

Our ref: HMS ID 9310

Deana Burn
Department of Planning, Housing and Infrastructure
deana.burn@planning.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

Updated Input to SEARs – State Significant Development

Proposal: Lucas Heights Bioenergy Facility

Major Project reference: SSD-79933225

Received: 24 February 2025

Dear Deana,

Thank you for providing further information to allow for an update to Heritage NSW input to the Secretary's Environmental Assessment Requirements (SEARs) for the above State Significant Development proposal.

Heritage NSW has reviewed the provided additional information 'Lucas Height Bioenergy Facility – Heritage Impact Assessment Requirements' prepared by GHD dated 20 February 2025. Heritage NSW notes the additional information including depth of fill, proposed depth of impacts, and previous assessment and approval of the project area as a part of the Lucas Heights Resource Recovery Facility (SSD-6835). In light of this additional information Heritage NSW now recommends no SEARs be included with respect to Aboriginal cultural heritage.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Alison Lamond at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,

Corey O'Driscoll

Corey O'Driscoll
A/Practice Lead, Major Projects
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
25 February 2025



Deana Burn
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

3 March 2025

Subject: Request for Secretary's Environmental Assessment Requirements (SEARs) for Lucas Heights Bioenergy facility – SSD-79933225

Dear Deana,

Thank you for your e-mail received on 10 February requesting input on SEARs for the above project. Please note that from 20 January 2025, the former Biodiversity Conservation and Science (BCS) Group became the Conservation Programs, Heritage and Regulation (CPHR) Group.

CPHR has reviewed the Scoping Report prepared by EMM dated 5 February 2025 and recommends the proponent address the requirements below and at Attachment A.

Flood risk management

The site is not noted as flood prone in the *Sutherland Local Environmental Plan 2015*. CPHR does not consider flood related SEARs are necessary, as the proposal is for a like for like replacement and is located at the top of the catchment.

Biodiversity assessment requirements

Should a waiver to the requirement for a Biodiversity Development Assessment Report (BDAR) be sought, it must be clearly demonstrated that the proposed development is not likely to have any significant impact on biodiversity values. Development that requires clearing of native vegetation or additional biodiversity impacts as prescribed by clause 6.1 of the *Biodiversity Conservation Regulation 2017* is likely to require a BDAR. Any request for a BDAR waiver must include the information requirements set out in Tables 1 and 2 of the DPIE guidelines on [How to apply for a biodiversity development assessment report waiver for a Major Project Application](#). The proponent can find further information on the BDAR waiver process on the [Biodiversity development assessment report waiver](#) webpage.

Regarding point 3 of the recommended assessment requirements, use of the variation rules will no longer be applicable once the *Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Act 2024* comes into effect.

In relation to point 4 of the recommended biodiversity environmental assessment requirements, please note the minimum information and spatial data requirements are in Tables 24 and 25 of the [Biodiversity Assessment Method 2020 \(BAM\)](#). Other requirements, such as those relating to the BAM Calculator and Biodiversity Offset Assessment Management System, are detailed in the [guides, tools and databases](#) webpage.

Please contact Greater Sydney Planning team at rog.gsrplanning@environment.nsw.gov.au should you have any queries regarding this advice.

Yours sincerely



Louisa Clark

Director, Greater Sydney Branch

Regional Delivery

Conservation Programs, Heritage and Regulation Group

BCS Environmental Assessment Requirements
– Lucas Heights Bioenergy facility – SSD-79933225

