

Modification of Minister's Consent

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Public Spaces, under the Instrument of Delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney **23 SEPTEMBER** 2019

File: 17/13310

SCHEDULE 1

Development Consent

Development Consent: DA 11-01-99 granted by the former Minister for Planning on 12 November 1999

For the following:

The Lucas Heights Waste Management Centre, comprising:

- the expansion of the capacity of the Lucas Heights Waste Management Centre and the progressive redevelopment of the site for recreational purposes;
- the development of composting and recycling facilities including a Green Waste Processing and Composting Facility (GWPCF) and a bio-waste facility at the Lucas Heights Waste Management Centre;
- the diversion of dry waste and clean fill from the Lucas Heights Waste Management Centre to the area known as Lucas Heights 1 and the progressive development of a local and regional multi-purpose sporting and recreational complex at the site; and
- the establishment of an area known as the Lucas Heights Conservation Area to the immediate north of the Lucas Heights Waste Management Centre.

Modification 11

Modification Application: DA 11-01-99 MOD 11 – Removal of conditions relating to SSD 6835

Applicant: SUEZ Recycling & Recovery Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

Land: **LH1** – Lots 4-7 in DP 1149334 (The Ridge Sports Complex and the LH1 leachate treatment plant), Lot 11 in DP 818819 (Energy Developments Limited) and Lot 1 in DP 1142918 (service road).

LHCA – Part Lot 2 in DP 1032102 (including the main Conservation Area and the SICTA licence overshoot area).

SCHEDULE 2

This consent is modified as follows:

In Schedule 1

1. Delete the "In respect of:" section and replace with the following:

In respect of: Development application 11-01-99 made by the Waste Recycling and Processing Service of NSW and Sutherland Shire Council ("the Applicants" – note that the term "the Applicants" is used generically in this instrument. The roles and responsibilities of the Waste Recycling and Processing Service of NSW and Sutherland Shire Council shall be in accordance with the terms of the deed of agreement addressed in Condition 10 of the consent), in relation to land described as follows:
LH1 – Lots 4-7 in DP 1149334 (The Ridge Sports Complex and the LH1 leachate treatment plant), Lot 11 in DP 818819 (Energy Developments Limited) and Lot 1 in DP 1142918 (service road).
LHCA – Part Lot 2 in DP 1032102 (including the main Conservation Area and the SICTA licence overshoot area).

2. Insert the following note at the end of Schedule 1:

Note: Following approval of Development Consent SSD 6835 on 23 January 2017, all activities undertaken at the LHRRP are now covered by the aforementioned consent.

This consent (DA 11-01-99) only applies to the activities on the site that are not related to the LHRRP.

In Schedule 2: Conditions of Development Consent

3. Insert the following definitions in alphabetical order:

LHRRP	Lucas Heights Resource Recovery Park incorporating the landfill, GO and ARRT facilities, administration building, weighbridge, workshops, parking areas, gas, leachate and water management infrastructure
Planning Secretary	Planning Secretary of the Department (or delegate)
SSD 6835	Development Consent SSD 6835 approved on 23 January 2017 for the following development: increase landfill capacity, relocate and expand the garden organics facility and construct and operate a new resource recovery facility

4. Delete the definitions for "Applicants (the)", "Department" and "LHWMC", and insert the following definitions in alphabetical order:

Applicants (the)	SUEZ Recycling & Recovery Pty Ltd and Sutherland Shire Council, or successors
Department	Department of Planning, Industry and Environment
LHWMC	Lucas Heights Waste Management Centre (now LHRRP as defined above)

5. Delete the definitions for "CELC", "Director-General", "LH1 LC", "LH1SC" and "LHEMTG".

6. Delete all references to "Director-General" and replace with "Planning Secretary".

7. Delete Condition 1 and replace with the following:

1. The Applicant must carry out the project in accordance with the:
 - a) DA No 11-01-99;
 - b) The EIS prepared by National Environmental Consulting Services dated 1998;
 - c) Amended DA and accompanying Assessment report prepared by National Environmental Consulting Services dated 27 April 1999;
 - d) Modification application DA 80-04-01 dated 5 June 2001, to enable a maximum of 1.2 million tpa of waste to be received at the LHWMC for the period up to 30 June 2002;

