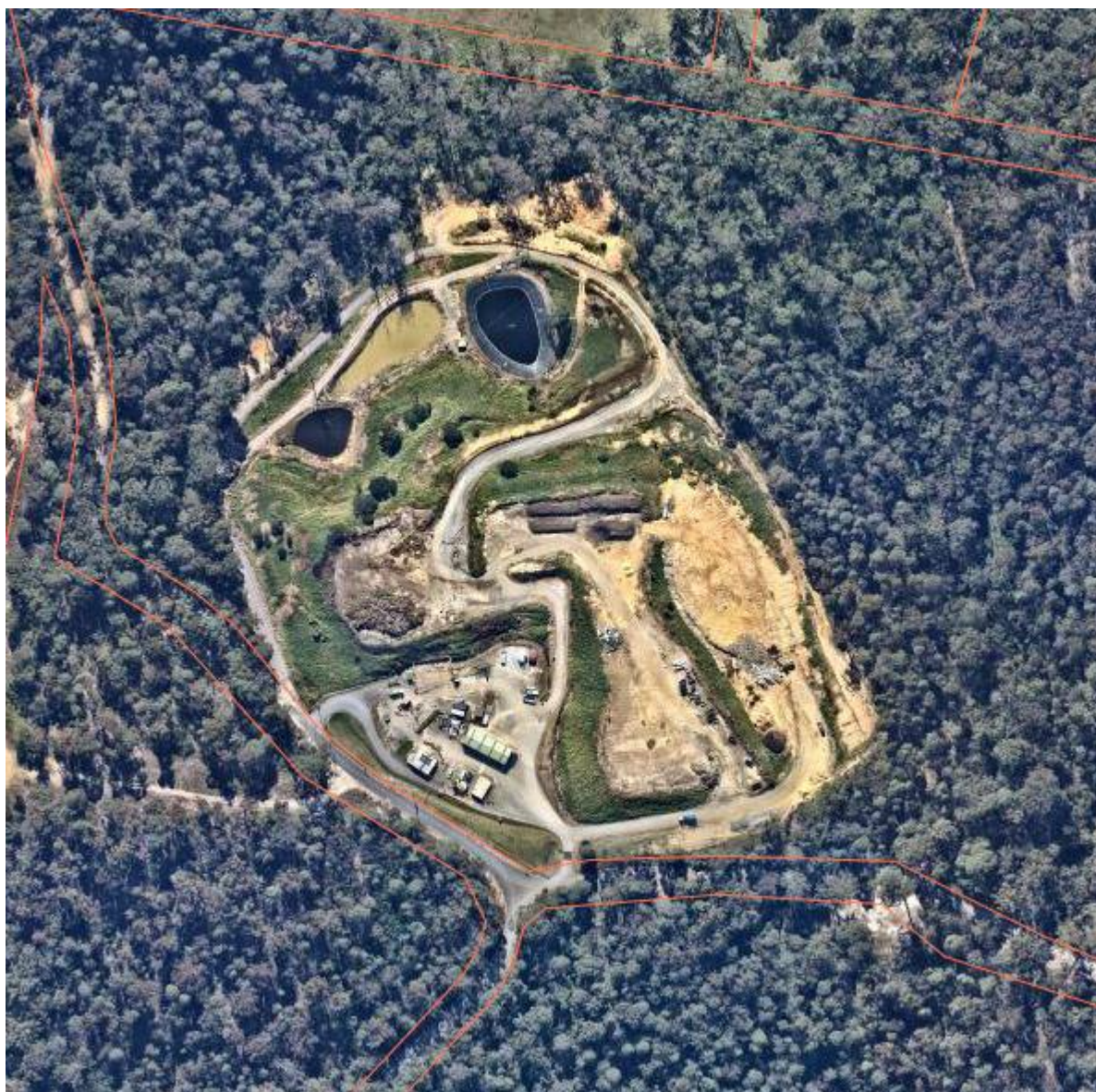


## Brou Waste Management Facility – Planning Proposal

NSW Public Works

May 2024



Report Number: P-FY20221155-PWO-ENV-RP-002-A1

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## Document control

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*Cover photo: Aerial view of Brou Waste Management Facility: Source – Nearmap 2023*

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## Abbreviations

ACHAR	Aboriginal Cultural Heritage Assessment Report
ADDA	Aboriginal Due Diligence Assessment
BAM	Biodiversity Assessment Method
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEEC	Critically Endangered Ecological Community
DA	Development Application
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DD	Designated Development
DPHI	Department of Planning, Housing and Infrastructure
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence
EIS	Environmental Impact Statement
ESC	Eurobodalla Shire Council
Ha	Hectares
HEV	High Environmental Value
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
PBP	Planning for Bushfire Protection
RFS	Rural Fire Service
SAII	Serious and Irreversible Impact
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy

WMF

Waste Management Facility

WASM

NSW Waste and Sustainable Materials Strategy

# Executive Summary

Eurobodalla Shire Council (ESC) has engaged NSW Public Works (PW) to prepare a Planning Proposal for the rezoning of a portion of land adjacent to the western boundary of the existing Brou Waste Management Facility (WMF) located at Lot 1 DP 1205476, Brou Lake Road, Bodalla (the Site).

Eurobodalla Shire is located on the South Coast of NSW. The shire is 3,428km<sup>2</sup> and has a resident population of approximately 41,000. The main population centres of the shire are Batemans Bay in the north, Moruya in the centre and Narooma in the south. ESC operates three WMFs servicing these population centres. ESC's Brou WMF services the southern part of the shire including Narooma, southern coastal villages and surrounding rural districts.

ESC's waste management and landfill facilities were utilised heavily following the 2019-20 Black Summer bushfires for the disposal of fire affected material from the Eurobodalla, Shoalhaven and Bega Valley local government areas. More than 70,000 tonnes of bushfire waste were managed between Surf Beach (Batemans Bay) and Brou WMFs.

ESC has been successful in obtaining several grants from the NSW Environmental Protection Authority (EPA) to assist Council in rebuilding waste management capacity and future disaster resilience. There is a critical shortage of remaining landfill space at Brou WMF and ESC plans to expand this facility to provide additional landfill capacity and upgraded resource recovery and recycling facilities.

The planning phase of the project requires the rezoning of land, via a Planning Proposal, followed by preparation of an Environmental Impact Statement (EIS) and submission of a development application (DA) under Part 4 of the EP&A Act.

It is proposed to amend the *Eurobodalla Local Environment Plan (LEP) 2012* by rezoning approximately 3.75 hectares (ha) of land immediately adjoining the existing landfill facility from RU3 - Forestry to SP2 - Infrastructure. An area of 0.64ha in the north-east of the existing facility is included in the total area to be rezoned, having been used as part of the existing WMF. This use predates the 2012 LEP when the activity was an additional permitted use under the Eurobodalla Rural LEP 1987. It is also proposed to rezone approximately 1.15ha of land to the north of the Site from RU3 - Forestry to C2 - Environmental Conservation providing long term protection to a pocket of the critically endangered ecological community of 'River-Flat Eucalypt on Coastal Floodplains' that was identified during the biodiversity assessment.

The Planning Proposal will make the proposed expansion of the Brou WMF permissible with consent under the Eurobodalla LEP 2012. The project will ultimately provide the community of Narooma and surrounding areas with ongoing benefits of a waste management facility capable of meeting domestic and business needs. In addition, the project will restore landfill capacity lost following the black summer bushfires and will ensure waste from future disasters can be managed at the Brou WMF for the foreseeable future.