Biodiversity
1. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the <i>Biodiversity Conservation Act 2016</i> (BC Act) the Biodiversity Assessment Method (BAM) 2020 and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the BC Act (s6.12), <i>Biodiversity Conservation Regulation 2017</i> (s6.8) and BAM, including an assessment of the impacts of the proposal (including an assessment of impacts prescribed by the regulations). 2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM. 3. The BDAR must include details of the measures proposed to address the offset obligation as follows: • The total number and classes of biodiversity credits required to be retired for the development/project; • The number and classes of like-for-like biodiversity credits proposed to be retired; • The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules; • Any proposal to fund a biodiversity conservation action; • Any proposal to conduct ecological rehabilitation (if a mining project); • Any proposal to make a payment to the Biodiversity Conservation Fund. If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits. 4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per the BAM. 5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the <i>Biodiversity Assessment Method Order 2017</i> under s6.10 of the BC Act.
Water and soils
6. The EIS must map the following features relevant to water and soils including: • Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map). • Rivers, streams, wetlands, estuaries (as described in s.4.2 of the BAM). • Wetlands as described in s.4.2 of the BAM. • Groundwater. • Groundwater dependent ecosystems. • Proposed intake and discharge locations. 7. The EIS must describe background conditions for any water resource likely to be affected by the development, including: • Existing surface and groundwater. • Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations. • Water Quality Objectives (as endorsed by the NSW Government) including groundwater as appropriate that represent the community's uses and values for the receiving waters. • Indicators and trigger values/criteria for the environmental values identified above in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government. • Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions 8. The EIS must assess the impact of the development on hydrology, including: • Water balance including quantity, quality and source. • Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas. • Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems.

- Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches).
- Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water.
- Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.
- Identification of proposed monitoring of hydrological attributes.

End of Submission

Deana Burn
Department of Planning, Housing and Infrastructure
Deana.burn@planning.nsw.gov.au
Via: Major Projects Portal

ADVICE RESPONSE: Lucas Heights Bioenergy Facility

Stage: Secretary's Environmental Assessment Requirements

Development Application: SSD-79933225

Dear Deana

I refer to your correspondence dated 11 February 2025 inviting the Department of Primary Industries and Regional Development - NSW Resources to provide comments on the Lucas Heights Bioenergy Facility (the Project) submitted by LMS Energy Pty Ltd (the Proponent).

NSW Resources has reviewed the information supplied in relation to the Project and based on the review has no specific comments in relation to *Mining Act 1992* considerations and raises no issues regarding the Project at this stage.

NSW Resources has no additional requirements to those in the draft SEARs and advises the Proponent to actively monitor the MinView map viewer at <https://minview.geoscience.nsw.gov.au> for mining title changes that may interact with this Project. NSW Resources can assist with title holder contact details if required.

For further advice on this matter, please contact Pamela Gould, GIS & Coordination Officer, Industry Advisory and Mining Concierge unit - Industry Development branch on 02 4063 6860 or mining.concierge@dpird.nsw.gov.au.

Sincerely



Giselle Carney

Senior Advisory Officer Industry Advisory and Mining Concierge, Industry Development
Department of Primary Industries and Regional Development – NSW Resources

for

Tony Linnane

Executive Director Strategy, Performance and Industry Development
Department of Primary Industries and Regional Development - NSW Resources



DOC25/133401

24 February 2025

Deana Burn
Specialist Planning Contractor
Department of Planning, Housing and Infrastructure

(via Major Projects Planning Portal)

Dear Ms Burn

**Lucas Heights Bioenergy Facility – (SSD-79933225)
EPA advice on Secretary's Environmental Assessment Requirements (SEARs)**

I refer to your request to the NSW Environment Protection Authority's (EPA) to provide advice on SEARs for the above project.

The EPA understands the proposal involves construction and operation of a 'like for like' replacement power station at the Lucas Heights Resource Recovery Park that generates power from landfill gas. The new facility would be located on a 0.5 ha site adjacent to the existing power station and will be an upgrade to meet modern standards and regulations as well as forecast biogas generation capacity requirements. The project will comprise:

- 20 x 1.1 megawatt (MW) modular clean burn generator sets for a total output of approximately 22 MW (192,000 megawatt hours per year),
- Both underground and above ground powerline connection to Ausgrid electrical distribution network, and fibre connection to the Lucas Heights Zone Substation,
- A filtration and compression system to remove particulate matter from the biogas,
- Ancillary infrastructure including transformers, switch room / control room, lighting poles, electricity and gas metering, protection and communication equipment, workshops, lunchrooms, amenities, rainwater tanks, safety showers, and onsite car park for operators.

It is understood that the project would ensure renewable energy generation would operate for the life of the landfill, and the post-closure landfill gas generating period, which is expected to span several decades. Recoverable landfill gas generation is predicted to peak at between 12,000 m³/hour and 13,000 m³/hour over the next five years.

