

ASSESSMENT REPORT

Section 4.55(1A) Modification Lucas Heights Resource Recovery Park (SSD 6835 MOD 1)

1. INTRODUCTION

This report assesses a modification application by SUEZ Recycling & Recovery Pty Ltd (the Applicant) to the Lucas Heights Resource Recovery Park (SSD 6835) in the Sutherland local government area (LGA). The application has been lodged pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. BACKGROUND

The Lucas Heights Resource Recovery Park (LHRRP) is located on Little Forest Road, Lucas Heights in the Sutherland LGA. The subject site is located approximately 30 kilometres (km) south-west of the Sydney Central Business District (CBD) and covers 205 hectares (ha) of land (see **Figure 1**). The LHRRP has operated since 1987 and contains a solid waste landfill, garden organics processing facility and resource recovery centre.

The site is located on the south-western edge of the Sydney metropolitan area, situated between the Holsworthy military reserve and the residential suburbs of Barden Ridge and Engadine (see **Figure 2**). The nearest residential properties are located 2 km to the east of the site in north Engadine. Areas to the north, west and south of the site are predominantly native vegetation.

The Australian Nuclear Science and Technology Organisation (ANSTO) facility is located 500 metres (m) to the east of the site (see **Figure 2**). ANSTO owns 116 ha of the LHRRP site, which is leased to the Applicant for waste management purposes. The remaining 89 ha of the LHRRP is owned by the Applicant.

The Ridge Sports Complex is located 2 km to the north-east of the site (see **Figure 2**). The sports fields are located on the site of the rehabilitated Lucas Heights 1 (LH1), a former landfill which closed in the late 1980's. The complex contains an operational wastewater treatment plant that receives and treats leachate from the rehabilitated LH1 and the LHRRP.