# 1. Objectives and Intended Outcomes

## 1.1 Overview

ESC is seeking to rezone a portion of land adjacent to the existing Brou WMF to facilitate the future expansion of the facility.

The Site is located on Brou Lake Road, Bodalla, legally described as Lot 1 DP 1205476. It is located approximately 3.4 km north-west of the village of Dalmeny and approximately 8.7 kilometres north-west of the town of Narooma. The Site is an irregular shaped lot, bounded by State Forest to the east and south, rural zoned land to the north and the Princes Highway to the west. A Crown road reserve also dissects the proposal area subject to the rezoning.

A location map is provided in Figure 1-1 and an aerial view of the Site is provided in Figure 1-2

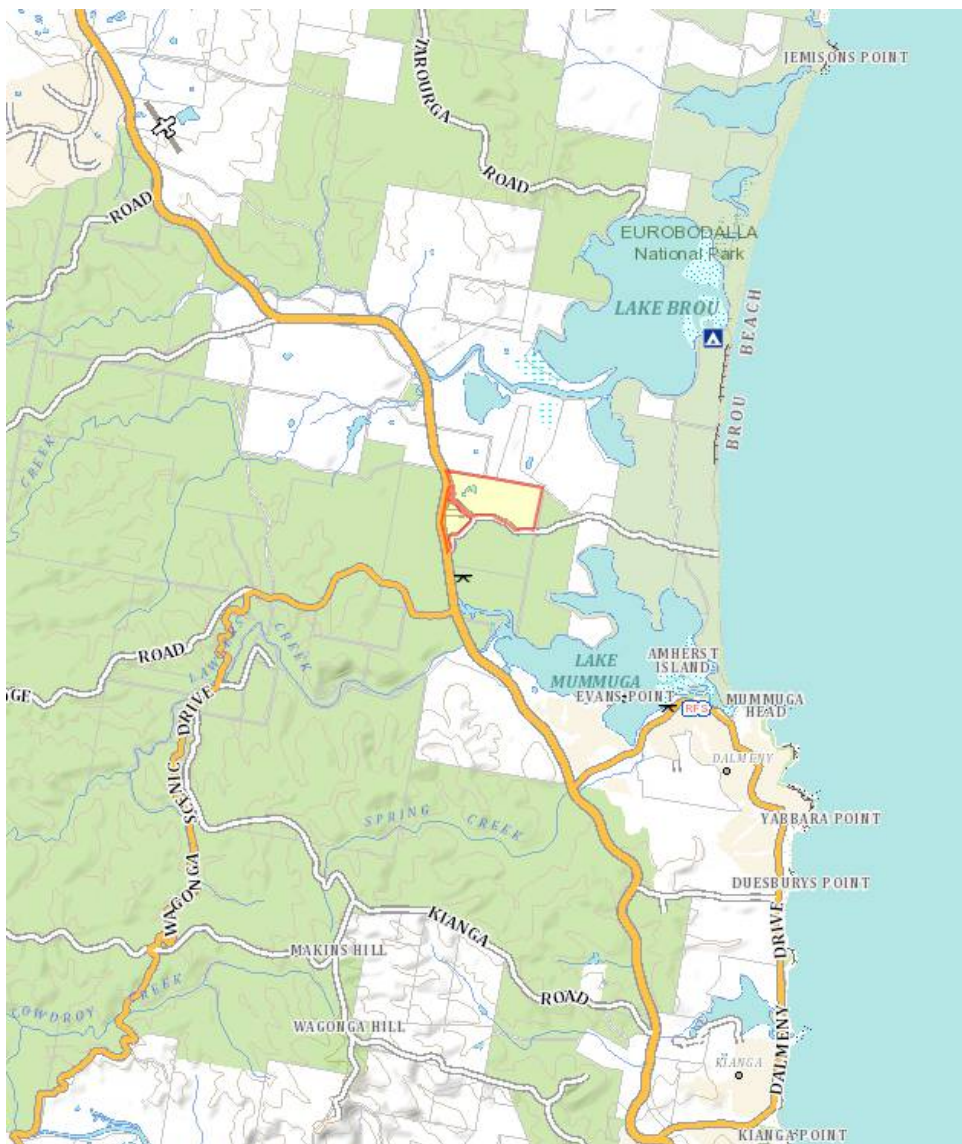


Figure 1-1 Locality of proposal Site

Source: Sixmaps 2024



Figure 1-2: Aerial view of the Site

Source: Sixmaps 2024

A summary of the Site details is provided in Table 1-1.

Table 1-1: Site and Property Details

PPA	Eurobodalla Shire Council
LEP TO BE AMENDED	Eurobodalla Local Environmental Plan 2012
ADDRESS	Brou Waste Management Facility, Brou Lake Road, Bodalla.
PROPERTY DESCRIPTION	Lot 1 DP 1205476

The existing Brou WMF footprint is currently zoned SP2 - Infrastructure, however a small area in the north-east corner of the footprint is zoned RU3 - Forestry. This anomaly predates the 2012 LEP and relates to an approved expansion when the activity was an additional permitted use under the 1987 Rural LEP. It is intended to resolve this inconsistency via this Planning Proposal. The surrounding area, including the area proposed to be rezoned, is zoned RU3 - Forestry. Further to the north of the Site, the land is zoned RU1 - Primary Production and is characterised by farmland and rural dwellings.

The Planning Proposal area is largely forested and comprises PCT 3272 South Coast Lowland Creekflat Forest and PCT 3272 South Coast Spotted Gum Cycad Dry Forest.

The Site is within the Brou Lake Catchment which is a coastal lake intermittently open to the sea.



Access to the Site will continue to be provided from Brou Lake Road. Council has indicated that all required essential services, including electricity, telecommunications, static water supply, and on-site sewage management, are currently available to the Site.

The existing landfill cell (Figure 1-3) is approximately 7,000m<sup>2</sup> in area and has the potential for two additional lifts at 3m yielding 42,000m<sup>3</sup>. At current landfilling rates, this will provide approximately 2.5 years of landfill capacity.

The final contour plan for the existing landfill site, as shown in Figure 1-4, is based on the assumption that the relocation of garden waste processing, scrap metal recycling, site sheds, tip shop, hard standing and other assets (currently located within the red outline in Figure 1-4) will be facilitated by this planning proposal.

The remaining landfill capacity based on this contour plan was approximately 220,000 cubic metres at the time of survey in December 2023. This would provide another 11 years of landfill capacity. However, this capacity can only be realised by an expansion of the facility. In the absence of expansion, the available capacity of the site reduces to approximately 100,000 cubic metres which is approximately of 5 years capacity, requiring the closure of the landfill in December 2028.