It should be noted that the EPA currently regulates the existing power station under an Environment Protection Licence (EPL 6345) for electricity generation works with a scale of 0-250 gigawatt hours annual generating capacity. Given the proposed development, this licence will require a variation reflecting the change of premises boundary and point source monitoring locations and other potential changes associated with the new facility, or a new licence with surrender of the existing licence.

NSW Environment Protection Authority

As the environmental steward and regulator of our State we are committed to a sustainable future. Join us on our mission to protect tomorrow together.

Phone:
131 555

Email:
info@epa.nsw.gov.au

Website:
epa.nsw.gov.au

Visit:
6 Parramatta Square
10 Darcy Street
Parramatta NSW 2150

Mail:
Locked Bag 5022
Parramatta NSW 2124



The EPA has reviewed the document *Lucas Heights Bioenergy Facility SSD Scoping Report*, Rev 0, dated 24 January 2025 and provides comments on air quality, noise, water quality, and the EPA's *Energy from Waste Policy Statement* at **Appendix A** for the Department's consideration.

Please contact Stuart Clark on 02 9995 6835 or email stuart.clark@epa.nsw.gov.au if you wish to discuss this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'MA'.

Matthew Hart

Unit Head Operations

Environment Protection Authority

ATTACHMENT A

1. Air Quality

The EIS must include an Air Quality Impact Assessment (AQIA) prepared in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA 2022). The AQIA must:

- Identify all potential discharges of fugitive and point source emissions of pollutants and odour for all stages of the proposal. All processes that could result in air emission must be identified and described. Sufficient detail to accurately communicate the characteristics and quantity of all emissions must be provided.
- Describe the receiving environment in detail. The proposal must be contextualised within the receiving environment (local, regional, and inter-regional as appropriate). The description must include but need not be limited to:
 - a) meteorology and climate
 - b) topography
 - c) surrounding land-use
 - d) identified sensitive receptors; and
 - e) ambient air quality.
- Identify comparable facilities within the airshed and consider the cumulative impact of air emissions from these facilities.
- Detail emission control techniques/practices, including emission sampling and monitoring, that will be employed by the proposal, and benchmark these techniques/practices against best practice emission control and management.
- Assess all risks to the environment, human health and amenity associated with emissions of air pollutants, including odour from all stages of the proposal.
- Justify the level of assessment undertaken based on risk factors, including but not limit to:
 - a) proposal location
 - b) characteristics of the receiving environment; and
 - c) type and quantity of pollutants emitted.
- Include a consideration of 'worst case' emission scenarios and impacts at proposed emission limits.
- Account for cumulative impacts with existing emissions sources as well as any currently approved developments linked to the receiving environment.
- Include air dispersion modelling conducted in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA 2022). Consideration must be given to recent amendments to air pollutant standards contained in the National Environment Protection (Ambient Air Quality) Measure.
- Demonstrate the Proposal's ability to comply with the relevant regulatory framework, specifically the Environmental Planning and Assessment Act 1997 and the Protection of the Environment Operations (Clean Air) Regulation 2022.

2. Noise

A quantitative Noise and Vibration Impact Assessment must be undertaken as part of the EIS in accordance with the Noise Policy for Industry (EPA, 2017) for the operational phase and the Interim Construction Noise Guideline (DECC, 2009) for the construction phase. The assessment must be undertaken by a suitably qualified noise consultant.

3. Water quality

Assessment of water and wastewater management

- In general water pollution should be avoided in the first instance where the reuse and recycling of treated wastewater and stormwater should be encouraged where it is safe and practicable to do so and provides the best environmental outcome. However, if reticulated sewer is available any polluted water (including but not limited to process waters, wash down waters and sewage) should be collected on the site and directed to sewer in accordance with Council/Wastewater Providers trade waste requirements.
- However, where water pollution cannot be avoided, an assessment should be documented on its potential impact on receiving waters. If the impacts are unacceptable, mitigation measures that prevent or minimise impacts on water quality should be implemented. The EPA guidance on Water Pollution Discharge Assessments in NSW should be consulted when undertaking a water impact assessment.

4. Compliance with the NSW EPA's Energy from Waste Policy Statement

The EPA encourages the applicant to review the NSW EPA's Energy from Waste Policy Statement (EPA, 2021) (EfWP statement) to ensure that the proposal complies with its requirements.