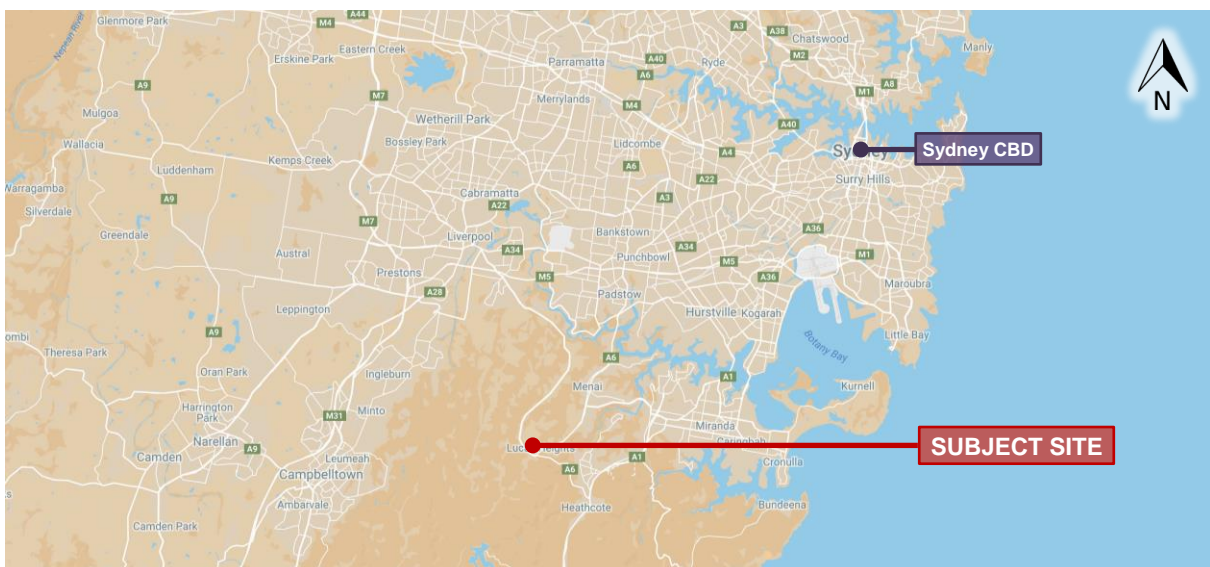


Figure 1: Site Context

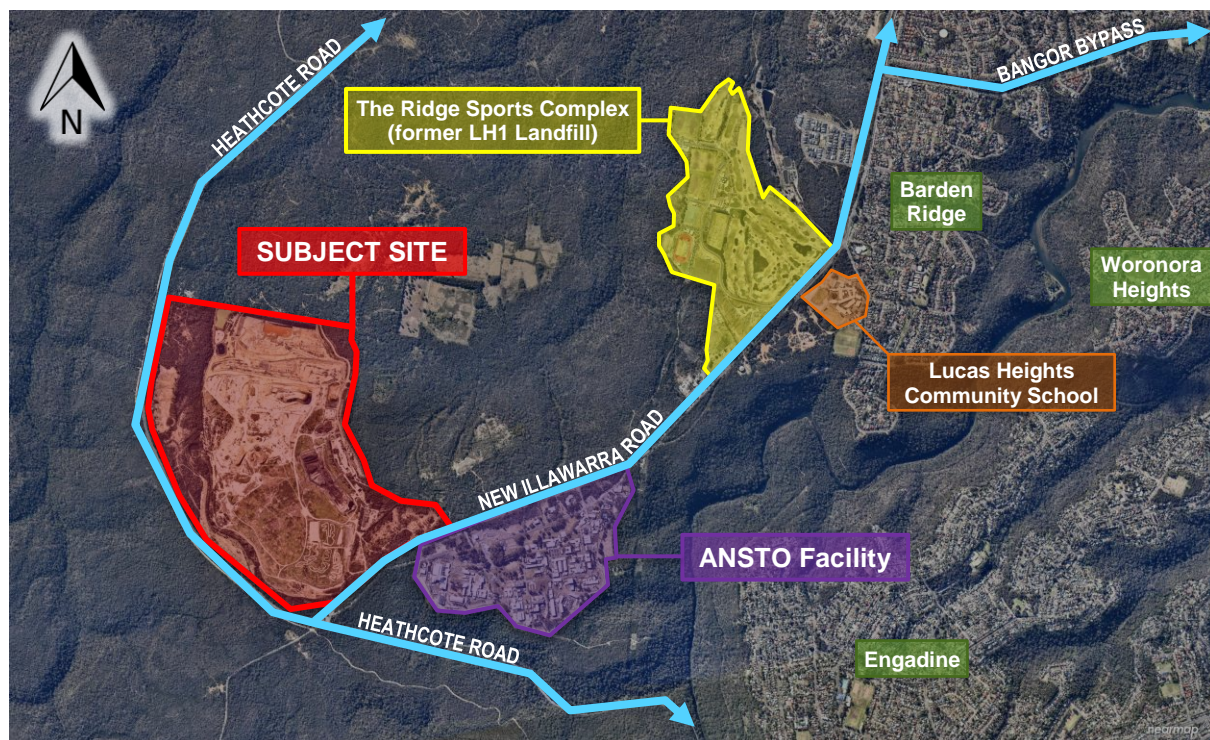


Figure 2: Site Location

3. APPROVAL HISTORY

3.1 Previous Approvals

The LHRRP commenced landfilling waste in 1987 in accordance with an approval granted by Sutherland Shire Council (Council). The landfill was referred to as Lucas Heights 2 (LH2).

On 12 November 1999, development consent was granted by the then Minister for Urban Affairs and Planning for the expansion, operation and eventual rehabilitation of the Lucas Heights Waste Management Centre (LHWMC) across both LH1 and LH2 (DA 11-01-99). The consent for the LHWMC has been subject of eleven previous modifications.

On 28 June 2010, approval was granted by the then Minister for Planning for the construction and operation of an anaerobic digestion facility (MP 08_0163). At the time of writing this report, construction of this facility has not commenced.

The scope of DA 11-01-99 (as modified) and MP 08_0163 is outlined in **Appendix E**.