Figure 1-3: Existing Landfill Cell Area

Source: ESC 2024

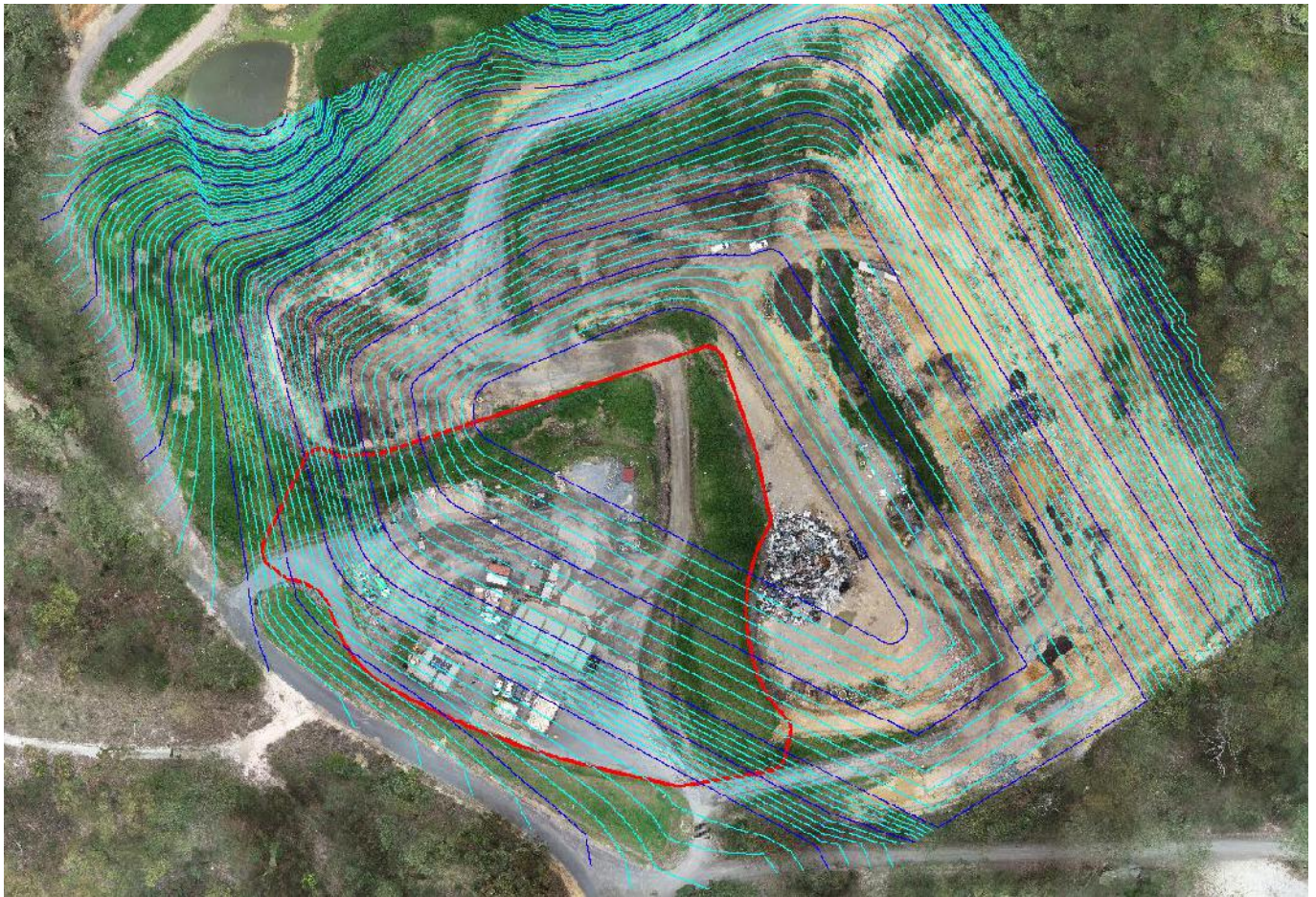


Figure 1-4 Final Contour Plan

Source: ESC 2024

## 1.2 Objectives of Planning Proposal

The objective of the Planning Proposal is to facilitate the future expansion of the Brou WMF by rezoning part of the adjoining land (on Lot 1 DP 1205476 Brou Lake Road, Bodalla) from RU3 - Forestry to SP2 - Infrastructure. The rezoning will enable the proposed expansion to proceed with development consent as it is currently prohibited within the RU3 - Forestry zone.

No related development standards are proposed to be amended.

The area currently occupied by the Brou WMF is zoned SP2 - Infrastructure (Waste Disposal Facility). As noted above, the existing landfill is nearing capacity, and it is proposed to expand the landfill in stages along the western edge of the current landfill footprint. It is also proposed to relocate the associated entrance facilities (weighbridge, office, recycling facilities etc.) to the southwest of their current location to make better use of available landfill airspace within the current footprint of the WMF.

It is proposed to amend the *Eurobodalla Local Environment Plan (LEP) 2012* by rezoning approximately 3.75ha of land immediately adjoining the existing landfill facility from RU3 - Forestry to SP2 - Infrastructure. An area of 0.64ha in the north-east of the existing facility is included in this area to be rezoned, having been used as part of the existing WMF. This use predates the 2012 LEP when the activity was an additional permitted use under the 1987 Rural LEP. It is also proposed to rezone an additional 1.15ha of land to the north of the Site from RU3 - Forestry to C2 Environmental Conservation to provide long term protection to a pocket of the critically endangered ecological community of River-Flat Eucalypt on Coastal Floodplains that was identified during the biodiversity assessment.

A plan showing the existing and proposed extent of zoning is shown in Figure 4-1 and Figure 4-2. A change in the zone boundary will necessitate a change to the 400m infrastructure buffer zone as shown in Figure 4-3 and Figure 4-4. The proposed expansion of the infrastructure buffer zone will not impact on any existing or proposed development to the west of the Site, as the land use in these areas is forestry (to the west and southwest) and agriculture (to the northwest).

The proposed rezoning will facilitate the creation of an additional 240,000 cubic metres of new landfill void space and enable 220,000 cubic metres of landfill space to be utilised over the existing facility footprint. A total capacity of 460,000 cubic metres will provide for disposal of 300,000 tonnes of residual waste extending the life of the landfill from approximately 5 years to 25 years.

Activities undertaken at the Site will be consistent with the existing operational use of the WMF. No additional impacts are expected during the operation of the expanded facility. However, the Site will continue to improve with better resource recovery and recycling infrastructure to meet broader strategic objectives under the NSW Waste and Sustainable Materials Strategy 2041. As new initiatives are rolled out the Site will be adapted, where practicable, to provide new resource recovery facilities. Recent examples include the provision of e-waste, solar panel, expanded polystyrene, tyre and mattress recovery facilities. The use will meet the land use objectives of SP2 - Infrastructure under the Eurobodalla LEP 2012.

The current operation of the Brou WMF will continue without interruption throughout the expansion works. It is anticipated that the expanded waste facility will be operational by 2027, subject to gazettal of the Planning Proposal, preparation of an EIS and development approval.

## 2. Explanation of Provisions

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### 2.1 Explanation of provisions

The Planning Proposal seeks to amend the Eurobodalla Shire LEP 2012 to facilitate the following rezoning on part of Lot 1 DP 1205476:

Control	Current	Proposed	Area (ha)
Zone	RU3 - Forestry	SP2 - Infrastructure	3.75ha
		C2 - Environmental Conservation	1.15ha

Maps to be amended:

- Land Zoning Map: 2750\_LZN\_013B\_040\_20191213
- Public Infrastructure Buffer Map: 2750\_COM\_INF\_13B\_040\_20190307

## 3. Justification of Strategic and Site-Specific Merit

### 3.1 Natural Environment, Resources and Hazards

#### Ecology and Biodiversity

A draft Biodiversity Constraints Assessment Report was prepared by Umwelt in June 2022. The report identified the following threatened ecological communities within the Study Area including:

- River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South-East Corner Bioregions (BC Act - endangered)
- River-Flat Eucalypt Forest on Coastal Floodplains of the southern NSW and eastern Victoria (EPBC Act - critically endangered)

The Study Area contains mapped important habitat for the swift parrot which is listed as endangered under the BC Act and critically endangered under the EPBC Act.

