

SUTHERLAND SHIRE COUNCIL SUBMISSION TO SSD-10412, BREEN RESOURCE RECOVERY FACILITY

Sutherland Shire Council objects to the Breen Resource Recovery Facility. While there are aspects of the proposal of which Council is supportive, the highly integrated nature of the Proposal makes it such that these elements cannot be easily isolated, and therefore Council is not supportive of the application as proposed. The main basis for the objection is the impact the SSD Proposal has on the delivery of obligations under the 2010 VPA between Sutherland Shire Council, Breen Resources and Frasers Property (Australand). This submission is set out in two main sections. The first raises issues and concerns relating to the impact of the proposal on the 2010 VPA, and concerns of Council as a future land owner and manager of portions of the proposal site. The second focuses on the more traditional aspects of environmental impacts associated with the proposal.

PART 1 - VPA ISSUES/OBJECTIONS

Background and 2010 VPA

In 2010 Sutherland Shire Council, Breen and Frasers (Australand) entered into a VPA associated with the residential rezoning of land to the west of the Proposal site. This VPA provided for the development and transfer of natural lands, parklands and playing fields to Council. 10 playing fields to a value of \$25 formed a component of the 2010 VPA. The VPA provided aspirational delivery timeframes for the delivery of these parklands and playing fields of 2016, with a definitive landfill closure date of 31 December 2020.

The residential subdivision associated with the VPA has been completed several years ago. While all the natural lands and three playing fields have been provided to the community, they still await the delivery of seven playing fields and the parklands.

New VPA

Council notes that throughout the Proposal reference is made to a new VPA with Sutherland Shire Council (SSC). Breen and SSC have been negotiating in good faith towards a new VPA since Breen's original offer in November 2020. While these negotiations have progressed, no agreement on a new VPA has been reached, with Breen's latest offer being formally considered and rejected by the Council, as it did not represent fair value to the community. It should be noted that the terms of the VPA contained within the SSD Proposal are less favourable than those originally offered by Breen to Council in November 2020 and considerably less favourable than those reached in later negotiations. As such it is highly unlikely that the terms of the VPA outlined in the SSD proposal would be acceptable to Council.

Delay in Delivery of 2010 VPA Commitments

As noted above, the Council and community are still awaiting the development and delivery of many of the commitments under the 2010 VPA. We are now 5 years beyond the aspirational delivery dates outlined in the 2010 VPA and works on many of the playing fields and Parklands are yet to properly commence. The SSD Proposal contains anticipated delivery timeframes of June 2026. This is unacceptable to Council and the community. This is 16 years after the signing of the 2010 VPA, 10 years beyond the aspirational delivery dates, and a further 5 years from today. Further to this, while the 2026 date is provided, there are no provisions within the SSD Proposal to ensure that these delivery dates are complied with. Council is already suffering from the provision of aspirational dates provided by Breen without a mechanism to ensure their compliance under the 2010 VPA. The SSD Proposal contains no provision to ensure that this does not happen again.

Delay in delivery of the VPA commitments has been an issue that Council has continually raised with Breen, and it is still to be adequately addressed in this SSD Proposal or in new VPA negotiations to date.

Embellished Parklands

The embellished parklands have been the subject of discussion between Council and Breen over a number of years. Council has been generally supportive of the concept of the embellished parklands. However this support has always been premised with the condition that the embellished parklands do not significantly delay the delivery of the commitments under the 2010 VPA. The SSD Proposal notes that the additional material required to provide the final landform for the embellished parklands will be derived from the new Resource Recovery Facility (RRF), and that the sourcing/production of this material may take 2-3 years. This delay is unacceptable to Council. Further delays may also arise due to market considerations and commercial advantages of off-site of materials suitable for construction of the Embellished Parklands. On this basis Council objects to the embellished parklands and requires the delivery of the parklands envisaged under the 2010 VPA. Breen has a contractual and statutory obligation under the 2010 VPA to deliver these parklands.

Here Council also notes that the SSD Proposal lists a number of community benefits to be delivered by the embellished parklands. While Council accepts that the embellished parklands delivers many components over and above the 2010 VPA Parklands (amphitheater, playground, additional parking), many of the benefits claimed are actually delivered under the original 2010 VPA Parklands (revegetation with dune heath, cycle links, ecological link with Bate Bay).

Continuation of Landfilling Activities Beyond December 2020

The SSD Proposal proposes the continued operation of waste receipt, processing, sorting and recovery on the Transferred Lands the subject of the 2010 VPA (Lot 6, Lot 1122 and Lot 1123), until the new RRF is constructed on Lot 5. This results in a delay in the availability of

these lands to be developed in accordance with the 2010 VPA. The 2010 VPA contains a provision at Clause 7.9 that requires that the landfill on the Transferred Lands close prior to 31 December 2020. The activities proposed to continue on the Transferred Lands are associated with the landfill operation, and the landfill cannot function without these facilities such as the weighbridge, receival area, sorting area etc. Resource recovery operations are also to continue in this area. No consent exists for a resource recovery facility. The 1990 consent is for the receipt of C&D waste and excavated materials and land restoration. The recovery of materials and off-site sale is not part of this consent. No consent conditions permit this activity. Continuation of resource recovery activities in this area, is either ancillary to landfilling (which must close) or is undertaken without consent. The timeframe within the SSD proposal for the closure of this facility, is inconsistent with the obligations of the 2010 VPA, is unacceptable to Council and Council objects to this aspect of the proposal.

Uncertainty of Ongoing Management Obligations

In Council's submission to the SEARs, Council requested that a Landfill Closure Plan be supplied as part of the SSD Proposal. Such a Plan has not been supplied. Ongoing management obligations of the 2010 VPA lands has been the subject of discussion with Breen. Council have specifically requested details of ongoing responsibilities and obligations in regards leachate management, landfill gas management, water usage and other possible restrictions that may apply to these lands. In order for Council to fully understand these obligations and possible restrictions, Council have requested a Landfill Closure Plan. Despite this we are still to see one.

The nature of the fill material used on the site has changed significantly since the 2010 VPA was entered into. In 2010 high proportions of heavy inert waste such as brick and concrete were landfilled. Now this material is recovered and fill comprises residual materials such as plastic, timber, fibre and paper. With this change in fill materials comes altered post closure responsibilities. This is not something Council envisaged when entering into the VPA in 2010, as no consent existed for the recovery of these materials. As a future land owner and manager, Council wishes to understand these post closure responsibilities and obligations.

Of concern to Council, is that these ongoing management responsibilities are not clearly identified within the SSD Proposal, while landfill closure and redevelopment for parklands form a significant component of the Proposal. In fact Breen identifies many of these obligations are not yet known, and will be determined following discussions with the EPA, and finalised in the Landfill Closure Plan. If Breen, as the proponent is not aware of these obligations, then it is not possible for Council as a future land owner to be aware of them. This is not acceptable to Council, and Council objects to a Landfill Closure Plan not forming a component of the SSD proposal.