The EIS should clearly explain how the proposal would operate as an energy from waste facility in accordance with the EfWP statement. Particular attention should be made to part 3 of the EfWP statement pertaining to eligible waste fuels. In particular, facilities proposing to use eligible waste fuels must satisfy the requirements in the Eligible Waste Fuels Guidelines (EPA 2022). Specifically they should:

- be able to demonstrate to the EPA that the proposed waste consistently meets the definition of an EPA-approved eligible waste fuel,
- fully characterise the waste and/or undertake proof of performance (where required), and
- meet the relevant emission standards as set out in the Protection of the Environment Operations (Clean Air) Regulation 2022.



File Ref. No: FRN25 584 BFS25 848 8000040723
TRIM Doc. No: D25/14090
Contact: Station Officer Richard Jay

12 February 2025

DEANA BURN
NSW Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Deana,

Re: Advice on Secretary's Environmental Assessment Requirements (SEARs) – LUCAS HEIGHTS BIOENERGY FACILITY (SSD-79933225)

Fire and Rescue NSW (FRNSW) acknowledge correspondence received on 10 February 2025, requesting input into the preparation of the SEARs for the LUCAS HEIGHTS BIOENERGY FACILITY (SSD-79933225). FRNSW have reviewed the SEARs along with the Scoping Report with particular focus to Section XXX.2 Hazard and Risk.

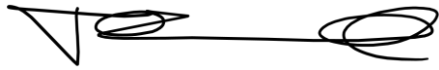
The Scoping Report details a bioenergy facility capable of producing approximately 192,000MWh/year. It has been the experience of FRNSW that bioenergy facilities present special problems of fighting fire and suitable additional provisions are likely to be required in accordance with E1D17 and E2D21 of the National Construction Code 2022¹.

FRNSW will likely recommend a Fire Safety Study (FSS) be developed in accordance with the Hazardous Industry Planning Advisory Paper No 2² as a condition of consent. The FSS should be used to inform the design and as such it is FRNSW Position³ that the FSS be developed to the satisfaction of FRNSW prior to any further submission being made to FRNSW; this includes: an Initial Fire Safety Report (IFSR) and / or Performance-Based Design Brief / Fire Engineering Brief Questionnaire (FEBQ).

The FSS should be prepared consistent with the relevant FRNSW Fire Safety Guidelines and FRNSW Technical Information Sheets⁴.

Project proponents undertaking the FSS are to engage directly with FRNSW by submitting all correspondence electronically to FireSafety@fire.nsw.gov.au and reference FRNSW file number FRN25/584. Further information regarding FRNSW Meetings⁵ and FRNSW Written Reports⁶ can be found at the FRNSW Building Fire Safety Industry Portal⁷.

Yours sincerely,



Superintendent James O'Carroll
Manager
Fire Safety Liaison Unit

Cc: deana.burn@planning.nsw.gov.au

¹ <https://ncc.abc.gov.au/editions/ncc-2022>

² <https://www.planning.nsw.gov.au/sites/default/files/2023-03/hazardous-and-offensive-planning-advisory-paper-no-2-fire-safety-study-guidelines.pdf>

³ <https://www.fire.nsw.gov.au/page.php?id=9447&position=51>

⁴ <https://www.fire.nsw.gov.au/page.php?id=9166>

⁵ <https://www.fire.nsw.gov.au/page.php?id=9193>

⁶ <https://www.fire.nsw.gov.au/page.php?id=9156>

⁷ <https://www.fire.nsw.gov.au/page.php?id=9140>

Our ref: HMS ID 9116

Deana Burn
Specialist Planner
Department of Planning, Housing and Infrastructure
deana.burn@planning.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

Input to SEARs – State Significant Development Lucas Heights Bioenergy Facility SSD-79933225

Dear Deana,

Thank you for your referral dated 10 February 2025 inviting comments from the Heritage Council of NSW on the above State Significant Development (SSD) proposal.

The proposed SSD site is not in the vicinity of State Heritage Register items, with the nearest item three kilometres to the east [Lucas Watermills Archaeological Sites] (SHR no. [01988]).