A Biodiversity Options Analysis Assessment was prepared by Umwelt in May 2023 to consider alternative options for the siting of the proposed expanded Brou WMF. The assessment concluded that both the alternative location of the expanded facility, being the land to the east of the current landfill, and the preferred location west of the current landfill support similar biodiversity constraints. However, it should be noted that the preferred Site to the west is considerably smaller than the eastern expansion alternative.

The following threatened (five) and migratory (one) species were identified during Site surveys within or adjacent to the Subject Land. Approximately 2.8 hectares of suitable habitat for these species would be impacted as part of the proposed expansion works:

- Grey-headed flying-fox
- South-eastern glossy black-cockatoo
- White-bellied sea-eagle
- Olive whistler
- White-footed dunnart
- Sooty owl.

A Biodiversity Assessment Report (April 2024) has been prepared to support this Planning Proposal (Appendix E).

*A Serious and Irreversible Impact Assessment of Significance* has been prepared to consider the impact the proposal may have on the survival of the swift parrot population (Appendix F). Swift parrots do not inhabit the Site on a permanent basis, and the habitat to be removed consists of foraging habitat only. It is unlikely that any individuals would be directly impacted by the proposal given the species' high mobility and the relatively large amount of foraging habitat available in southeast NSW.

The swift parrot is a dual credit species and is considered to occur within the subject land as identified by the Important Habitat Map. The species may be indirectly impacted with the clearing of approximately 2.8 hectares of foraging habitat, and further assessment using the Biodiversity Assessment Method (BAM) will be conducted following rezoning to determine species credits.

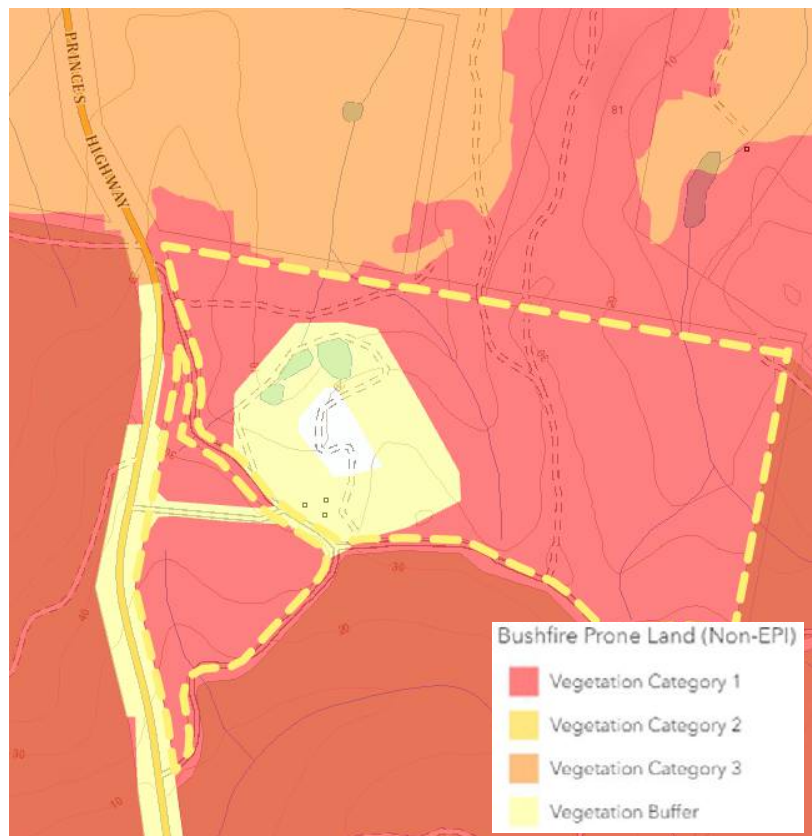
The potential impacts on biodiversity have been minimised by revisions to the proposed expansion footprint in response to identified biodiversity values, and the selection of a western expansion over a much larger eastern expansion. It should be noted that land within close proximity of the proposed works will be rezoned from RU3 - Forestry to C2 – Environmental Conservation, increasing the level of protection to a pocket of River-Flat Eucalypt Forest on Coastal Floodplains. Other impacts may be mitigated by conducting pre-clear assessment for threatened species, conducting clearing works outside breeding times and installing nest boxes.

#### Bushfire

The Site is mapped as bushfire prone land (Figure 3-1). The area subject to this Planning Proposal contains vegetation mapped as Vegetation Category 1 and Vegetation Buffer. The existing landfill area contains perimeter roads which can be utilised by firefighting personnel and used as a defendable space.

As the subject Site is bushfire prone, the Planning Proposal will have to be referred to the Rural Fire Service for comment after the Gateway Determination by the Minister’s delegate in the Department of Planning, Housing and Infrastructure (DPHI).

Preliminary advice has been sought from the NSW Rural Fire Service. The EIS for works will need to be supported with a bush fire report that addresses relevant provisions of Planning for Bush Fire Protection (PBP) 2019.