Economic Development of the Site

Much has been made within the SSD Proposal of the need to ensure that the site is developed in an economically responsible fashion. While this may be the case for other components of the proposal, Council does not consider that this is a relevant consideration in regards the delivery of the 2010 VPA commitments. The 2010 VPA relates to the

residential rezoning of owned by Breen and Frasers and is not connected to the development or operation of the Breen Landfill/Resource Recovery Facility. The finances required to deliver the 2010 VPA obligations were realized several years ago by both Breen and Frasers when their residential subdivisions were completed. Residents have been living in the dwellings associated with this rezoning for many years. The contention that the site needs to be developed in an economic fashion in order to facilitate the delivery of the 2010 VPA is rejected by Council. The provision of the 2010 VPA commitments should be independent to the commercial operation of the landfill, and Council objects to the inclusion of this premise within the SSD Proposal.

New Resource Recovery Facility

Council notes that the SSD Proposal requires the new Resource Recovery Facility to be completed, and commissioned prior to the demolition of the existing infrastructure on Lot 1123, and only then can works on the delivery of the playing fields and parklands required under the 2010 commence in earnest. The 2010 VPA requires that once the landfill has closed (a requirement under clause 7.9 of the VPA, and something that Breen consistently state in the SSD Proposal has occurred), certain works must commence in regards playing field delivery, including securing a Construction Certificate, and completing the works after the granting of a Construction Certificate. The requirement to construct a new RRF is not a consideration under these clauses in the 2010 VPA.

The construction of the new RRF is expected to take at least 18 months. Beyond this there will be a commissioning period. This gives rise to a further delay in delivery of the playing fields and parklands of approximately two years and is contrary to the requirements in the 2010 VPA. This is unacceptable to Council. Council objects to the construction of the new RRF due to the delay in delivery of 2010 VPA commitments.

Fully Integrated Nature of the Proposal

During earlier modification applications lodged with Council and consideration by DPIE on the lodgement of the SSD Proposal with DPIE, requests have been made to Breen to consider the merits of several applications dealing with individual components of the Proposal. Breen, as is their right as applicant, have rejected these requests and consider the Proposal to be totally integrated with each component being interrelated with all other components. For example the SSD Proposal notes that the new RRF has been designed to supply materials to the Embellished Parklands, both during construction and for its ongoing management. With Council objecting to the Embellished Parklands, and requiring delivery of the 2010 VPA Parklands, due to unacceptable delays in delivery, key components of the integrated Proposal are no longer feasible, or possible. In the above example, the RRF has been designed for a purpose that can no longer be pursued. Further, in section 5.2.1 the SSD Proposal notes "All components of the Proposal are highly integrated and are necessarily interconnected and critically reliant on each other at an operational and commercial level to achieve the overall project objective". The fully integrated nature of the Proposal makes it difficult, if not impossible, to grant approval to particular components of the SSD Proposal and not others. Accordingly the justification for the overall SSD Proposal becomes no longer valid.

PART 2 - ENVIRONMENTAL ASSESSMENT AND RESPONSE TO SEARs

GENERAL COMMENTS ON THE SSD PROPOSAL

Merits of the proposal

Conceptually the construction of a resource management facility and an embellished Parklands would make a positive contribution to the environment and to the residents of the Sutherland Shire. The concern comes in relation lack of details in relation to timing and levels.

Quality of the submission

The quality of the documentation submitted fails to satisfy the submission requirements for a development application detailed in Schedule 1 of the Environmental Planning and Assessment Act Regulations. In particular there is a complete lack of details in relation to existing or proposed ground levels.

The survey plan provided lacks detail in relation to specific aspects of the site including the neighbouring road reserve. Many of the survey detail relied upon is historic and given the nature of the use of the land has likely changed overtime.

The architectural plans are noticeably lacking RLs and the landscaped plan for the resource recovery facility lacks any detail in relation to levels or the proposed landscape treatment.

It is therefore difficult to assess the proposal and its relationship with neighbouring land including the roadway.

The lack of basic detail raises concerns about the resultant development and particularly about how long it will take to fill lot 5 to the required level.

Due to the lack of detail and the ability to adequately and accurately assess the potential impacts of the SSD Proposal, Council requests the opportunity to review all additional information that is supplied to address the inadequacies and shortfalls in information.

DETAILED ASSESSMENT AGAINST THE SEARS

Description of the Proposal

Current Consent

Council considers that the description of the consents that apply to the site are not accurately reflected in the SSD application. While 1.2.2 accurately notes that the 1990

consent (DA/269/90) is for the “establishment of a depot to receive excavated materials and selected demolition materials (including bricks, tiles and concrete spall), and for the restoration of the land by application of the materials to the land”, elsewhere the SSD notes that the current activities undertaken on the site, including resource recovery, are undertaken in accordance with this consent. Consent DA269/90 does not provide a consent for the establishment of a resource recovery facility. The receipt of the materials at the site is for the purpose of land restoration, not for the purpose of recovery and sale off site. No conditions within the consent permit resource recovery activities. While some reference is made to recovery of materials in the REF that accompanied the application, this was a very minor component and related to the recovery of metals only. In the SSD Breen indicate that the current recovery rate for materials is approximately 80%. This cannot be considered minor and ancillary to the land restoration activity, and resource recovery would constitute the primary activity on the site for which there is no consent. Therefore Council considers that the majority of the activities undertaken on the site are not in accordance with any consent.

Current Zoning

Chapter 1.2.3 notes that that current zoning of the site is 7(b) Special Development Zone under SEPP (Kurnell Peninsula) 1989 (Kurnell SEPP), and makes reference to a delayed zoning for portions of the site. While the zoning was to be a delayed rezoning, and certain rezoning triggers have not been met, the new zoning has been made, gazetted and is the current zoning. Therefore while Lot 5 is zoned 7(b) under the Kurnell SEPP, the remainder of the site is zoned RE1 – Recreation and E2 – Environment Protection under Sutherland Shire Local Environmental Plan 2016. Waste management is not a permissible activity under the RE1 or E2 zones.

Section 5.3.1 of the SSD Proposal notes that the principal environmental planning instrument applying to the subject land is the Kurnell SEPP. As noted above, this is incorrect. The Kurnell SEPP only applies to Lot 5. SSLEP 2016 applies the remainder of the site. Waste disposal is not a permissible activity under any of these zones.

Voluntary Planning Agreement

Chapter 1.2.4 notes that the delivery of public land and associated works is currently being delivered in accordance with the VPA. Council considers this is not the case. The 2010 VPA contains certain aspirational time frames for the delivery of the playing fields and parklands. These indicate delivery in 2016. The majority of these commitments are yet to be delivered and will be further delayed by the works proposed in the SSD Proposal. Further to this the VPA contains a landfill closure date of 31 December 2020 on the VPA lands. Council considers that the continued operation of the works critical to the operation of the landfill, such as the weighbridge, the receival area and sorting area, the processing area, all located and operated on the VPA lands, is not consistent with the commitments in the VPA. The continuation of these work under beyond 31 December 2020 under any approval would be inconsistent with the requirements of the 2010 VPA. This issue and other associated with the 2010 VPA have been discussed in greater detail in the first section of this submission.