3.2 Lucas Heights Resource Recovery Park (LHRRP)

On 23 January 2017, development consent was granted by the then Planning and Assessment Commission for the LHRRP (SSD 6835). The development consent permits the following:

- re-profiling of the existing landfill to provide additional capacity for a total of 8.3 million tonnes of waste
- extension of the life of the landfill by a further 13 years, from 2024 to 2037
- construction and operation of an advanced resource recovery facility, capable of processing up to 200,000 tonnes per year of waste
- relocation and expansion of the existing garden organics facility, from 55,000 to 80,000 tonnes per year
- rehabilitation of the site following closure of the landfill in 2037 and its transferral to Council for use as public parkland.

SSD 6835 is intended to continue the waste management operations originally approved under DA 11-01-99, whilst also facilitating an expansion in capacity of the existing landfill. An overview of the works approved under SSD 6835 is provided in **Figure 3** below.

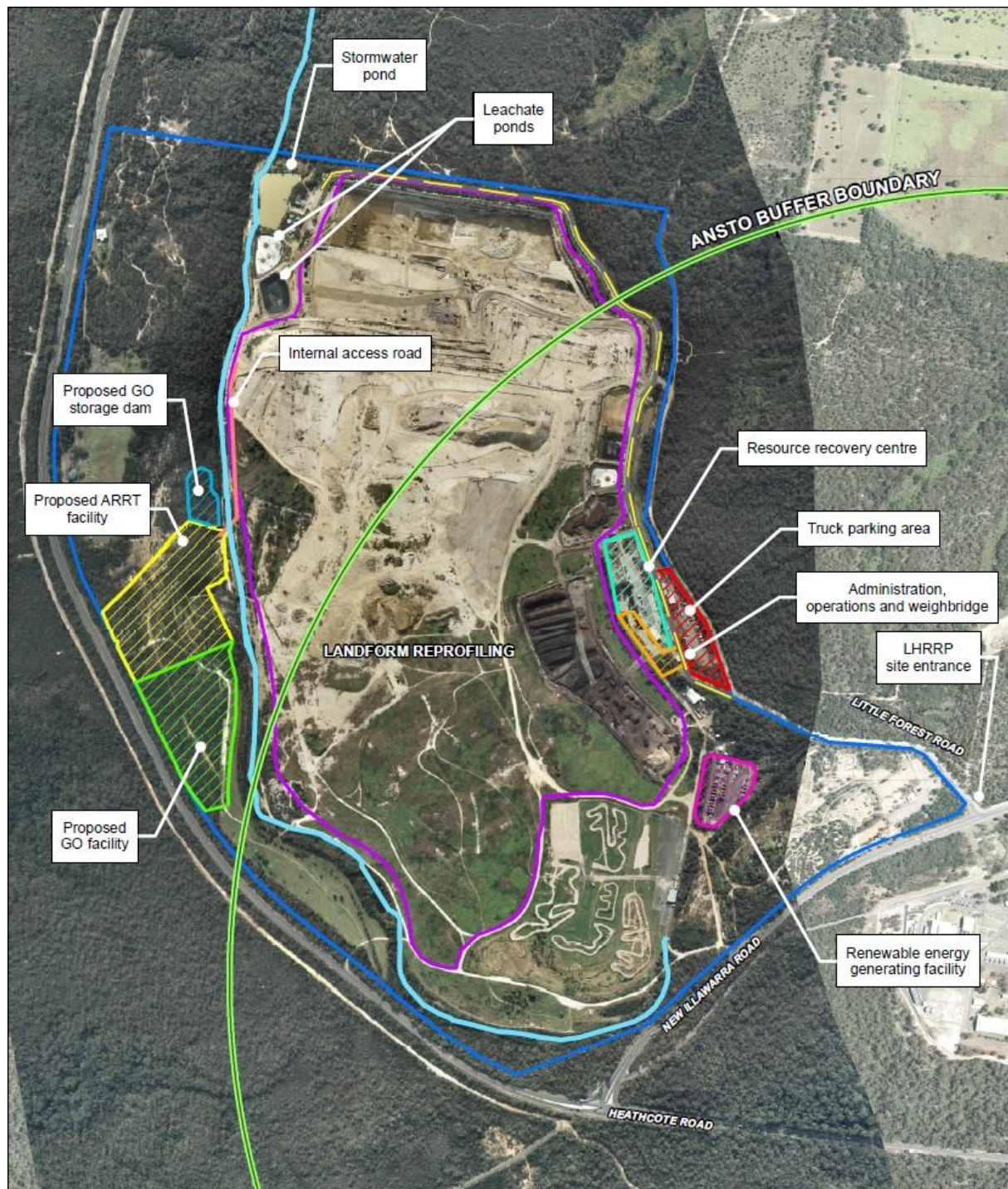


Figure 3: Key infrastructure approved under SSD 6835

4. PROPOSED MODIFICATION

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to modify the LHRRP (SSD 6835), seeking to extend the approved hours of operation for the landfill cell between Monday and Saturday. The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix B** and shown in **Table 1** below.

Table 1: Approved and proposed landfilling hours of operation

Activity	When	Approved	Proposed
Construction	Monday to Friday	7:00 am to 5:00 pm	No change
	Saturday & Sunday	8:00 am to 5:00 pm	No change
Operation	Monday to Friday	6:00 am to 5:00 pm	5:00 am to 5:00 pm
	Saturday	8:00 am to 5:00 pm	6:00 am to 5:00 pm
	Sunday	8:00 am to 5:00 pm	No change
Other operations ¹	Monday to Sunday	Anytime	No change

¹ "Other operations" includes: security guard control, machinery maintenance and/or repairs, site infrastructure maintenance and/or repairs (landfill gas and leachate), and emergency management activities related to site safety, emergency repairs and site infrastructure repairs

The Applicant has indicated the proposed modified operation hours are necessary to prevent the queuing of waste delivery vehicles on Little Forest Road, prior to the commencement of landfilling operations at 6:00 am. Such queuing has previously been observed by both the Applicant and Council, and significantly increases the turnaround time of each vehicle at the site. The proposed modification would allow the Applicant to fulfil its commitments in relation to off-site traffic management, and prevent future queuing of waste delivery vehicles at the entrance to the LHRRP.