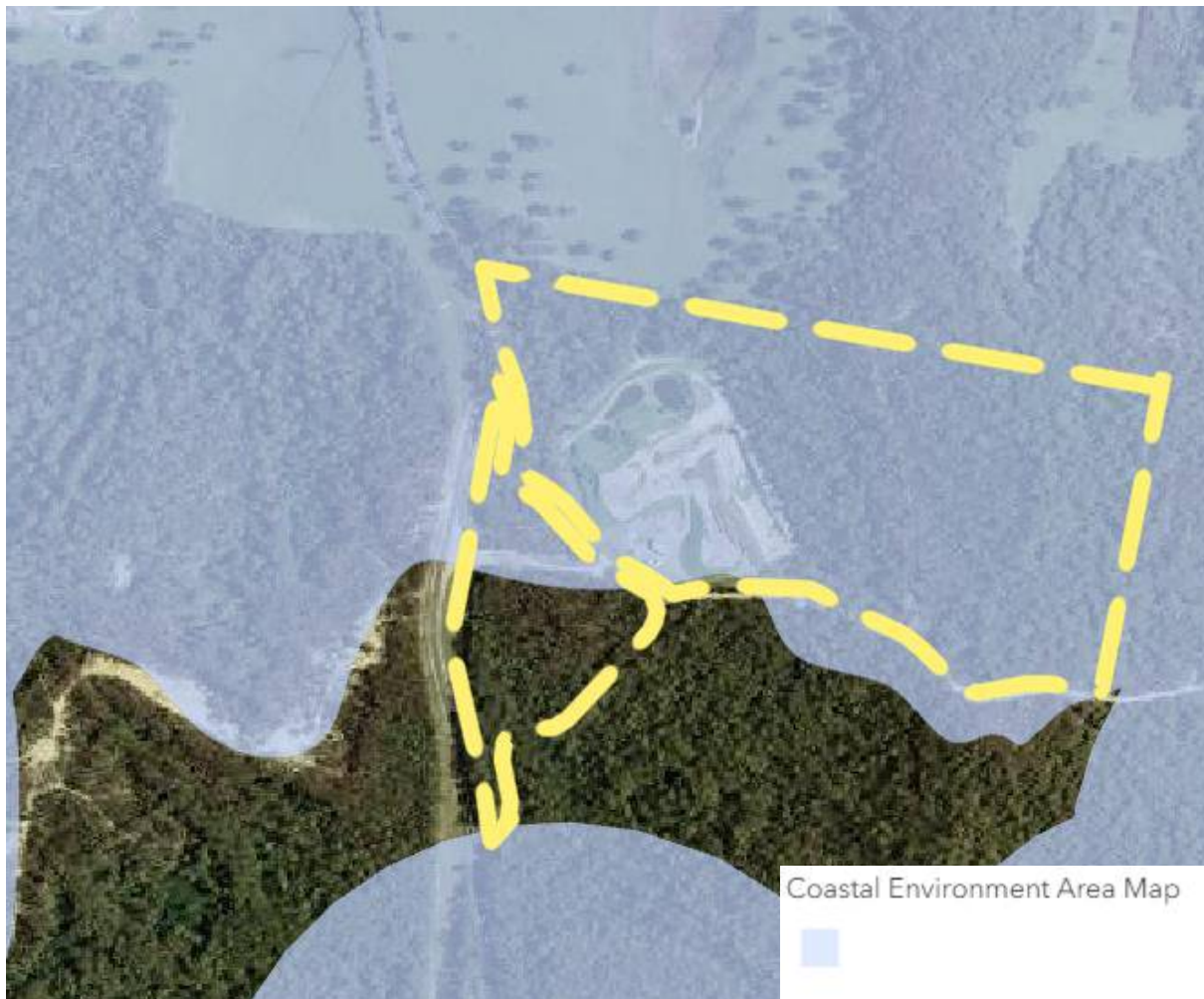


**Figure 3-1: Bushfire Prone Land Mapping**

Source: NSW Planning Portal June 2023

### Coastal Zone

The Site is partially located within the Coastal Environment Zone (Figure 3-2) under *State Environmental Planning Policy (Resilience and Hazards) 2021*. Consideration of the aims and objectives of the SEPP, as well as the considerations in Division 3 of the SEPP, will need to be addressed in any future development application.



**Figure 3-2: Coastal Environment Area**

Source: NSW Planning Portal June 2023

### **Soils**

A Geotechnical Assessment was prepared by Tetra Coffey Pty Ltd, 2022 (Appendix H). Extensive earthworks will be required for the proposed landfill expansion.

Land approximately 500m to the north of the Site (around Whittakers Creek) and 700m to the south (around Mummuga Lake) are mapped as having a high probability of occurrence of acid sulphate soils / potential acid sulphate soils (ASS / PASS) in alluvial sediments. Alluvial sediment was not encountered during the geotechnical investigation. Testing as part of the Geotechnical investigation indicated a low likelihood for the presence of ASS or Potential ASS.

Further geotechnical assessment of the proposed expansion area will be undertaken as part of the EIS.

### **Water Quality and Flooding**

The Site is not mapped as being affected by groundwater vulnerability or acid sulfate soils, however the headwaters of a watercourse flow through the northern portion of the existing Site and north into Brou Lake, which is an intermittently closed and open lake (ICOLL). The site is not mapped as being flood prone land in the LEP 2012 or any Council plans/studies.

Water quality monitoring data collected as a condition of the environmental protection licence (EPL 5881) indicates that the current landfill is not impacting local groundwater or surface water, however further water

quality assessments will be carried out as part of the EIS. A description of current water quality monitoring points is provided in Table 3-1.

Table 3-1 – Water monitoring details

EPA Identification no.	Type of Monitoring Point	Location
1	Groundwater quality monitoring	Groundwater bore located upgradient of the Site adjacent to the weighbridge and labelled as "UG2" in Figure 2.3 of the Brou Landfill Facility EIS dated 13 August 2002.
2	Groundwater quality monitoring	Groundwater bore located downgradient of the landfill in the northern corner of the premise boundary labelled as "DG1" in Figure 2.3 of the Brou Landfill Facility EIS dated 13 August 2002.
3	Groundwater quality monitoring	Groundwater bore located downgradient of the landfill and west of the sediment dam labelled as "DG2" in Figure 2.3 of the Brou Landfill Facility EIS dated 13 August 2002.
4	Surface water quality monitoring	Downstream of the landfill labelled as "Downstream monitoring point" identified in Figure 2.1 of the Brou Landfill Facility EIS dated 13 August 2002.
5	Surface water quality monitoring	Upstream of the landfill labelled as "Upstream Monitoring Point" identified in Figure 2.1 of the Brou Landfill Facility EIS dated 13 August 2002.
6	Surface water quality monitoring	Sediment dam located northwest of the Site identified as "Sediment Dam" in Figure 2.4 of the Brou Landfill Facility EIS dated 13 August 2002
7	Leachate quality monitoring	Point identified as "Leachate Dam" in Figure 2.4 of the Brou Landfill Facility EIS dated 13 August 2002.
9	Brou Lake downstream ambient water quality monitoring point	Brou Lake downstream from Brou Landfill outlet.
10	Farm dam water quality monitoring	Farm dam located downstream of Brou Landfill on Lot 14 DP 774060.

Source – NSW EPA PoEO Licence 5 Oct 2022

### Heritage (Aboriginal and non-Aboriginal)

An Aboriginal Due Diligence Assessment (ADDA) was undertaken by Lantern Heritage Pty Ltd in June 2022 (Appendix D). The report identified that whilst there were no known Aboriginal Sites within the proposed activity area, the area may contain sensitive landforms with moderate to high potential for stone artefact scatters and low to moderate potential for archaeological deposits, culturally modified trees and middens.



The results of the visual site inspection and ADDA concluded that works in some parts of the Site may proceed with caution. Works in sensitive landforms identified within the report require an Aboriginal Cultural Heritage Assessment Report (ACHAR) prior to any works proceeding.

An ACHAR was subsequently prepared by Lantern Heritage Pty Ltd (Appendix D). It concluded that the works would unlikely result in any impacts to Aboriginal artefacts or cultural heritage values and recommended that the proposed activity may proceed with caution.

There are no non-Aboriginal heritage items located on or within proximity to the Site.

### **Social and Economic Impacts**

The proposed rezoning will extend the life of the existing waste management facility and retain six staff positions providing positive socio-economic benefits to the local community and economy.

Council has considered the option of closing the landfill and replacing it with a waste transfer facility on the same site. The additional cost of replacing the landfill operation with a transfer station would be significant. The transferred waste must still be landfilled, and all the operational and capital costs associated with landfill disposal of residual waste would continue to be met by the community. The key difference between operating a landfill or a transfer station at Brou WMF is the cost of waste transport.

If a waste transfer station is established at the WMF, it would not cater for large vehicles as there is no logistical efficiency gained from bulking large loads for a 60km haul distance. Large truck loads would instead be diverted to Surf Beach WMF in the first instance. A transfer station could be provided to cater for small domestic and commercial loads delivered in utility vehicles or trailers. However, this represents only a relatively small proportion (~10%) of the residual waste currently landfilled at the WMF. A transfer station is therefore a poor substitute for the existing landfill facility representing a much lower level of service to the local community.