It is recommended that the draft Secretary's Environmental Assessment Requirements (SEARs) for environmental heritage are replaced with the following SEARs:

Heritage and archaeology

Where there is potential for direct or indirect impact on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated.

1. A Statement of Heritage Impact (SOHI) should be prepared by a suitably qualified heritage consultant in accordance with the *Guidelines for preparing Statements of Heritage Impact*. The SOHI is to address the impacts of the proposal on the heritage significance of the site and adjacent areas and is to identify the following:

- a. all heritage items (state and local) within the vicinity of the site including built heritage, landscapes and archaeology, detailed mapping of these items, and assessment of why the items and site(s) are of heritage significance;
 - b. compliance with the relevant Conservation Management Plan;
 - c. the impacts of the proposal on heritage item(s) including visual impacts, required BCA and DDA works, new fixtures, fittings and finishes, any modified services;
 - d. the attempts to avoid and/or mitigate the impact on the heritage significance or cultural heritage values of the site and the surrounding heritage items; and
 - e. justification for any changes to the heritage fabric or landscape elements including any options analysis.
2. If the SOHI identifies impact on potential historical and/or maritime archaeology, an historical and/or maritime archaeological assessment should be prepared by a suitably qualified archaeologist in accordance with the guidelines Archaeological Assessment and Assessing Significance for Historical Archaeological Sites and Relics. This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential archaeological resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. If harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations or salvage programme.

If you have any questions about this correspondence, please contact Sarah McGuinness, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,

Nicole Davis

Nicole Davis

Strategic Manager – Major Projects

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate of the Heritage Council of NSW

24 February 2025



File Ref: 2021/396782

26 February 2025

Deana Burn
Specialist Planner - Industry Assessments
Department Planning, Housing & Infrastructure
deana.burn@planning.nsw.gov.au

Dear Deana,

RE: Sutherland Shire Council submission to scoping report for SSD- 79933225, Lucas Heights Bioenergy Facility

Sutherland Shire Council welcomes the opportunity to provide comments on the Scoping Report for the proposed Bioenergy Facility at Lucas Heights, jointly submitted by Cleanaway and LMS Energy. Please find attached Council's submission for your consideration.

Council has undertaken a detailed review of the Scoping Report and has identified key matters that need to be addressed moving forward.

Given the significance of this proposal, Council looks forward to ongoing consultation and engagement as the project progresses through the planning process.

Should you require further clarification, please contact A/Manager Environmental Science, Jordan Widenstrom at jwidenstrom@ssc.nsw.gov.au or 9710 0639.

Yours sincerely,

Jordan Widenstrom
A/Manager Environmental Science
Sutherland Shire Council

SUTHERLAND SHIRE COUNCIL SUBMISSION TO SCOPING REPORT for SSD-79933225, Lucas Heights Bioenergy Facility

Sutherland Shire Council has reviewed the early documentation related to the 'Lucas Heights Bioenergy Facility' project. Council acknowledges the importance of landfill gas capture and environmental benefits of gas recovery for energy generation, however the proposal in its current form requires amendment.

This submission raises concerns with the proposal as presented in the Scoping Report, highlights matters requiring consideration and seeks clarification on a number of issues before proceeding.

Engagement and Consultation

Council is concerned with the level of consultation to date and identifies that the engagement detailed within the Scoping Report is inaccurate and misleading.

Section 5.2.2 relates to consultation with Council. It notes a briefing was provided to Sutherland Shire Council CEO on 20 December 2024, however no briefing or detail was provided on this date. A meeting with the proponent occurred on the 19 February 2025 after the lodgement of the scoping report/request for SEARs.

Further, Council queries if engagement with the LHRRP Community Reference Group (CRG) has been undertaken. Council was not invited to the last CRG meeting on the 12 December 2024. Meeting minutes provided to Council on 13 January 2025 indicated that the proposed flare upgrade and bioenergy facility were not discussed. The next CRG meeting is scheduled for 6 March 2025 and therefore the CRG have not yet been consulted.

Given the lack of consultation for this and the recent SEARs application for the LHRR western expansion project, Council has limited confidence that the consultation will be effectively implemented throughout the assessment process.