Future Environmental Management of Site

The SSD makes reference to the integrated future environmental management of the site, for example at section 3.3 Strategic need for the Proposal. This covers things such as site wide monitoring and management of leachate landfill gas and water usage, including on areas of the playing fields and parklands the subject of the 2010 VPA. However details of these measures are inadequately identified within the SSD Proposal, and these details are often deferred to the development of future plans and monitoring programs. In particular ongoing management requirements for the parklands and playing fields is being deferred to the development of the Landfill Closure Plan (see section 4.5.1 and section 4.5.2). Council requested a Landfill Closure Plan be submitted as part of the SSD Proposal. A Landfill Closure Plan has not been provided, therefore management requirements and restrictions on future use of the area, in terms of water usage for irrigation, location and nature of any landfill gas structures on the VPA lands are not known. Future environmental management requirements may be inconsistent with VPA commitments or may represent an unacceptable restriction on the community's ability to fully utilise the playing fields and parklands, or may place an unacceptable management burden on Council as the future land owner and manager. Therefore the future integrated environmental management of the site cannot be considered acceptable if one of the future land owners/managers is unaware of their environmental management obligations.

Life of the landfill

Council has concerns over the open ended nature of the life of the SSD Proposal. While the SSD Proposal notes at section 4.3.3 Operation, that the anticipated life of the landfill is 15 years, this may be considerably longer if greater resource recovery can be achieved via production of SRF. This could potentially extend the life of the operation for a further 30 years. While the current DA269/90 consent does not contain an end date, there is an expectation that the landfill has a defined life, as dictated by the volume of the approved landfill. The recovery of materials and off site sale has increased the lifespan of the current operation well beyond the original envisaged life of the operation, as recovery and off site sale of materials was not part of the current consent. The now indefinite operation of the facility into the future means that the community is exposed to the impact of the proposal (eg. heavy vehicle movement, dust, noise) well beyond the originally anticipated life of the proposal under the 1990 consent.

Landscaping of Resource Recovery Facility

The quality of the landscape submission for the resource recovery component of the development is poor and lacking in detail. Generally speaking, existing levels within the site have been highly modified. It is essential to understand the intended finished levels of the development as batters & retaining walls may be required across the site to maintain those existing contours on the boundaries. The landscape plan should assign finishes across the entirety of the sites ground plane.

In section and elevation within the Architectural drawings the ground level is shown flat. The ground levels within site have not been designated an RL nor has an FFL been designated to buildings. With finished levels unknown across site, the buildings could be perceived even larger when looking from the surrounds if levels are raised internally.

The area designated as landscape buffer to the north is appropriate at 12m wide, this will allow adequate room for meaningful tree planting and screening. Areas designated as landscape buffer to the east & south at 6m are inadequate. The processing sheds are notated in the Architectural Plans at 14.4m tall in elevation (4.5 stories). Buildings of this scale require a minimum landscape setback of 12m if to be properly screened.

As the site is housing large new infrastructure and machinery it is crucial to know the locations of above and below ground services. As these may have a detrimental or limiting effect upon landscaping especially power & stormwater services. Services should be required to remain outside of the landscape buffer areas.

Further, the amenities building should have an external breakout space for future employees which includes seating, landscaping, shelters. Trees designated amongst the car parking area in blisters will require irrigation & structural soil at a minimum. The site is very exposed to sunlight and salt winds. Details of these tree blisters should be required. The planting scheme should reflect what is shown in the other stages of the development, utilising hardy endemic species from the Kurnell Dune Forest Community. Irrigation will be necessary to all areas designated as landscape.

There also appears to be pockets of existing vegetation across the site, it would be worth further investigation of its quality and potential for retention and rehabilitation.

Suitability of the site

Current consents

See above comments regarding consent DA269/90 and permissibility of current activities.

Voluntary Planning Agreement

See above comments regarding the Voluntary Planning Agreement and earlier detailed analysis in the first part of Council's submission.

Section 2.4.4 notes that Breen has offered to enter into a new VPA as detailed in section 4.11. Council has considered this VPA offer, and other VPA offers that provide for considerably greater benefit to the community and formally rejected those offers. Thus any VPA offer based on the proposal and benefits outlined in Section 4.11 is unlikely to be favourably considered by the Council. This includes the provision of the Embellished Parklands, which are currently unacceptable to Council due to the delay in delivery of the overall 2010 VPA commitments. Further section 4.4.3 notes that a new VPA is required to deliver the Embellished Parklands, which is an integral component of the SSD Proposal.

Again, such a VPA is unlikely to be supported by Council due to the delay in delivery of the 2010 VPA commitments. Therefore any proposal which relies on a new VPA that includes the constrictor of the Embellished Parklands should be considered invalid.

Development Contributions

Council has two contribution plans pursuant to S.7.11 and S.7.12 of the Act that apply to the land. It is agreed that the S.7.11 plan does not apply to the development, as the proposal is not for residential purposes in the specified centres. The proposal is therefore subject to the S.7.12 plan, which is a 1% levy plan.

The Ethos Urban report submits that the S.7.12 plan should not apply to that portion of the SSDA described as 'Embellished Marang Parklands' as this portion of the development does not generate demand for additional amenities and services, and in fact will provide amenities for the community. Council does not agree with this position.

The plan applies to all development unless a specific exemption is given by the plan. The plan does provide an exemption that would exclude the development, if it is considered "community infrastructure" works and in which case, the works must be undertaken by a public authority (pg 19 of plan). The proposed SSDA works are not being carried out by a public authority. Consequently, all costs associated with the proposal, including the set-up and operation of the Resource Management Facility and the embellishment of the parklands must be included, and are subject to S.7.12 contributions.

Does the 2010 Voluntary Planning Agreement exempt the new works from contributions?

The 2010 VPA (modified in 2014) between Council, Australand and Breen Holdings, facilitated the staged transfer of 91 Ha of recreational land and construction of various sporting and recreational facilities, subject to a Masterplan, upon the rezoning of certain land for residential purposes. The 2010 VPA covered a number of lots, including the following lots that are subject of this SSDA application – lots 1122, 1123, and 6. It is noted that lot 5 DP 1158627, subject of this application, was not subject to the VPA.

The 2010 VPA specifically addressed the application of Sections 94 and 94A of the Act (now Section 7.11 and 7.12 of the Act) – as follows:

4. APPLICATION OF SECTIONS 94 AND 94A OF THE ACT

4.1 This planning agreement excludes the operation of sections 94 and 94A of the Act (and Division 2 and Division 3 of Part 58 of the Act as amended by the Environmental Planning and Assessment Amendment Act 2008) to any consent granted to any Development Application.

4.2 Subject to this clause 4, the consent authority will have all of its usual powers to assess and determine any development application concerning the Residential Land.

The VPA includes definitions relevant to this clause (as it pertains to this provision and Breen land/works) as follows:

Development Application means any development application to undertake:

(a) residential development on the Residential Land; and

(b) the construction of the Developers' Works on the Transferred Land including any preparatory works, remediation works and ancillary development.

Developers' Works means the Stage 1, Stage 2 and Stage 3 Works. For the avoidance of doubt, the Developers' Works do not include the Australand Works, Australand Compaction Works, Breen

Works, Breen Compaction Works or works required by or pursuant to provisions of the Protection of the Environment Operations Act 1997.

Breen Works means the works that must be carried out by Breen as identified in Schedule 9.

Breen Compaction Works means those works which must be carried out by Breen as identified in Schedule 10.