Garbage trucks collecting general waste from households or businesses would travel an additional 60 km distance directly to the Surf Beach WMF to dispose of residual waste. Ratepayers would pay a total additional cost of \$953,700 per year for domestic waste disposal (based on an average 2890 tonnes/year at \$5.50/tonne/km). Businesses located in Narooma and surrounds would pay significantly more than households for a range of reasons. ESC does not supply commercial waste collection services, so fees charged to businesses do not benefit from the same purchasing power available to Council. There are fewer commercial premises in the south than households, so there is potentially a lower economy of scale and a higher sensitivity to significant overall cost increases. 2758 tonnes of commercial waste are disposed of to landfill at Brou WMF each year. The cost to divert this waste to Surf Beach WMF is estimated to be in the order of \$1M per annum which would be directly borne by (mainly small) businesses in Narooma and surrounds.

Closing the landfill at Brou WMF would have a significant impact on the local building industry. An average of 5000 tonnes per year of building waste is disposed of to landfill at Brou WMF, including 1700 tonnes per year of excavated fill materials. Construction and demolition waste is generally transported uncompacted in "skips" or tipping trucks. The density of construction waste can vary significantly, affecting transport efficiency and cost. The extra cost of transporting building waste to Surf Beach WMF could range between \$30/tonne (for fill) to \$300/tonne (mixed building waste in skips). The additional costs borne by the local construction sector will be in the order of \$1M per year and this will have a significant impact on the local building industry.

The closure of the landfill facility at Brou WMF would have considerable impacts on the local economy that cannot be offset by providing a waste transfer station. The total cost to the community in the southern Eurobodalla will be approximately \$3 million per annum. Additional impacts of closing the landfill include more rapid consumption of landfill capacity at Surf Beach WMF, greater transport emissions, more trucks on the Princes Highway, and a reduction in emergency management capability (such as managing waste disposal) and disaster resilience for the Eurobodalla community. ESC would also relinquish its entitlement to a significant remaining portion of grant funding (\$1.08M) provided by the NSW EPA for the purpose of planning expansion of the Brou WMF.

## 3.2 Existing, Approved, and Likely Future Uses

### Site History

The Brou WMF commenced operation in 1979 and occupies an area of approximately 8.5ha within a larger 42.82ha parcel of land (Lot 1 DP 1205476). The land was initially leased from NSW Forestry Commission/State Forests under a permissive occupancy until it was purchased by ESC in 2016.

The Brou WMF originally occupied an area of 7.07ha. An expansion of 1.43ha to the Site was approved on 22 August 2002 (DA 221/03). At the time, consideration was given to expanding the WMF by a further 14.5ha, however this was not supported by NSW State Forests, the Site owner, due to the loss of log harvesting area.

Under the former *Eurobodalla Rural Local Environmental Plan 1987*, the Site (formerly Part Lot 197, DP 752131) was zoned Rural 1a. At or around the time of the 2002 expansion, the use of the Site was regularised in the 1987 LEP under "Schedule 4 Development for certain additional purposes" (Amendment No 32 –waste management facility). It is understood that the marked boundary of the waste management facility made by Amendment no. 32 of the 1987 LEP became the new SP2 - Infrastructure zone boundary under the current Eurobodalla LEP 2012.

The need for this Planning Proposal has arisen from the consumption of landfill airspace accelerated by the impact of the 2019-2020 Black Summer bushfires. Weighbridge records indicate a total of 28,870 tonnes of burnt asbestos containing material was disposed of at the Site in 2019-20, along with a further 1,500 tonnes of other bushfire debris. The landfilling of this disaster waste represents approximately 3 years of landfilling life and has required ESC to bring forward the planned expansion of the Site.

### Existing Land Use

The Brou WMF serves as both a recycling centre, and as a landfill for the final disposal of domestic, commercial, construction and demolition wastes. Approximately 17,000 tonnes of waste are managed at the Site each year, with 12,000 tonnes being landfilled. Approximately 5,000 tonnes of garden waste, scrap metal, e-waste and other recyclables are collected at the Site for recycling each year.

Existing infrastructure consists of a waste sorting area, landfill cells, leachate and stormwater ponds, site office, weighbridge, landfill gas infrastructure, and site sheds. The area subject to the proposed rezoning is currently vacant. The area is currently vegetated but shows signs of previous disturbance and logging.

Based on recent survey data, in the absence of the ability to expand the site the current landfill activity will need to cease in 2028.

### Surrounding Area

The Brou WMF Site is currently zoned SP2 - Infrastructure. The surrounding area is zoned RU3 - Forestry. Further to the north of the Site, the land is zoned RU1 - Primary Production and is characterised by farmland and rural dwellings.

The nearest sensitive receptor is a dwelling located approximately 1km to the east of the Site. It is not anticipated that any additional noise or other amenity impacts will result from the proposal.

A 400m buffer area is mapped around the WMF in the Eurobodalla LEP 2012. Clause 6.13 of the LEP stipulates assessment requirements for development within the buffer area to reduce the potential for land use conflict from odour, noise and visual impacts generated by the waste management facility. It is proposed to expand this area to incorporate the expanded footprint of the Site. Increasing the buffer area will reduce the risk of any potential land use conflict.

## 3.3 Services and Infrastructure

### Access and Transport

The Site is accessed via Brou Lake Road which intersects with the Princes Highway approximately 450m to the south-west of the Site. The intersection is comprised of channelised right and left turning lanes which is

considered adequate for the existing and proposed volumes of traffic using the intersection. Sight-distance exceeds 250m to the north and south which is considered acceptable for the 100km/h speed environment.

Except for temporary additional vehicle movements associated with construction works, the proposed expansion will not create additional traffic impacts.

### **Utilities and Infrastructure**

The Site is not serviced by reticulated water, however static water supplies (tanks and dams) are on-site to service the facility and may also be utilised in the event of a bushfire.

Electricity and telecommunications are available to the existing facility and will be extended to the expanded facility.

Table 3-2 – Matters for consideration

#	Question	Considerations
<b>Section A – need for the Planning Proposal</b>		
<b>1</b>	Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?	<p>No. The need for the Planning Proposal has arisen from the impact of waste disposal from the 2019-2020 bushfires. The Site began receiving large volumes of waste once the NSW Government clean-up program commenced. A significant portion of the waste received contained asbestos. Waste was still being received in vastly reduced volumes as of June 2021 with clearing focused on Local Aboriginal Lands Council properties. The following are impacts associated with the disposal of waste from the 2019/20 bushfire disaster.</p> <p>Airspace Impact - It is estimated that 22,000 m<sup>3</sup> of landfill airspace was consumed by bushfire-generated waste, which represents an estimated 2.75-3 years of landfilling life. Council employed an operational contractor (SUEZ) to act as an additional disaster recovery team to perform bushfire-generated waste landfilling operations. The direct costs incurred by Council is estimated at \$2,808,169. Council incurred a loss of gate fee income due to discounted gate fees for bushfire generated waste received. As the Site lies outside of the EPA levy regulating area, there were no direct impacts from levy application/waivers. The costs incurred by Council are estimated at \$301,481.</p> <p>Planning impacts - the need to seek an alternative waste management solution at least three years earlier than anticipated. This will involve investigation, design, land acquisition and seeking regulatory approval of a new Site before the current Site reaches capacity. The actual direct financial costs incurred by Council is estimated at \$3,109,650. Additional indirect costs were incurred however these were unable to be quantified.</p>
<b>2</b>	Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>The Planning Proposal is considered necessary as the proposed land use is not permissible within the RU3 - Forestry zone. Rezoning to SP2 - Infrastructure will allow for the expansion of the existing facility onto the adjoining land to the west.</p> <p>Expansion of the Brou WMF will help the community meet the objectives of a circular economy while recognising the continued reduction of landfill disposal remains an ongoing process in NSW. Continued use of the Brou WMF for landfilling is considered preferable to diverting waste to the Surf Beach landfill due to the significant additional waste transport required under this scenario. It is also likely that closure of the landfill at Brou may have negative environmental consequences in the form of increased traffic movements, vehicle emissions and illegal dumping.</p> <p>The development of an alternative southern landfill site is not considered feasible in terms of available lead time, nor does it form part of Council's current waste management strategy. Landfill site selection, planning processes</p>

