfill sites and transfer stations

### **EXECUTIVE SUMMARY**

The report presents a draft Planning Proposal to amend the Eurobodalla Local Environmental Plan 2012 (LEP) to expand the Brou Waste Management Facility (WMF) located at Lot 1 DP 1205476, Princes Highway Bodalla.

The proposed amendment involves rezoning approximately 5.54 hectares of land adjacent to the existing Brou Waste Management Facility.

- 3.75 hectares to be rezoned from RU3 Forestry zone to SP2 Infrastructure.
- 1.15 hectares to be rezoned from RU3 Forestry to C2 Environmental Conservation.
- 0.64 hectares to be rezoned from RU3 Forestry to SP2 Infrastructure.

The proposed amendments to the LEP are for the following reasons.

- To permit the expansion of the waste management facility as it is a prohibited use in the RU3 Forestry zone.
- To protect a pocket of the critically endangered ecological community of River-Flat Eucalypt on Coastal Floodplains.
- To address a mapping anomaly where the existing approved waste management facility is operating on land zoned RU3 Forestry. Details are in Attachment 1.

The report seeks Council's endorsement of the draft Planning Proposal.

### **RECOMMENDATION**

THAT:

1. Council endorses the draft Planning Proposal 23 for submission to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
2. upon receipt of the Gateway Determination, the draft Planning Proposal be placed on public exhibition.
3. a further report to be presented to Council following the public consultation period.

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**BACKGROUND**

The Brou Waste Management facility commenced operation in 1979 and occupies approximately 8.5ha within a larger 42.82ha parcel of land (Lot 1 DP 1205476). The land was initially leased from NSW Forestry Commission/State Forests under a permissive occupancy until Council purchased it in 2016. The Brou WMF provides resource recovery, recycling and landfill facilities for households, businesses, and builders in the south of the shire.

Following the 2019-20 bushfires, residents disposed of more than 70,000 tonnes of bushfire waste material from the Eurobodalla, Shoalhaven and Bega Valley local government areas at Council's Waste Management Facilities between Surf Beach and Brou.

Council successfully obtained several grants from the NSW Environmental Protection Authority to assist in rebuilding waste management capacity and future disaster resilience, including assistance with the planning phase of the Brou WMF expansion. The project's planning phase requires the rezoning of land via a Planning Proposal, followed by preparation of an EIS and submission of a development application under Part 4 of the Environmental Planning and Assessment Act 1979.

The proposed facility expansion will include the development of additional landfill cells and relocating and renewing existing site infrastructure. The expansion is required to continue operating the waste management facility at the site in the longer term.

The remaining landfill space within the existing footprint of the waste management facility will be exhausted within five years if the expansion does not occur.

**CONSIDERATIONS**

**Legal**

The draft Planning Proposal complies with the Department of Planning, Housing and Infrastructure's guidelines for preparing planning proposals.

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**Policy**

The Planning Proposal aligns with the NSW Strategic Planning framework and Ministerial Directions. NSW is transitioning to a circular economy under the NSW Waste and Sustainable Materials Strategy 2041. Waste and recycling infrastructure is required to increase the resources recovered in NSW and keep materials within the circular economy. 35% of waste is disposed of in landfills, while landfill remains the least preferred fate for materials under the NSW Strategy. Providing safe, environmentally responsible, and economical waste management is a core business for local government in NSW, and landfill remains an essential infrastructure to achieve these objectives.

The 2019-20 bushfire cleanup highlighted the essential role that waste facilities play in providing community resilience following natural disasters. The Planning Proposal aligns closely with the NSW Disaster Waste Sub Plan September 2023's objectives, ensuring sufficient resource recovery and landfill capacity to respond to the appropriate and timely management of disaster waste whilst maintaining regular waste services.

**Environmental**

The proposed expansion area has biodiversity values outlined in the Umwelt report (Umwelt, 2024). Council will avoid, mitigate, and offset biodiversity impacts on the site as far as practicable. However, little opportunity exists to prevent biodiversity impacts within the footprint of the waste facility expansion. A mitigation and offset strategy is being considered, including payment of biodiversity offset credits.

Aboriginal Cultural Heritage Assessment has been conducted at the site. The assessment report concluded that the works would unlikely impact Aboriginal artefacts or cultural heritage values and recommended that the proposed activity proceed with caution.

Geotechnical investigations indicate groundwater exists at depths between 12.5 and 9.5m on the site. Engineering design to meet the EPA's Environmental Guidelines Solid Waste Landfills, 2016 will prevent surface and groundwater contamination.

As the subject site is bushfire prone, the Planning Proposal will be referred to the NSW Rural Fire Service for comment after Gateway Determination. An accredited bushfire planning consultant will prepare a bushfire assessment as part of the future EIS.

**Asset**

The Planning Proposal is a prerequisite for the expansion of the Brou Waste Management Facility. The expansion will enable the continued use of the site as a landfill facility. Landfill capacity is a valuable asset providing significant and tangible community benefits.

**Social Impact**

The planning proposal is unlikely to have any significant social impact. The converse of not proceeding with the planning proposal is the potential for a significant social impact.

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**Economic Development Employment Potential**

The Brou Waste Management Facility is a fundamental economic infrastructure that provides residents and businesses with relatively low-cost landfill, recycling and resource recovery services close to the population centre of Narooma and nearby Southern coastal villages.

The economic consequences of non-renewal of landfill capacity at the site are significant and estimated to be around \$3M/annum. The financial cost is directly related to additional transport requirements that will inevitably result from diverting domestic, commercial and building waste to an alternative facility. The nearest alternative facility is the Surf Beach Waste Management Facility, an additional haul distance of approximately 60km from the Brou Waste Management Facility.

**Financial**

Funding for the Planning Proposal and subsequent EIS is through a resilience and recovery grant from the NSW EPA to recognise the loss of landfill capacity following the 2019-20 bushfires.

**Community and Stakeholder Engagement**

After receiving the Gateway Determination, Council will run a public consultation process on the draft Planning Proposal. The Gateway Determination will identify the community and agency consultation requirements.

**CONCLUSION**

The draft Planning Proposal to amend the Eurobodalla Local Environmental Plan 2012 (LEP) for the expansion of the Brou Waste Management Facility is provided to Council for endorsement and submission to the Department of Planning, Housing and Infrastructure for a Gateway determination.

The draft Planning Proposal has been prepared following the Department of Planning, Housing and Infrastructure's Guidelines and aims to ensure the Brou Waste Management Facility retains landfill capacity in the long term.