Existing Breen Development Consent means the Development Consent No269/90 issued on 6 September 1990. [269/90 was for Establishment of a depot for receipt of excavated materials and selected demolition materials and land restoration]

Stage 1 Works means the works listed under the heading Stage 1 Works in Schedule 3.

Stage 2 Works means the works listed under the heading Stage 2 Works in Schedule 3.

Stage 3 Works means the works listed under the heading Stage 3 Works in Schedule 3.

Schedule 3 works generally include the construction of the playing fields 1- 10. It excludes the completion of filling operations by the Developers under their existing consents or modifications thereto to prepare the land for the playing fields, that is to bring the relevant land to 500mm below FSL for sporting field and landscape rehabilitation areas.

Schedule 9 and 10 works generally include the completion of filling operations under the existing Breen Development Consent/or modifications thereto, to prepare the land for the playing fields, that is to bring the relevant land to 500mm below FSL for sporting field and landscape rehabilitation areas. It includes *Complete concrete, brick and other materials crushing and recycling operations, such that all stockpiles, plant & equipment are removed*. It provides for fill to approved DA levels, compaction of fill, clay capping, planning, fencing, construction of recreation facilities etc.

Hence the 2010 VPA provisions exclude the application of contributions to:

- works the subject of the existing development consents (269/90) (or modifications thereto),
- residential development, and
- filling and works for the construction of the playing fields and recreation area (Stages 1-3 works) as described in the Masterplan

The 2010 VPA provides for the provision of parkland (in a timely manner, to an agreed standard and value) which was not subject to development contributions. It does not exempt a new application for new works (such as this SSDA) from contributions.

Would a new VPA exempt the new works from contributions?

The applicant is offering to enter in to a new VPA – which could exempt the proposal from contributions. The SSDA proposes works that are in the spirit of the 2010 Voluntary Planning Agreement (VPA), but not contemplated by the VPA. The SSDA proposes re-profiling of landforms and embellishment of the recreation area “over and above” that required by 2010 VPA.

A new VPA may be entered into in lieu of the required contributions. Any new VPA should consider the impacts (costs and benefits) of the additional fill (beyond levels agreed to in the 2010 VPA), the value of the additional works over and beyond that contemplated by the 2010 VPA, the timing and delivery of the proposed parklands (under the 2010 VPA arrangement and the proposed SSDA), and the benefits of the whole proposal to both the applicant and the wider community.

As noted above, while negotiations to progress a new VPA have been undertaken in good faith, these negotiations have failed to reach an agreement which Council considers represents fair value to the community.

Staging of Development

Section 2.4.4. acknowledges that some of the land occupied by the Existing Breen Resource Recovery Facility is subject to the 2010 VPA. The continued operation of this facility beyond 31 December 2020 is inconsistent with the 2010 VPA obligations. The SSD notes that once demolition of the existing facility is complete Breen will deliver the playing fields and parklands. Demolition of the existing facility is contingent on the construction and commissioning of the new Resource Recovery Facility. The construction of the new facility as a precursor to the demolition of the existing facility, is considered to further unacceptably delay the delivery of the 2010 VPA commitments.

The staging outlined in section 4.4.1 and 4.8 relating to the delivery of the playing fields and parklands is not consistent with the timeframes outlined in the 2010 VPA. Council does not consider the statement that the proposal delivers the parklands in a timely manner accurate. The schedule and staging of works has been designed to cause minimal disruption to the operation of the facility, not the timely delivery of the 2010 VPA obligations. The integrated nature of the proposal is designed so that the delivery of the playing fields and parklands are the final step in the whole process, and there is there is not attempt to deliver these commitments in a timely manner.

The 2010 VPA contains anticipated delivery timeframes for the playing fields and parklands of 2016. The staging outlined in Table 4 of section 4.8 indicates that under the SSD

Proposal these playing fields and Parklands are now to be delivered in 2026. This is 10 years after the Council and community expected these facilities to be delivered and 16 years after entering into the 2010 VPA. Council considers this unacceptable. Council further notes that while delivery timeframes are provided in the SSD Proposal, there is no mechanism to ensure that these delivery timeframes are complied with or enforceable. Council is concerned that it will be in a similar situation in 2026 as it currently finds itself in now waiting for delivery 5 years after the indicated delivery date.

Council is also concerned that as a Landfill Closure Plan has not been produced as part of the SSD Proposal, the close out requirements of the EPA are not known (eg. the extent of any landfill gas management system in the area of the Embellished Parklands) and therefore the impact this have on the development and delivery timeframe for the parklands and playing fields is not known, and may result in further delays in delivery of 2010 VPA commitments, beyond those identified in Table 4.

Justification for the Proposal

The enhanced community facilities to be delivered by the Embellished Parklands is considered to be a key justification for the proposal. However, the Embellished Parklands will require additional time to construct compared to the parklands required under the 2010 VPA (approx. 2-3 years to source the additional materials) this further delay is unacceptable to Council, and therefore Council does not support the Embellished Parklands. The new Resource Recovery Facility has been designed to provide materials for a parklands landform the Council does not support, questioning the justification for the design of the facility. Further many of the benefits to the community listed in Section 3.3 (page 32) of the SSD are delivered under the 2010 VPA independent of the SSD Proposal, and should not be considered as justification for the SSD Proposal (eg. ecological link between Bate Bay and Towra Point, restoration of dune vegetation, cycle links).

Section 3.4 of the SSD Proposal notes that Breen had previously sought to relocate the waste management facility to Lot 5 by way of modification of DA/269/90, lodged with Sutherland Shire Council. While the modification application was lodged with Council it sought several other components as part of that application, such as increase in landfill volumes, significant increase in the height of the landforms throughout the site, and the establishment of resource recovery facility on Lot 5. As the original consent did provide consent for the operation of a resource recovery facility this was considered a new use and not a modification. Also the degree of change in volumes and heights on the site was considered not substantially the same, such that it was not consistent with the original consent. Additionally, the volumes requested were such the development triggered the requirements for State Significant Development. As such Council was unable to consider the application. Council requested that Breen lodge an application for the relocation of the facilities on the VPA lands to Lot 5 only, but Breen declined to lodge such an application.

Section 5.2.1 notes that the Resource Recovery Facility has been specifically designed to service the Embellished Marang Parklands. This seems questionable. It is noted that the new RRF facility will have an operational life of at least 15 years based on resource recovery rates (Section 7.3.5). The SSD Proposal indicates that the provision of material to construct the Embellished Parklands should take approximately 2-3 years. It therefore seems

questionable as to why you design a facility based on a 2-3 year operational requirements, when it will operate for at least 15 years. While there is mention of supply of materials for ongoing maintenance for the Embellished Parklands, this is expected to be a very minor to insignificant component of the annual throughput of the RRF.