Failure to comply with the requirements of 2000 Deed of Agreement (CI 17 & 18)

Sutherland Shire Council entered into a Deed of Agreement with Waste Service NSW (the NSW Government owned waste provider) in 2000 as part of a 1999 Development Consent which contains an important clause requiring Council to provide its consent for any proposed modification or new application applying to development on the landfill site. This clause is absolute and is not subject to any dispute resolution clauses within the Deed.

The Deed of Agreement sits with the 1999 Development Approval and therefore is transferrable from one owner to another. This application for SEARs has been lodged by LMS Energy Pty Ltd (LMS) without consideration of the Deed. Council queries the validity of this application and highlights that existing planning agreements have not been considered as Statutory Context pursuant to Section 4.15(1)(a)(iia) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Non- compliance with obligations in 2017 Planning Agreement

As part of the 2017 Planning Agreement, the landfill site at Lucas Heights is to be transferred to Council for recreational uses and parkland following its closure. Council is concerned this and other current proposals for the site may compromise the utility and amenity of the land for future users.

The proposed facility footprint encroaches into the area designated as future parklands (SSD 6835) to be delivered under the 2017 Voluntary Planning Agreement (VPA) (see comparative Page 2

Figure 1 and 2 below). The siting and location of the facility must not hinder commitments made under the Planning Agreement and must be re-designed to ensure the safeguarding of the future parklands, with consideration of planting and buffer vegetation. As presented, the site encroaches onto 'early works' woodland planting on existing ground, as well as hydroseeded native grass.

Figure 1: Landscape Plan for Parklands Delivery under the 2017 VPA



Source: Sita, Lucas Height Revised Landscape Plan, 30 September 2015

Figure 2: Project Site (excerpt from SSD Scoping report)



Source: GHD, Lucas Heights Bioenergy Facility SSD Scoping Report, 24 January 2025

Consideration of Future Users of the site

The proposal does not consider the users of the future parkland site to be delivered post landfill closure. These uses are expected to operate concurrently and the impacts of the Bioenergy facility as well as the completed 'gas management facility' must address concerns related to amenity and safety. This includes impacts related to:

- Hazards – the report does not identify potential hazards to future parklands users.
- Noise and vibration – the facility will be located within the future parklands, with no opportunity for buffer planting. The new Bioenergy Facility will be closer to parkland users than the existing power plant. Noise and vibration impacts to future users should be considered.
- Social impact – there is no consideration of the impact to future community users of the parkland in relation to the encroachment of the Bioenergy Facility into the parkland or its operational impacts on users due to its increased proximity.
- Visual impacts – needs to include impacts to future parkland users due to increased proximity and loss of screening /buffer vegetation. From the supplied plans it looks as though the proposed bioenergy facility will remove a significant portion of the buffer planting proposed between the parklands and PCYC Bike Club.
- Air quality impacts- there is no consideration of air quality impacts to future uses of the parklands.

Relationship with proposed flare facility and modification

The subject application relates to the Bioenergy Facility only and excludes the proposed Flare installation works which LMS is seeking to modify through a separate SSD modification

Page 3

application (SSD 6835). The Flare installation is immediately adjacent to the subject development and will operate as a single facility once works are completed. The impacts of these two applications should be considered holistically as operationally they are interconnected and share infrastructure as a single 'gas management facility.' The report lacks discussion around the overall size and impact of the final gas management facility. It is queried whether these two separate applications are more suited to a combined application due to the nexus between these developments.

Fate of the existing power plant is unclear

The development proposes to update and replace the existing power plant which is near the end of its design life. The report identifies the facility will be a 'like for like' replacement of this facility, however the site is in a new location adjacent to the existing power plant. There is little detail about the decommissioning of the redundant power plant, as it does not form part of the scope of the proposal. Council queries the fate of this existing facility once the new facility is commissioned.

Contaminated Land Impacts & Impact of landfilling activities

Section 2.4.6 of the scoping report notes that the land may have been impacted or substantially altered by past landfilling activities. It is noted this is not followed up in section 6 'proposed assessment of impacts' and should be included for assessment.

Despite the site area not historically being used for landfilling, it is unlikely that the risk from contaminated land is 'low'. The site is adjacent to an area that has been landfilled and gas and vapour migration must be considered, particularly the potential impacts to occupiers of the ancillary buildings proposed for the site.