The proposed modification does not seek to:

- amend the operating hours of any other LHRRP operations at the site
- increase the volume of waste processed by the facility
- increase the number of truck movements to/from the site.

In addition, the Applicant has advised no physical works would be required to accommodate the extended hours of operation at the landfill. Instead, mobile lighting would be used to illuminate the landfill during the earlier hours of operation.

5. STATUTORY CONTEXT

5.1 Consent Authority

The Minister for Planning is the consent authority for the application. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection and
- a political disclosure statement has not been made and
- there are no public submissions in the nature of objections.

5.2 Section 4.55(1A)

The Department has reviewed the scope of the modification application and is satisfied that the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved development would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- the approved processing capacity of the resource recovery facility would remain unchanged as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department

considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act, rather than requiring a new development application to be lodged.

6. CONSULTATION

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation does not apply to State significant development. Accordingly, the application was not notified or advertised, however, it was made publicly available on the Department's website on 7 February 2018, and referred to the Environment Protection Authority (EPA), Roads and Maritime Services (RMS) and Sutherland Shire Council (Council) for comment.

The **EPA** initially objected to the modification, and advised there was insufficient information in the SEE to appropriately assess the air quality impacts of the modification. Consequently, the EPA requested the Applicant prepare an updated Air Quality Impact Assessment for the development, which would provide an assessment of any additional air quality impacts associated with the proposed operating hours.

In addition, the EPA noted the proposed modification would require a variation of the site's Environment Protection Licence (EPL 5065), should it be approved by the Department.

RMS did not object to the modification, and indicated they had no specific comments applicable to the proposed operating hours.