Section 22.1, Table 65 provides a risk assessment of key elements of the SSD Proposal. Council does not agree with the risk assessment rating on many components of the SSD Proposal. In particular Council does not agree with:

- Soil and water data gaps – contamination on site and migrating off site has potential for significant impacts to on site users and off site ecosystems, significance of impacts cannot therefore be considered low.
- Soils and water ground gas management – ground gas has potential to impact on users of the parklands. Management of the impacts may require significant infrastructure which may impact on ability to utilise portions of the site for particular uses, and therefore should not be considered elementary.
- Soils and water long term management – again this may require significant infrastructure and ongoing resource commitment. Responsibilities for these are not defined within the SSD Proposal. Significance and management impact cannot therefore be considered minor and standard.
- Air quality impacts dust – no details are provided in regards the dust monitoring system, and current assessment indicates exceedances of dust limits at the playing fields. Given the lack of detail of the proposed monitoring management of impact cannot be considered simple.
- Noise and vibration – council does not consider the noise assessment criteria for the SSD Proposal as it applies to the playing fields to be appropriate, despite this the assessment still indicates exceedances of the target values, indicating that currently proposed mitigation measures are inadequate. As currently proposed measures are inadequate, management of impacts cannot be considered simple.
- Fire and Incident management bushfire – the assessment of bushfire risk does not appear to have taken into consideration the future risk from the vegetated parklands, therefore the risk is underestimated at minor. Also no mitigation measures are provided for the Embellished Parklands, so the management impact cannot be accurately determined as standard.

Section 22.4 Improved valuation and pricing and incentive mechanisms, completely fails to consider the erosion in value of the works required under the 2010 VPA, due to delays in delivery of these commitments associated with the SSD Proposal. Works under the 2010 VPA were capped at \$25 million and were anticipated to be delivered in 2016. The continued delay in delivery of these commitments, now envisaged to be in 2026, further erodes this value. This section also fails to consider the costs to the community in the delay in provision of these facilities. The Sutherland Shire currently experiences a shortage of playing fields, the SSD Proposal ensures that the community will continue to suffer from the lack of adequate provision of playing fields for at least the next 5 years.

Section 22.5 notes that the site currently has a consent for a depot for receipt of materials, but fails to mention this is for land restoration. The 1990 consent does not provide for the operation of a resource recovery facility, which actually diverts materials from land

restoration. Section 22.5 also notes that the proposed activities are consistent with the objectives of the zone. The majority of the site is zoned public recreation or environment protection, and the proposed activities are inconsistent with these zones. Section 22.5 notes that the Proposal responds to the demand for public open space. The Proposal does not deliver any additional open space. All areas of open space are delivered under the 2010 VPA. The provision of publically accessible parklands is also a commitment to be delivered under the 2010 VPA. While the SSD Proposal provides for higher standard parklands, this represents an embellishment of parklands that were to be provided under the 2010 VPA anyway, and no additional parklands are provided under the SSD Proposal.

Community and Stakeholder Engagement

Section 6.3 of the SSD Proposal outlines the consultation undertaken with Council. A key issue raised by Council during all consultation has been the timing of delivery of the 2010 VPA obligations. While Table 8 comments that the SSD planning pathway will give certainty for Breen to deliver the VPA commitments and cease operating the current facility, those timeframes are not acceptable, are inconsistent with current VPA obligations, and contain no mechanisms that provide certainty that they will be complied with.

So while this consultation has served to address some of the minor issues Council has with the proposal, the main concerns have still not been addressed to Council's satisfaction.

Waste Management

The SSD proposal includes the acceptance of 50,000 tonnes per annum of Commercial and Industrial waste (Table 11). While the SSD Proposal outlines the range of materials that it proposes to accept under this criteria, this is not consistent with the definition of Commercial and Industrial waste, which includes a number of other wastes beyond those described in the SSD Proposal, including hazardous/special wastes and contaminated soils, vegetation and food waste. The site is not considered an acceptable site for the acceptance of these wastes.

The Embellished Parklands will require approx. 1,500,000 tonnes of growing medium. This is to be manufactured on site at the new RRF. Growing medium requires an organic component, potentially sourced from green waste. Table 11 indicates that less than 1% of the waste received at the site will comprise green waste. Section 7.3.4 indicates that this green waste will be separated out stored in sealed bins and removed from the site. If green waste is to be removed from site, there is no indication of what this source of organic matter for the growing medium will be. Organic materials can be highly odorous. The SSD proposal does not contain any detail on what the necessary source of organic material for the growing medium will be, how it will be processed, handled and stored.

Section 4.4.2 Landform notes that the Embellished Parklands will require further site re-profiling of the site using existing waste materials. Under the 2010 VPA there is a requirement to close the landfill on the Transferred Lands (VPA lands) by 31 December 2020. The excavation of waste and relocation to another area on the site (re-profiling) is

application of waste to land and constitutes landfilling, and is a landfill activity that can only be undertaken in accordance with a landfill licence. Therefore the proposed reprofiling of the Embellished Parklands with existing waste is inconsistent with the requirement to cease landfilling activities on the VPA lands under the 2010 VPA.

The ultimate fate of the landfilled land on Lot 5 is not discussed in the SSD Proposal, but previous discussions have indicated that the land may be used for a public open space purpose some time in the future. Should approval be granted for acceptance of C&I waste at the site and the land subsequently be filled with components of C&I waste, Council will not accept future ownership or management of the site.

Restrictions on stockpile heights and exposed area of the active landfill tip face are supported.

Section 7.3.6 notes the outputs of the RRF. Initially much of the output is indicated to go to the Embellished Parklands, and once these are completed products would be sold to customers. Council is concerned that it may be economically more advantageous to redirect materials from the Parklands construction to external markets, further delaying the delivery of the parklands. There is no mechanism within the SSD Proposal to ensure that this does not occur.

Council supports the proposed inspection and management regimes outlined in Table 15. However the detail regarding implementation is to be contained in an OEMP to be developed at a later stage, post approval. This OEMP should be the subject of external agency review and approval.

Soil and Water

Land Contamination

Consideration of site soil contamination under SEPP 55, concludes that following the capping and closure of the landfill, no significant contamination constraints exist, and that the site can be made suitable for its intended use (Section 8.1.2, page 110). However this is based on the development and implementation of a Site Closure Plan. Council, as a future land owner and manager of this area, considers it is critical that this information be provided as part of the current SSD Proposal, so that any future management constraints or actions are fully known and understood, along with accountability and responsibility for those actions.

Groundwater

Section 2.5.3 and section 8.4.1 (page 126) fails to identify Coastal Freshwater Wetlands (Sydney Freshwater Wetlands under DC Act) as a groundwater dependent ecosystem which is present to the south of the site. According there is no assessment of the impact of changed groundwater flows on this Endangered Ecological Community later in the SSD Proposal. In fact assessment of impacts of changed groundwater flows and quality does not appear to have been assessed for any of the identified groundwater dependent ecosystems, in either the groundwater section or the biodiversity section.

High levels of ammonia, a key indicator of leachate contamination have been detected consistently over the history of the operation of the landfilling activities on the site, both on the site and down gradient of the landfill. Page 105 notes that between 2009 and 2018 there was no discernible trend in ammonia concentrations. As the landfill matures, it is expected that ammonia concentrations would increase initially then decrease over time. Section 8.4.2 (page 135) of the SSD Proposal notes that in some locations ammonia concentrations may still be increasing in groundwater migrating off-site. The fact that ammonia concentrations remain consistently high and may be increasing, is of concern, particularly as many of the results at the perimeter of the site exceed the ecological protection criterion.