- e) Modification application DA 135-12-2004-i dated 23 December 2004, and accompanied by *Lucas Heights 1 – Amendment to Dam Design: Section 96 Modification Application: Statement of Environmental Effects*, prepared by GHD Pty Ltd and dated December 2004;
- f) Modification application MOD-123-8-2005-i dated 2005, for removal of restriction to source 80% of waste from the Southern Sydney Waste Planning and Management Board region;
- g) Modification Application DA 11-01-99-MOD 4 dated 29 November 2007, for amended clubhouse layout and construction in four separate stages as detailed in the modification application submitted by Sutherland Shire Council;
- h) Modification Application DA 11-01-99 MOD 5 dated 13 November 2009, for Subdivision of Lot 1 DP 1027216 and Lot 3 DP1142918 to create four new allotments, and accompanied by *‘Lucas Heights 1’ Waste and Recycling Centre, Subdivision to Create Separate Lots to Support an Existing Leachate Treatment Plant and Storm Surge Storage, Statement of Environmental Effects*, prepared by WSN Environmental Solutions and dated 19 November 2009;
- i) Modification Application DA 11-01-99 MOD 6 dated 18 February 2009, for construction and operation of the LHWRC Truck Parking Area, and accompanied by *‘Lucas Heights Waste and Recycling Centre - Truck Parking Area Modification, Statement of Environmental Effects’*, prepared by AECOM and dated 11 February 2010 (refer Appendix 2 Truck Parking Area - Site Layout);
- j) Modification Application DA 11-01-99 MOD 7 to correct the land (Lot and DP) to which the truck parking modification applies. The correct reference is Lot 101 DP 1009354;
- k) Modification Application DA 11-01-99 MOD 8 dated December 2010, for additional excavation of Stages 5-2 and 5-3 and subsequent stockpiling of spoil, accompanied by *‘Lucas Heights Waste and Recycling Centre – Condition 40 Modification, Environmental Assessment’*, prepared by GHD and dated December 2010 and *Report for Condition 40 Modification DA 11-01-00 Mod 8, Submissions Report’* prepared by GHD and dated May 2011;
- l) Modification Application DA 11-01-99 MOD 10 dated 23 September 2013, for the development of a BMX facility, accompanied by *‘The Ridge BMX Barden Ridge, Review of Environment Factors’* prepared by Sutherland Shire Council and dated September 2013;
- m) Modification Application DA 11-01-99 MOD 11 dated 13 September 2017, for the removal of conditions relating to the LHRRP, accompanied by *‘Lucas Heights Resource Recovery Park Conditions of Consent Support’*, prepared by AECOM and dated 27 June 2017;
- n) plans shown in Appendix 3; and
- o) conditions of this consent.

8. Delete Condition 1A and replace with the following:

1A. In the event of an inconsistency between:

- a) the conditions of this consent and any document listed from condition 1.(a) to 1.(n) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and
- b) any document listed from condition 1.(a) to 1.(n) inclusive, and any other document listed from condition 1.(a) to 1.(n) inclusive, the most recent document shall prevail to the extent of the inconsistency.

9. Insert new Condition 1B immediately after Condition 1A as follows:

1B. Development Consent SSD 6835 shall prevail to the extent of any inconsistency for all activities undertaken at the LHRRP.

10. Delete Condition 2.

11. Delete Condition 4.

12. Delete Conditions 6 to 17C.

13. Delete Conditions 18 to 61.

14. Delete Condition 62 and replace with the following:

62. Groundwater, new fill infiltrate and old fill leachate shall be managed at the LH1 site in accordance with the LH1 EMP (as amended from time to time).

15. Delete Conditions 63 to 71.

16. Delete Condition 72 and replace with the following:
 72. Leachate management activities at LH1 shall comply with Section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.
17. Delete Conditions 73 to 123.
18. Delete Condition 124 and replace with the following:
 124. Landfill gas from LH1 shall be managed in accordance with the LH1 EMP (as amended from time to time).
19. Delete Conditions 125 to 132.
20. Delete Condition 133 and replace with the following:
 133. All outdoor lighting relating to the sporting fields and recreational facilities at LH1 shall be designed in order to minimise impacts on the amenity of any nearby residence through illumination or light spillage. All outdoor lighting shall comply with *Australian Standard AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.
21. Delete Condition 134 and replace with the following:
 134. In order to minimise disturbance to nearby residential areas, Council shall implement an appropriate night time curfew/s on floodlighting of sporting fields and recreational facilities. The curfew/s shall be addressed in the LH1 Plan of Management prepared under Part 5 of the *Crown Lands Act 1989*.
22. Delete Conditions 135 to 154.