Consultation with residents

It is not clear within the report the extent to which residents will be involved in consultation for the site. Table 5.1 mentions key stakeholders include 'Residences located within 2km radius of the project'. The nearest residential subdivision is 2.3km south-east of the subject site, therefore if the intent is to include nearby residents as a key interest group it is suggested to increase this radius.

Consideration of Cumulative Impacts

A Cumulative Impact Assessment (CIA) should consider air and water emissions, traffic impacts, noise and vibration impacts and consider all recent approvals and modifications related to and adjacent to the landfill site. A CIA should also consider the cumulative impacts to future parkland users at a minimum.

Biodiversity

The images provided within the report related to biodiversity are the same as those provided for the Flare Upgrade modification proposal and do not differentiate between the vegetation to be disturbed by the footprint of the Bioenergy facility and the flare installation. This should be clarified within the report.

The proposal will remove the opportunity for planting of approved vegetation as part of the parkland buffer planting.

Traffic and Access

Access roadways within the LHRRP will not be available post landfill closure (2037) as this area will be community parkland. The impact of this on traffic and access has not been considered.

Little Forest Road is a council owned private road. They have not indicated ownership of this road, nor whether the licence agreement with Cleanaway extends to construction and operation of the proposed Bioenergy Facility.

Discrepancies within the report and other issues

Other discrepancies within the report needing rectification, include:

- No discussion relating to scenario or options analysis has been presented to justify the proposal beyond identifying there is aging infrastructure at the existing power plant. This should be included in the scoping report.
- Section 2.4.1 - Describes the site location as sitting between 3 National Parks (or National Estates). This creates an inaccurate picture as GLALC lands, and residential suburbs are closer than the Royal National Park.
- Section 3.3.6 - No discussion of operational waste generation has been included or identified.

Formal position of the elected Council

Please note that this submission has not been formally considered by the elected Council of Sutherland Shire Council. The views and recommendations outlined in the attached submission represent the professional assessment of Council officers based on a review of the Scoping Report and relevant planning considerations.

20 February 2025

TfNSW Reference: SYD24/00164/02
DPHI Reference: SSD-79933225



Ms. Kiersten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Deana Burn

**REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (SEARS)
UPGRADE TO THE LANDFILL GAS MANAGEMENT INFRASTRUCTURE AT THE LUCAS HEIGHTS RESOURCE RECOVERY
PARK**

Dear Ms. Fishburn,

Thank you for referring the request for Secretary's Environmental Assessment Requirements (SEARs) which was referred to Transport for NSW (TfNSW) for comment.

TfNSW has reviewed the submitted information and requests the comments in **TAB A** be addressed as part of the applicants assessment for the proposed development.

For more information, please contact Vic Naidu, Land Use Planner via email at development.sydney@transport.nsw.gov.au.

Yours sincerely,

Andrew Lissenden
A/Senior Land Use Planner - Eastern
Land Use, Network & Place Planning
Transport Planning | Planning, Integration and Passenger

OFFICIAL

TAB A

1. *Traffic Impact Assessment (TIA)*: A TIA is required to examine any potential transport related implications of the Development. The TIA needs to be prepared in accordance with the *Guide to Transport Impact Assessment* (GTIA). The Guide replaces the *Guide to Traffic Generating Developments* and can be found with this [link](#). The TIA will enable TfNSW to understand the impacts the development may have on the state classified road network that it manages.
2. *General Comments:*
 - a) The preparation of a preliminary Construction Traffic and Pedestrian Management Plan to demonstrate the proposed management of the impact in relation to construction traffic addressing the following:
 - i) Assessment of cumulative impacts associated with other construction activities (if any).
 - ii) An assessment of road safety at key intersection and locations subject to heavy vehicle construction traffic movements and high pedestrian activity.
 - iii) Details of construction program detailing the anticipated construction duration and highlighting significant and milestone stages and events during the construction process.
 - iv) Details of anticipated peak hour and daily construction vehicle movements to and from the site.
 - v) Details of on-site car parking and access arrangements of construction vehicles, construction workers to and from the site, emergency vehicles and service vehicle.
 - vi) Details of temporary cycling and pedestrian access during construction.