The assessment seems to conclude that levels of ammonia are considerably below ammonia levels within leachate (an order of magnitude lower, page 106), and that this is an indication that ammonia levels may be associated with other sources of pollution in the area and not associated with the landfill, including local mangroves (page 107 and 110). This is unlikely. It is expected that leachate contamination of groundwater would still result in levels of pollutants in groundwater orders of magnitude below that of pure leachate, as it will be diluted by interaction with cleaner groundwater flows from outside the site. There are no other industrial sources of potential contamination within close proximity to the site, and the landfill remains the most obvious source of this contamination. Other sections of the SSD Proposal tend to contradict this and accept that leachate influenced groundwater is migrating off-site and is impacting on Quibray Bay and Weeny Bay to the north and the ponds within the Cronulla dunes to the south (page 134). Further work is required to confirm the source of this ammonia contamination, the impact of the elevated levels on sensitive receiving environments, and future management activities to reduce contamination levels to below appropriate guidelines.

Elevated levels of ammonia were also detected in pore water samples north of the landfill in the Towra Point Aquatic Reserve. This is consistent with the elevated levels of ammonia detected in groundwater in this area. The link between elevated ammonia levels in groundwater and elevated levels of ammonia in pore water samples within the Towra Point Aquatic reserve requires further analysis.

In addition to the elevated levels of ammonia detected consistently within and around the site, there have been a number of other contaminants that have exceeded the guidelines for protection of aquatic ecosystems. This is of particular concern for the western portions of the site, as here the landfill is more mature and waste is anticipated to have lower levels of contamination due to the nature of the fill that was placed in this area. As noted above, as landfills mature the levels of contaminants is expected to peak and then reduce over time. The fact that elevated levels of contaminants, including heavy metals, persist in groundwater, and show little sign of decreasing is of concern. Further work is required to identify risks to receiving environments and required control measures. Ideally these would be identified in a Landfill Closure Plan. Council requested that such a Plan be provided as part of the SSD Proposal, but not such Plan has been supplied.

The existing environment section of the SSD Proposal indicates an incomplete knowledge of the nature and movement of groundwater across the site (Section 8.4.1). For example, there is a lack of understanding of how surface water in the western portions of the site migrates to the infiltration pond within Lot 1123 (page 123). Similarly, it is not known if the infiltration pond on Lot 5 is directly connected to the Botany sands aquifer. Leachate

contamination of groundwater is the main and most significant potential impact associated with landfills. As such, a more full and complete understanding of groundwater of the site and its interaction with surface and subsurface waters is required.

As noted below, leachate generation rates have been based on a water balance which does not consider the inputs from irrigation of the playing fields and parklands, and is therefore considered to be an underestimation (page 125).

Section 8.4.4 Mitigation Measures – notes further work to characterise improvements in groundwater and surface water. However further detail is required in regards how this characterisation will be undertaken and what will be monitored, where and how often in order to assess the adequacy of such a program.

Leachate

Many of the issues of concern regarding leachate have been addressed in the groundwater section above.

The mitigating measures proposed in Section 8.5.2 are supported by Council, however the majority of these appear to apply to the new landfill cells on Lot 5. How they integrate with leachate management on the remainder of the site needs to be identified within a Landfill Closure Plan for those areas, which should be supplied as a part of the current SSD Proposal.

Surface Water

There is insufficient information to enable a thorough assessment of stormwater management and it is recommended that the following additional information be provided by the applicant:

- i) Detailed stormwater plans showing pipelines and pits, kerb and gutter alignment draining roads, car park and buildings and the location of the stormwater treatment device and humeceptor device.
- ii) Infiltration basins are to be designed for all storm events up to the 100 year ARI event and the infiltration rates set out in the required geotechnical report. The 20 year event as suggested in Cardno stormwater management plan report as a design parameter is not in accordance with chapter 38 of Councils DCP2015 nor Environmental Specification – Stormwater management 2009
- iii) Details of the infiltration basins are to be provided including typical sections, batter slopes, plantings and fencing
- iv) Maintenance vehicle access to the basins must be provided.
- v) Maintenance plan for the infiltration basins to be provided.
- vi) Drains and music models to be provided to Council for review
- vii) Geotechnical report to detail infiltration rates is to be provided

In addition:

Section 2.5.4 identifies two leachate ponds are located at the eastern portion of the future Embellished Parklands to control seepage from the adjacent landfill cell. However the fate

of these leachate ponds and how leachate is managed in this area is not adequately covered later in the SSD Proposal in regards surface water or leachate management.

Section 8.2 of the SSD Proposal provides a site water balance for the site. The site water balance does not include consideration of the impacts of irrigation of the playing fields and parklands on overall water balance for the site. Site water inputs include rainwater only (Table 22). The site water balance needs to be updated to include irrigation of these high value surfaces. The inability to irrigate the playing fields and parklands in order to comply with the findings of the current water balance represents an unacceptable restriction on Council's ability to manage these surfaces into the future.

As per the above for groundwater, Council is concerned regarding the elevated levels of contaminants, including ammonia and heavy metals in surface water within and surrounding the site. While levels of contaminants are lower than those of leachate and groundwater this is to be expected, as leachate is diluted by clean groundwater inputs and groundwater is further diluted by clean surface water inputs. The fact that despite these levels of dilution, levels of contaminants in surface water persist at levels exceeding aquatic ecosystem protection guidelines is of concern (page 115).

Council is concerned that there has been insufficient investigation to determine the source of this surface water contamination (page 116). Council considers that the landfill is the closest and most logical source of the contamination, and does not agree with the conclusion/statement that "the data suggests that some, if not all, impacts may be associated with sources other than the Proposal Site". Further investigation is required to identify the source or eliminate the site as the source. Should the site be identified as the source, then additional mitigation and management measures will need to be developed and implemented. As a future land owner and manager of the Parklands and playing fields on the former landfill areas to the west, Council considers that this data must be provided as part of the current SSD, to ensure that such measures are appropriately identified and ongoing management responsibility allocated.

As no detailed site stormwater/surface water management plan has been provided, it is difficult to determine where structures such as the bio-retention swales, sand filters and filter cartridges are to be located (page 116 and 117). Where these structures are located on lands to be dedicated to Council, Council needs to be aware of the nature of these structures, any restrictions imposed by their presence on the site and clear responsibility for ongoing management needs to be identified. Currently under the SSD Proposal, Council does not have a clear idea of any future responsibilities or restrictions. The SSD Proposal notes that these will be determined at the detailed design stage (page 118). While some minor detail is provided at Section 8.3.3, this is not sufficient to gain the required understanding. This is not acceptable and such detail needs to be provided as part of the SSD Proposal.

Section 8.3.3 Mitigation Measures – Water monitoring program identifies that a water monitoring program will be implemented for both the construction and operational phases of the proposal. However further detail is required in regards what will be monitored, where and how often in order to assess the adequacy of such a program.

Flooding

The mitigating measures identified in Section 8.6.3 apply to the resource recovery facility only. No mitigating measures have been identified for the Embellished Parklands.

Cultural Heritage

The assessment of impact of the proposal on the heritage values of the Cronulla sand dune and Wanda Beach coastal landscape considers that the current site condition detracts from the dune and beach landscape, and that the restored landscape and Embellished Parklands will result in a better outcome that is unlikely to impact on these heritage values (page 147). While it is agreed that the restored and vegetated site will present a more sympathetic setting, the height of the newly proposed landform for the Embellished Parklands rises considerable above the adjoining heritage dunal, beach landscape, to become the dominant feature in this vista. Therefore the artificial element of the new landform of the Embellished Parklands will dominate over the natural heritage values of the dunal and beach landscape. The proposed landform identified in the 2010 VPA provides a much more sympathetic element within this cultural landscape. This has received inadequate consideration and assessment in the SSD Proposal.

