

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-79933225 Lucas Heights Bioenergy Facility
Applicant	LMS Energy Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Acting Director, Industry Assessment under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

1 April 2026

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021
- the objects of the Act
- all information submitted to the department during the assessment of the development application
- the findings and recommendations in the department's assessment report
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including:
 - supports NSW's clean energy transition by generating electricity from waste landfill gas, contributing to a more diverse electricity supply
 - contribute to greenhouse gas emissions reduction by up to 1,068,604 tCO₂-e pa from landfill
 - supporting NSW Government strategic objectives for sustainable waste management and emissions reduction, in accordance with the *NSW Waste and Sustainable Materials Strategy 2041* and *NSW Energy from Waste Policy Statement (2021)*
 - contribute to the local economy with an estimated capital investment value of \$49.8M and generation of up to 15 direct construction jobs and six direct operational jobs.
- the project is permissible with development consent, and is consistent with NSW Government policies including the *NSW Waste and Sustainable Materials Strategy 2041* and *NSW Energy from Waste Policy Statement (2021)*
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Applicant engaged with the community during the preparation of the Environmental Impact Statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the DA and EIS was lodged with the Department, they were placed on exhibition from 11 November until 8 December 2025 (28 days). One submission was received from the public, in support for the proposal and raised no additional matters.

The Department has received the submission received as part of its assessment. No additional conditions are required in response to the submission.