Council did not object to the modification, and advised that the Applicant had consulted extensively with the authority throughout the preparation of the modification application. Several amendments were made in the pre-lodgement period to accommodate Council's concerns, including amending the proposed hours of operation to begin at 5:00 am on weekdays, instead of the 4:00 am commencement time originally sought by the Applicant.

6.1 Response to Submissions

On 19 April 2018, the Applicant provided a Response to Submissions (RTS) on the issues raised during notification of the proposed modification (see **Appendix D**).

The RTS included an updated Odour Assessment (OA) for the proposed modification, utilising recent emissions data from the LHRRP's sampling program to appropriately assess any potential air quality impacts associated with the increased landfilling hours of operation. The assessment concluded the proposed modification would continue to comply with the EPA's criteria of 2 odour units (OU) at all sensitive receivers, due to the spread of vehicular movements and subsequent decrease in landfilling rates across the first three hours of operation.

The RTS was made publicly available on the Department's website and provided to the EPA to consider whether it addressed the issues raised by the authority. The EPA advised the updated OA appropriately addressed its concerns regarding the amended operating hours, and that it had no further objections to the proposed modification.

The Department has considered the issues raised in submissions and the RTS in its assessment of the proposed modification.

7. ASSESSMENT

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- the SEE and RTS provided to support the proposed modification (see **Appendix B** and **Appendix D**)
- the assessment report for the original development application
- submissions from the public, State government authorities and Council (**Appendix C**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of the modification application is provided in **Table 2**.

Table 2: Assessment of the modification application

Issue	Assessment	Recommendation
Air Quality	<ul style="list-style-type: none"> The proposed modification has the potential to create additional odour impacts to nearby sensitive receivers as a result of landfilling operations during the earlier hours of operation. The Applicant did not submit an updated OA to support the extended operating hours, as air quality was not identified as a significant potential impact during its preliminary environmental risk screening. As part of its submission, the EPA advised there was insufficient information in the SEE to appropriately assess the air quality impacts of the extended hours of operation, and requested the Applicant prepare an updated assessment for the development. The Applicant provided an updated OA as part of its RTS, utilising odour emissions data from the LHRRP's sampling program to verify the proposed modification would not increase the air quality impacts of the development. The assessment concluded the proposed modification would result in a marginal decrease in odour concentrations at the LHRRP, due to the spread of vehicular movements and subsequent decrease in landfilling rates across the first three hours of operation. Following its review of the RTS, the EPA advised the updated assessment appropriately addressed its concerns regarding the amended operating hours, and that it had no further objections regarding the proposed modification. However, the EPA also identified ongoing issues with odour at the site, which has been reflected in complaints received by the Applicant from the local community. In addition, the EPA advised it intends to vary the development's Environment Protection Licence (EPL 5065) to reference the revised operating hours (should the proposed modification be approved), and require additional measures to reduce odour risks at the site. The Department notes the air quality impacts of the development were assessed as part of the original SSD consent, which concluded operations at the site would not lead to offensive odour at surrounding sensitive receivers, subject to the Applicant implementing on-going management and maintenance procedures. Given the ongoing concerns of the community and the EPA in relation to noticeable odour, the Department has recommended the Applicant update the existing Site Air Quality and Odour Management Plan in consultation with the EPA. This will provide the Applicant with an opportunity to validate the findings of the updated OA and explore additional odour mitigation measures. The Department's assessment concludes the proposed modification would not result in any significant air quality impacts beyond those which have already been assessed, subject to the recommended conditions of consent. 	<ul style="list-style-type: none"> Require the Applicant update the Site Air Quality and Odour Management Plan required by Condition C11 of the development consent in accordance with the requirements of the EPA.
Traffic and access	<ul style="list-style-type: none"> Increasing the hours of operation of the landfill has the potential to alter the development's traffic impacts. In support of the proposed modification, the Applicant prepared an updated traffic impact assessment (TIA) for the development, utilising weighbridge data from October 2017 to estimate waste delivery vehicle movements between 5:00 am and 6:00 am. The TIA concluded that the surrounding road network would have adequate capacity to accommodate the earlier landfill operating hours with minimal impacts. The Applicant has suggested the proposed modification would not result in any increase in total vehicular movements at the site, but instead allow for movements associated with the operation of the LHRRP to be distributed over a greater period. The Applicant has also suggested the proposed modification, in conjunction with previous weighbridge improvements at the site, would assist in preventing future queuing of waste delivery vehicles at the entrance to the LHRRP. In its assessment of SSD 6835, the Department concluded the development would not significantly impact upon the capacity of the road network and surrounding intersections. 	<ul style="list-style-type: none"> No additional conditions are recommended.