Aboriginal Cultural Heritage

Much of the assessment of impacts on Aboriginal cultural heritage focuses on the positive impact that the Embellished Marang Parklands will have in enabling Aboriginal access to the peninsula and foster a sense of the broader natural and cultural landscape (Page 152). While the Embellished Parklands will assist in this regard, the 2010 VPA delivered these benefits, so the Embellished Parklands add nothing in this regards above the 2010 VPA. In fact it could be argued that the 2010 VPA provides a superior outcome in this regard as it creates a landscape more sympathetic with the natural landscape, as it contains predominantly naturally recreated landform profiles and vegetation, rather than obviously artificial elements such as playgrounds and amphitheatres.

The site protocols for unexpected finds outlined in the mitigating measures, is supported by Council.

Visual Impact

Council notes that the visual impact assessment considers the views from a number of appropriate vantage points. Council also notes that for some areas where views are impacted (for example, from the adjoining Wanda track, near view point 5 and viewpoint 7), it is a case of the dominant viewpoint shifting from one public area, the track, to other future public area, the parkland and playing field. It therefore becomes an issue of view shifting rather than view loss. However, Council remains concerned that views from, and to the heritage listed Cronulla sand dune and Wanda Beach coastal landscape will be dominated by the artificial elements of the new Embellished Parklands (see earlier comments regarding Cultural Heritage).

Council also notes that in Table 30, the rating for visual impact of all elements from viewpoint 7B, is noted in the text as “High”, but appears as Moderate/High in the overall visual impact rating. This inconsistency is not accounted for anywhere in the assessment.

In regards the assessment of construction visual impacts in Section 11.3.1, the comment that visual impacts will reduce as viewing distances increase, adds nothing to the assessment. The location of construction for the RRF is fixed and location of the adjoining public spaces from the site will be viewed are fixed and include the playing fields, the skate park, and the Wanda track. These are high public usage areas, and will experience high and continual visual impact during construction.

Air Quality and Odour

In its submission to the SEARs Council indicated that relying on estimates for air pollutants and data from sites remote to this site and not comparable, was not acceptable. Despite this much of the assessment continues to rely on estimates that do not represent the conditions at this site. Section 21.1 notes that “There is no readily available site-specific monitoring data for TSP and deposited dust.” TSP and deposited dust are expected to be the main air pollutants of concern associated with the SSD Proposal, so this situation is unacceptable. TSP and dust monitoring should have been undertaken as part of the SSD Proposal preparation, to provide site specific data on which to properly assess impacts and determine appropriate management and mitigation measures.

Section 12.3.1 assumes that there will be no significant dust generating activities associated with the use of the Marang Parklands. While this may be the case for use of the site, it is expected there will be significant dust generated during the construction of the Marang Parklands. The construction will involve movement and placement of significant amounts of waste, soils and other materials. The landform is considerably exposed due to its height, and will be subject to significant winds from most directions. Parkland construction is expected to occur over a number of years. The cumulative impact of dust from the construction of the parklands has received inadequate consideration within the SSD Proposal. The later section 12.3.2 considers dust associated with the use of the Embellished Parklands, there is no consideration of the impact of dust from construction.

The lack of consideration of dust from parklands construction becomes more critical when it is considered that there will be exceedances of the 24hr average for PM_{2.5} and PM₁₀ at the playing fields adjacent to the new RRF (page 165). The cumulative impact of dust associated with the parklands construction will add to this increasing these levels further above the assessment criteria and potentially resulting in more exceedances. The statement at page 165 that due to the large existing ambient concentration the increase would be largely indistinguishable, cannot be supported, as there is no site specific or area specific data to identify this ambient concentration. This data should have been collected as part of the SSD Proposal to support accurate assessment and decision making.

In Section 12.4 Mitigation Measures Table 36, Council considers the 1 hour trigger levels for both PM_{2.5} and PM₁₀ for Action 2 and 3 to be too high, and a lower trigger value should be applied. The value of these trigger levels depends very much on the nature of the ongoing

monitoring that will inform decision in regards their use. No details have been provided on site monitoring for PM2.5 or PM10, including where these will be measured, and at what frequency. This detail should be provided now to assess their adequacy.

Greenhouse Gas Emissions

Section 13.2 notes that emissions associated with the construction of the Resource Recovery Facility have not been assessed as they will be small compared to the Embellished Parklands, however there is no justification for this assumption. The construction period for the new RRF is expected to be approximately 18 months. It is unsure if this includes filling and levelling of the site prior to construction. The Embellished Parklands are expected to take approximately 2-3 years. While it is appreciated that construction timeframe alone does not determine emissions, the fact that the RRF construction timeframe is around half of the time for the parklands indicates that this may not be insignificant. Further justification should be provided to support this conclusion.

Noise and Vibration

Section 14.1, Table 43 notes that the Project Amenity Noise level for the soccer and hockey fields is 58 dBA. This is above the recommended level of 55 dBA in the Noise Policy for Industry (NPfI). It is noted that at Section 14.2.1 assessment of impacts, Table 46 indicates that the predicted levels at the soccer and hockey fields will be 58dBA which is above the NPfI limit of 55dBA. Further, Table 47 predicts that the cumulative noise level will be 60 dBA at the hockey fields. This is both above the 55dBA limit in the NPfI and the 58dBA site limit identified in Table 43. Therefore the statement that the "Proposal does not result in unacceptable acoustic impacts to surrounding sensitive receivers" (Page 176), is not supported by the data. Further work is required to determine if additional mitigating measures are required.

Traffic and Transport

Parking numbers

The proposed parking for the facility and the parklands has been assessed and is generally acceptable. Based on traffic report, it is anticipated that the new resource recovery site will generate 90 full time equivalent job plus 4 visitors at any given day. The proposed 88 on-site parking is considered acceptable considering some staff carpool to the site. Four truck lay over spaces, one car and trailer and three car utility vehicle spaces are to be provided internally to meet EPA requirements.

The proposed 45 hectare Marang Parklands will generate a parking demand of 131 spaces based on similar site parking surveys. The provision of 200 spaces is considered acceptable.

Parking design

The proposed vehicular access-way and car park layout was tested against AS2890.1:2004 and Chapter 36 of SSDCP2015. There is insufficient information to enable a thorough assessment of this and it is recommended that the following additional information be provided by the applicant:

- i) Detailed Civil Engineering plans showing the internal car and truck parking, road dimensions, long and cross sections are to be provided in accordance with AS2890.1 & AS2890.2
- ii) Engineering plans detailing the required intersection upgrade works at Lindum and Captain Cook Roads, Lindum Road extension, modification to the pedestrian access and new driveway from Lindum Road into the subject property
- iii) Car park and road pavement design including a geotechnical report in accordance with Austroads Guide to Pavement Technology Part 2 – Pavement Structural Design

Traffic Modelling and Generation

Based on traffic modelling results provided by the applicant, the levels of service of all existing intersections along Captain Cook Drive including the Captain Cook Dr/Lindum Rd intersection will not be significantly impacted by the proposed development.