#	Question	Considerations
		<p>and approvals, along with construction and commissioning is a lengthy and controversial process. The social and economic impacts of establishing a new landfill site would be significant.</p> <p>The Brou WMF has been established in its current location for 45 years and expansion of the facility is feasible. Alternatives to expansion were considered in the EIS supporting the Development Application for the last expansion (Connell Wagner 2002), and again during a desktop survey of alternative landfill sites in 2013 (MRA 2013). Both studies supported the view that expansion of the Brou WMF will deliver the highest value to the community with the lowest social, economic and environmental impact. Expansion of the Brou WMF is a sensible proposition, and further studies are unlikely to yield a preferable alternative, however this will be considered thoroughly during the EIS process.</p>
Section B – relationship to the strategic planning framework		
3	Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	<p>The Eurobodalla Shire is within the mapped boundary of the South-East and Tablelands Regional Plan 2036 and draft South-East and Tablelands Regional Plan 2041.</p> <p>The proposal is generally consistent with the objectives and actions of the Regional Plan. An assessment against the relevant Directions and Actions is included in Appendix B of this report.</p> <p>The Draft Regional Plan is informed by the NSW Waste and Sustainable Materials (WASM) Strategy. The Plan states that “State agencies, councils, and industry bodies should explore strategies to promote greater community awareness and acceptance of recycling and re-use, beyond current land fill practice, in the context of these targets”. ESC is in the process of reviewing its Waste Management Strategy to align with the targets and broader objectives of the NSW Waste Strategy.</p> <p>Landfill remains the predominant means of disposing of residual waste in NSW, and the Plan acknowledges the challenges of waste management following natural disasters. This Planning Proposal responds directly to those challenges, with the assistance of funding from the NSW Environment Protection Authority. The Planning Proposal assures that the Brou WMF remains a viable facility for sorting recoverable materials following natural disasters, but importantly retains capacity for final disposal of natural disaster waste which must be landfilled, including material that contains asbestos.</p>
4	Is the Planning Proposal consistent with a council LSPS that has been	<p><u>Eurobodalla LSPS</u></p> <p>The Eurobodalla LSPS 2020-2040 recognises the need to align local infrastructure delivery with planned growth. The Planning Statement promotes collaboration with State Government to deliver strategic aligned infrastructure</p>

## Section B – relationship to the strategic planning framework

	endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?	projects. This project is an example of collaboration between ESC and the NSW EPA. Natural hazard resilience is recognised in the Planning Statement in settlement planning for Eurobodalla. The Planning Proposal supports natural hazard resilience in practical terms by providing finite but available landfill capacity for future natural disasters.
5	Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?	<p><b>NSW Waste and Sustainable Materials (WASM) Strategy 2041</b></p> <p>The WASM Strategy acknowledges the need to make sure we have the services and infrastructure in place to deal with our waste safely, so it does not become a problem for future generations while transitioning to a circular economy. The Planning Proposal supports provision of infrastructure that enables transition to a circular economy, while minimising long distance waste transport and supporting local employment.</p> <p>The WASM Strategy recognises that NSW is running out of space to deal with residual waste. Improvements in waste avoidance and recycling performance will assist in driving down rates of landfill disposal, however new capacity will be required to manage residual waste for the foreseeable future. In line with the WASM Strategy, ESC’s highest priority is to extend the life of current landfills by reducing the volumes of landfilled waste, either through avoidance or recycling, while also recognising the role that engineered landfills provide for the safe disposal of residual waste. The transition to a circular economy is supported by providing appropriate facilities such as the Brou WMF to enhance resource recovery and recycling, and to dispose of residual waste safely.</p>
6	Is the Planning Proposal consistent with applicable SEPPs?	An assessment against applicable State Environmental Planning Policies is included in Appendix C of this report.
7	Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	An assessment against applicable Ministerial Directions is included in Appendix A of this report.

Section C – environmental, social and economic impact

<p>8</p>	<p>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?</p>	<p>A Biodiversity Assessment Report has been prepared to support the Planning Proposal required for the rezoning. The proposed expansion will require approval under Part 4 of EP&amp;A Act, and the preparation of a BDAR in accordance with the BAM. As such, the BDAR will include Stage 1 of the Biodiversity Assessment Method (BAM) and an assessment Serious and Irreversible Impacts (SAIL) on swift parrot (<i>Lathamus discolor</i>).</p> <p>Surveys carried out for the BAR determined that two PCTs occur within the Subject Land:</p> <ul style="list-style-type: none"> <li>• PCT 3272: South Coast Lowland Creekflat Forest.</li> <li>• PCT 3275: South Coast Spotted Gum Cycad Dry Forest.</li> </ul> <p>PCT 3272: South Coast Lowland Creekflat Forest is a component of two TECs listed under the BC Act and the EPBC Act, namely:</p> <ul style="list-style-type: none"> <li>• River-flat eucalypt forest on coastal floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions – listed as endangered under the BC Act.</li> <li>• River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria – listed as critically endangered under the EPBC Act.</li> </ul> <p>The proposed expansion would result in impacts to 2.8 hectares of PCT 3275. Refinements in project design have resulted in a reduction in the extent of the Development Footprint such that impacts to the TECs have been avoided.</p> <p>The following threatened (five) and migratory (one) species were identified during Site surveys within or adjacent to the Subject Land. Approximately 2.8 hectares of suitable habitat for these species would be impacted as part of the proposed expansion works:</p> <ul style="list-style-type: none"> <li>○ grey-headed flying-fox</li> <li>○ south-eastern glossy black-cockatoo</li> <li>○ white-bellied sea-eagle</li> <li>○ olive whistler</li> <li>○ white-footed dunnart</li> <li>○ sooty owl.</li> </ul> <p>The subject land also contains Important Habitat for swift parrot. Swift parrot is an entity with the potential for SAIL, as such an SAIL assessment has been completed in accordance with Section 9.1 of the BAM. It is up to the determining authority to decide whether the proposal will have a SAIL on the swift parrot.</p>
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Section C – environmental, social and economic impact