Issue	Assessment	Recommendation
	<ul style="list-style-type: none"> In its submission on the proposed modification, Council raised no traffic-related concerns. The Department considers the earlier hours of operation for the landfill would prevent the queuing of waste delivery vehicles on Little Forest Road prior to the commencement of landfilling operations. Consequently, the Department is satisfied the proposed modification would continue to maintain the functionality and safety of the road network and surrounding intersections. 	
Noise	<ul style="list-style-type: none"> The proposed modification has the potential to generate additional noise impacts to nearby sensitive receivers as a result of the earlier hours of operation. In support of the proposed modification, the Applicant prepared an updated noise assessment for the development. The updated noise assessment indicated any additional operational noise generated would comply with the existing night-time noise criteria stipulated by Condition C54 of the consent at all sensitive receivers. In addition, the assessment noted the proposed modification would increase road traffic noise emissions by less than 2 dB(A), which would continue to comply with the requirements of the <i>Road Noise Policy</i> (DECCW, 2011). No noise-related concerns were raised by Council or the EPA in their submissions. In its assessment of SSD 6835, the Department concluded the development would be unlikely to result in adverse noise impacts to surrounding sensitive receivers, given the nearest residential area is located more than 2 km east of the LHRRP. The Department considers the existing conditions of consent adequately address the potential noise impacts of the increased hours of operation. The Department's assessment concludes the proposed modification would not result in any significant noise impacts beyond those which have already been assessed. 	<ul style="list-style-type: none"> No additional conditions are recommended.
Visual Amenity	<ul style="list-style-type: none"> The proposed modification would require the use of mobile lighting to provide illumination during the earlier hours of operation. This has the potential to increase the visual impacts of the development. In support of the proposed modification, the Applicant prepared an updated visual impact assessment for sensitive visual receptors identified in the original development application. The nearest sensitive visual receptors to the site are travellers along New Illawarra Road, travellers along Heathcote Road and receptors at the Sutherland PCYC Minibike Club. The nearest residential sensitive visual receivers are located 2 km to the east of the site in north Engadine. The updated assessment indicated the use of mobile lighting was unlikely to impact upon surrounding sensitive visual receptors, subject to the implementation of <i>AS 4282 (INT) - Control of Obtrusive Effects of Outdoor Lighting</i> and other mitigation measures. Council raised no concerns with the proposed modification in relation to visual impacts. The Department notes that the visual impact of the development was assessed as part of the original SSD consent, which concluded the site is located within an extensive area of native vegetation and screened by the surrounding topography and approved site landscaping. The Department considers the application of <i>AS 4282 (INT) - Control of Obtrusive Effects of Outdoor Lighting</i> would ensure all mobile lighting associated with the operation of the landfill would not impact upon surrounding sensitive receivers. The Department's assessment concludes the existing conditions of consent adequately address any visual impacts, subject to the compliance of all landfill lighting with the relevant Australian Standard. 	<ul style="list-style-type: none"> Require the Applicant ensure all lighting associated with the landfill complies with <i>AS 4282 (INT) - Control of Obtrusive Effects of Outdoor Lighting</i>.