This modelling shows that the proposed Breen site will generate 53 vehicle trips during morning peak and 34 trips during Saturday Peak. There will be no significant movement during the PM peak. Marang Parklands will generate 43 to 85 peak hour vehicle trips.

Site Ingress and Egress

There is however concern associated with the proposal in relation to ingress and egress to the site including:

- Safe entry and exit to and from Captain Cook Drive for the Marang Parklands
- conflicts between additional truck movements in Lindum Road with existing vehicle and pedestrian/cycle movements.

Accordingly, should the application be approved the following treatments are recommended:

Road Infrastructure – Intersection treatments

Relocating the landfill and resource recovery facility to Lindum Road will force all associated truck movements to travel past the playing field, skate park and parkland facilities. Once fully operational the completed playing field and parkland facilities will generate significant turning movements to and from Captain Cook Drive. Combined, this will result in significant additional truck, standard vehicle and pedestrian/cycle conflict at existing and proposed entry/exit points to these facilities, particularly during the Saturday morning peak period. It is evident from various site inspections and complaints received from the general public that many truck drivers using the existing facility drive in a reckless manner in order to save time. Therefore to safely manage all types of movements to and from both facilities it is imperative that appropriate engineering measures are introduced to regulate traffic and self-enforce driver behaviour along Captain Cook Drive and in Lindum Road. It is therefore recommended that roundabouts be designed and constructed at the following locations:

1. The proposed western entry/exit point to the playing fields and parklands on Captain Cook Drive.
2. At the junction of Lindum Road with the internal road access to the skate park and entry/exit point to the Boat Harbour 4WD Park.

Road Infrastructure - Extension of Lindum Road

The roundabout at location 2 above will form part of the proposed extension of Lindum Road to service the proposed landfill and resource recovery facility. In this regard the proposed extension of Lindum Road and new entry/exit to the proposed site creates a conflict between recreational walkers and cyclists using the exiting share pathway link and existing vehicles entering and exiting the skate park/playing field and 4WD park. All motorists will also be able to enter the new section of Lindum Road. To manage these potential movements and reduce pedestrian/cycle/vehicle conflicts it is recommended that the roundabout and Lindum Road extension be designed and constructed to Council's satisfaction including the following measures:

1. Extension of the road a short distance beyond the proposed site entry/exit point to facilitate the provision of a cul de sac/turn around facility and a section of 90 degree angle parking (minimum 20 spaces).
2. A centrally located concrete median island to control truck vehicle speeds and swept paths entering and exiting the site.
3. Internally located Speed humps on entry and exit to and from the site to further control vehicle speeds (in addition to environmental controls)
4. Relocation of the existing shared pathway for the length of the required road extension to Council's satisfaction including the provision of any additional pedestrian crossing/refuge facilities to provide safe passage for pedestrians/cyclists and control vehicle speeds.
5. Public Road dedication consisting of a 3m by 3m splay corner at the north eastern corner of the proposed resource recovery facility site
6. Street lighting to AS/NZS 1158.3.1

Road Safety Audit

Stage 3 and 4 Road Safety Audits shall be undertaken for the proposed road infrastructure treatments outlined above.

Section 15.4 Mitigation Measures notes that an Operational Traffic Management Plan and a Construction Traffic Management Plan will be developed for the Proposal. These Plans should be submitted to and approved by Sutherland Shire Council prior to commencement of construction and operation.

Fire and Incident Management

At Section 16.1.1 Council is unable to determine if the bushfire assessment has considered the site in its current state (which it appears to have based on Figure 62) or in its future embellished and vegetated state. This is critical, as the two represent significantly different

bushfire risk. This should be clarified and bushfire risk should include assessment of risk against the future vegetated parklands scenario.

Section 16.3.1 Mitigating Measures all apply to the RRF. The Embellished Parklands provide recreational spaces, pathways and cycleways and carparks in a bushfire setting. Mitigating measures that reduce the risk to users of this facility should also be identified and provide as part of the SSD Proposal.

Council notes that at the RRF facility an automatic fire water run-off containment system will be designed and provided. This is supported by Council. Along with this should be the ability to isolate the site surface water drainage system to prevent contamination of surface waters/stormwater from fire water.

Hazards

Council suggests a condition of consent that requires storage of hazardous materials on site to be maintained below the thresholds identified in Table 58, to ensure that the assumptions within the hazard assessment remain valid throughout the operational life of the RRF.

Section 17.1.2 Potential Impacts Operation notes that all dangerous goods will be stored inside buildings. These dangerous goods must also be appropriately bunded and stored in accordance with their MSDS.

Coastal Management

Council has no significant concerns with this section.

Biodiversity

Section 19.2 notes that the two field surveys were undertaken on 14 August and 17 August 2020. August is not an appropriate time for such surveys, many reptile and amphibian species are in torpor and are not active. Also many migratory birds that may use the site and surrounds are not present at this time of year. Species such as the Grey-headed Flying Fox are also largely absent from the Sydney region at this time. Therefore many species that may be expected to utilise the site on at least a temporary basis would not have been identified in the surveys. This may result in an underestimation of the value of the site to biodiversity.

While off sets under the Biodiversity Conservation Act may not be required due to the degraded nature of the vegetation, a Tree Preservation Order exists on the site under SSLEP 2016. This requires off sets for removed trees at a ratio of 4:1. Therefore nature and numbers of trees to be removed for the SSD Proposal and details of numbers and locations of off-set planting needs to be identified as part of the SSD Proposal.

Section 19.4, Table 62 identifies measures to mitigate the potential impacts to the Green & Golden Bell Frog. The Chytrid management protocols are supported. The mitigating

measures also identify that if Green & Golden Bell Frogs or their tadpoles are identified during works that they will be moved to the designated relocation site. The location of this site is not identified in SSD Proposal. This site should be identified so that its suitability can be properly assessed.

Social and Economic Impacts

The social impact at Section 20.2, Table 63 notes a range of social benefits to be delivered by the SSD Proposal. However many of these social benefits derive from the 2010 VPA in regards provision of access to playing fields and parklands. For example cater to “demand for public open space and playing fields” (page 219), “mitigate urban heat island effect” (page 220), and “provision of public owned land that is set outside for public recreation, passive outdoor enjoyment, nature conservation” (page 220) are all benefits delivered under the 2010 VPA, independent of the SSD Proposal. Their inclusion here in the social impact assessment as a benefit to be delivered by this SSD Proposal should be discounted. In fact by placing the delivery of the playing fields and parklands, as the last component to be delivered by this integrated SSD Proposal, the Proposal puts these items as of lower priority and delays their delivery and the associated community benefits when compared to the 2010 VPA.

Mitigation Measures

The majority of the comments relating to the proposed mitigating measures have been provided in the relevant subject areas of the SSD Proposal.

Conclusion

While the provision of a resource recovery facility and embellished parklands have the capacity to make a positive contribution to the people and the environment of the Sutherland Shire there is a significant information gap in this application particularly in relation to any type of details with finished levels which makes it difficult to assess and comment on its potential impacts.

This additional detail is needed to ensure some certainty to the outcome of the development and for its timing.