8. CONCLUSION

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- the modification would result in minimal environmental impacts beyond the approved facility
- the development's processing capacity and daily vehicle movements would not increase as a result of the modification
- the modification would prevent the queuing of waste delivery vehicles on Little Forest Road prior to the commencement of landfilling operations.

The Department is satisfied that the modification should be approved, subject to conditions.

9. RECOMMENDATION

It is recommended that the Director, Industry Assessments, as delegate for the Minister for Planning:

- **consider** the findings and recommendations of this report
- **determine** that the application SSD 6835 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act
- **modify** the consent SSD 6835
- **sign** the attached approval of the modification (see **Appendix A**).

Recommended by:



16/05/18

Patrick Copas
Planning Officer
Industry Assessments

Recommended by:



16/05/18.

Kelly McNicol
Team Leader
Industry Assessments

10. DECISION

The recommendation is: Approved by:



5/6/18.

Chris Ritchie
Director
Industry Assessments
as delegate of the Minister for Planning

APPENDIX A – NOTICE OF MODIFICATION

APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS

APPENDIX C – SUBMISSIONS

APPENDIX D – RESPONSE TO SUBMISSIONS

APPENDIX E – PREVIOUS APPROVALS

Table 3: Summary of previous approvals related to the LHRRP

Application Number	Summary of Modifications	Approval Date
DA 11-01-99	Approved by the then Minister for Urban Affairs and Planning for the expansion of the LHWMC. The development consent permitted the following works: <ul style="list-style-type: none"> expansion of the capacity of the LHWMC construction and operation of composting and recycling facilities the diversion of dry waste and clean fill from the LHWMC to LH1 the progressive development of a local and regional multi-purpose sporting and recreational complex across both sites the establishment of the Lucas Heights Conservation Area to the immediate north of the site. 	12 November 1999
DA 80-04-01 (MOD 1)	The modification permitted a maximum of 1,200,000 tonnes per annum of waste to be received at the development from outside the Southern Sydney Waste Planning and Management Board area, for the period up to 30 June 2002.	29 May 2001
MOD-135-12-2004-i (MOD 2)	The modification permitted the consolidation of three approved storage dams into two, and the use of concrete in their construction.	21 April 2005
MOD-123-8-2005-i (MOD 3)	The modification removed the requirement that 80% of waste processed by the development be sourced from the Southern Sydney Waste Planning and Management Board area.	22 September 2005
DA 11-01-99 MOD 4	The modification permitted the construction of a smaller clubhouse facility in place of the approved clubhouse at LH1. The revised design comprised of a 2,000 square metre clubhouse, to be constructed in four separate stages.	11 December 2007
DA 11-01-99 MOD 5	The modification permitted a subdivision to create four new allotments and associated easements, to delineate between the existing leachate treatment plant, two existing storm surge leachate storage dams and residual land to be rehabilitated.	15 January 2010
MP 08_0163	Approved by the then Minister for Planning for the construction and operation of an anaerobic digestion facility, capable of processing up to 100,000 tonnes of municipal solid waste each year. At the time of writing this report, construction of this facility has not proceeded.	28 June 2010
DA 11-01-99 MOD 6	The modification permitted the construction and operation of a waste collection truck parking area and associated facilities.	26 July 2010
DA 11-01-99 MOD 7	The modification was administrative in nature, correcting the legal definition of the land to which MOD 6 applies to.	29 September 2010
DA 11-01-99 MOD 8	The modification permitted the expansion of Stage 5 of the landfill, thereby allowing the Proponent to achieve the capacity of the site approved as part of the original application.	18 January 2012
DA 11-01-99 MOD 9	The modification sought to expand the capacity of the garden organics facility by 30,000 tonnes per annum of green waste.	Withdrawn
DA 11-01-99 MOD 10	The modification permitted the construction of a BMX facility in place of the approved equestrian facility at LH1.	14 February 2014
DA 11-01-99 MOD 11	The modification seeks to remove all conditions of consent which relate to the LHRRP, as required by Condition B8 of SSD 6835.	Currently under assessment

APPENDIX F – CONSOLIDATED CONSENT