		<p>Assessment of Significance (AoS) for MNES was carried out as part of the Standalone BAR and contained within Appendix E. The EPBC listed species above were deemed by the AoS to not be significantly impacted by the proposed works. These species would still be impacted with the clearing of approximately 2.8 hectares of suitable habitat, as such, after rezoning of the area they would need to be further assessed using the BAM calculator whereby species credits would be created.</p> <p>The swift parrot is a dual credit species and considered to occur within the subject land by the Important Habitat Map. Post rezoning, the area would need to be further assessed using the BAM calculator whereby species credits would be created.</p> <p>Some impact of the works have been minimised following changes to the extent of the development site and rezoning portion of land to C2 - Environmental Conservation. Other impacts can be mitigated through the implementation of measures such as conducting pre-clear assessment for threatened species, conducting clearing works outside breeding times and adding nest boxes.</p>
9	<p>Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?</p>	<p><u>Water Quality</u></p> <p>The Site is located within the Brou Lake Catchment, which is an intermittently closed and open lake or lagoon (ICOLL).</p> <p>A review of the NSW EPA database did not reveal any incidents of contamination, leaching or runoff into nearby watercourses. Additional hydrogeological and surface water assessment will be undertaken as part of the EIS process.</p> <p>The expansion of the Brou WMF will be designed, constructed, and operated in accordance with the NSW Environmental Guidelines, Solid Waste Landfills (EPA, 2016) which will ensure a high degree of environmental protection. The site will continue to be regulated by the EPA under an environmental protection licence, and procedures will remain in place to manage the site to meet Council’s obligations under the Protection of the Environment Operations (POEO) Act 1997.</p> <p>Surface and ground water quality assessments will be carried out as part of the EIS to support the development application for the expansion of the waste management facility.</p> <p><u>Noise</u></p> <p>The nearest sensitive receptor is a dwelling located approximately 1km to the east of the Site. There will be no changes to the operation and use of the expanded facility and therefore any additional noise impacts are unlikely.</p>



## Section C – environmental, social and economic impact

		<p><u>Odour and Air Quality</u></p> <p>Compliance with POEO requirements is stipulated within the existing EPA Licence for the facility, with regular monitoring taking place to ensure that the facility does not impact surrounding areas.</p> <p>A 400m buffer area is mapped in the Eurobodalla LEP 2013. Clause 6.13 of the LEP 2012 stipulates assessment requirements for development within the buffer area to reduce the potential for land use conflict from odour, noise and visual impacts generated by the waste management facility.</p>
10	Has the Planning Proposal adequately addressed any social and economic effects?	The proposed rezoning will extend the life of the existing waste management facility and retain six staff positions providing positive socio-economic benefits to the local community and economy. Please refer to the assessment of social and economic impact in section 3.1 of this report.

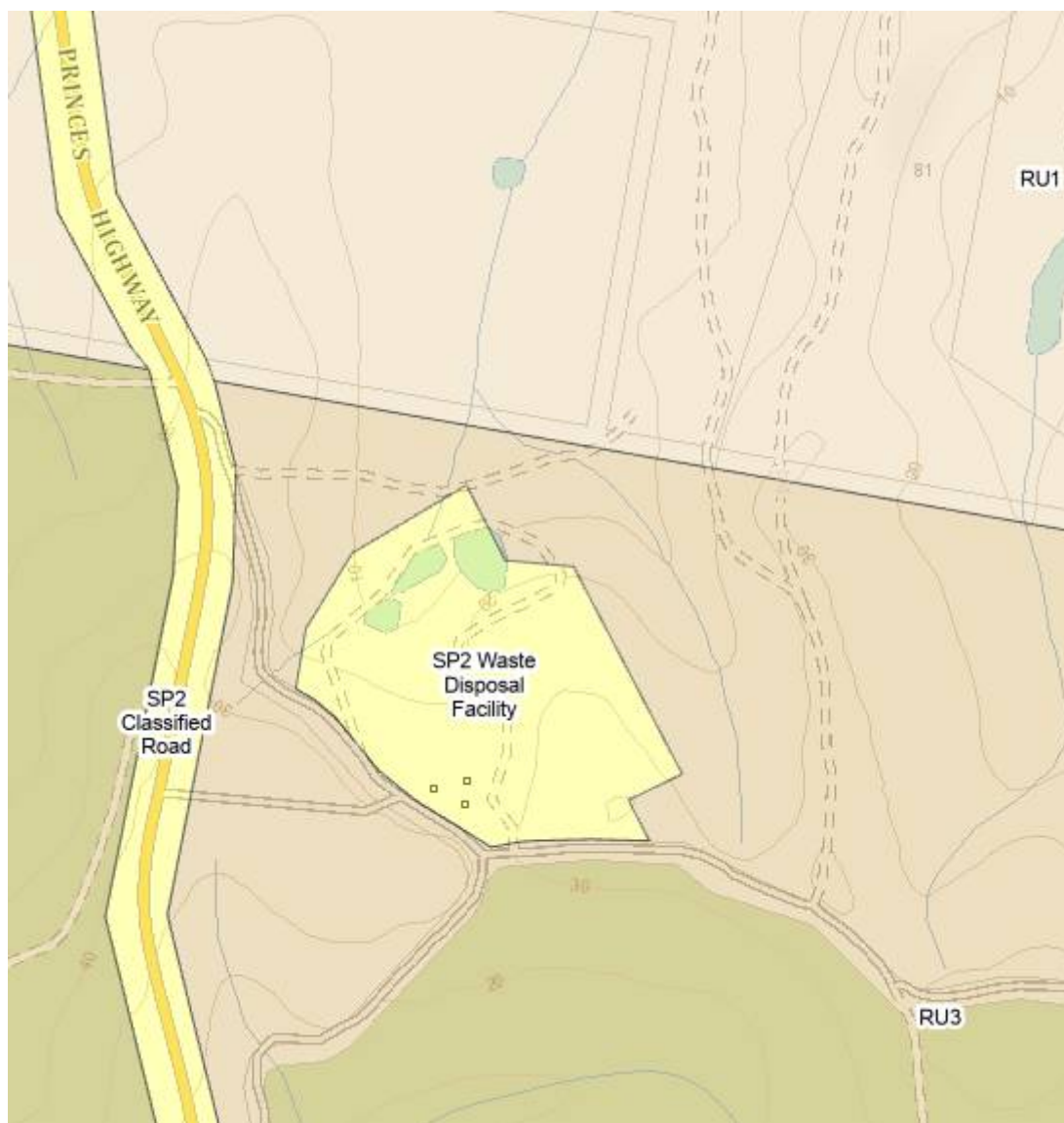
## Section D – Infrastructure (Local, State and Commonwealth)

11	Is there adequate public infrastructure for the Planning Proposal?	<p>Site access is via Brou Lake Road which intersects with the Princes Highway 450m south-west from the entrance to the waste management facility. The intersection with the Princes Highway has channelised right and left turning lanes for northbound and southbound traffic. No alterations to the intersection are considered required to accommodate the future development, however consultation will be undertaken with Transport for NSW as part of the Gateway process to ascertain their requirements.</p> <p>Reticulated electricity is provided to the Site. Reticulated water and sewer are not available, however a static water supply currently services the existing facility.</p>
12	What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	<p>The NSW Department of Planning, Housing and Infrastructure, NSW Rural Fire Service and NSW Biodiversity and Conservation Division were consulted in the early stages of drafting this proposal to gauge the reporting and consultation requirements. No federal agencies were consulted in the drafting of this proposal, however it is anticipated that any Gateway Determination will require consultation with various State and Federal Agencies. A full list of the agencies that are anticipated to be involved is contained within Part 5 of this report.</p> <p>The response from the NSW RFS has been included in Appendix G of this report.</p>

## 4. Maps

### 4.1 Zoning

#### 4.1.1 Current zoning



**Figure 4-1: Existing zoning map**

Source: NSW Planning Portal June 2023.

4.1.2 Proposed Future Zoning

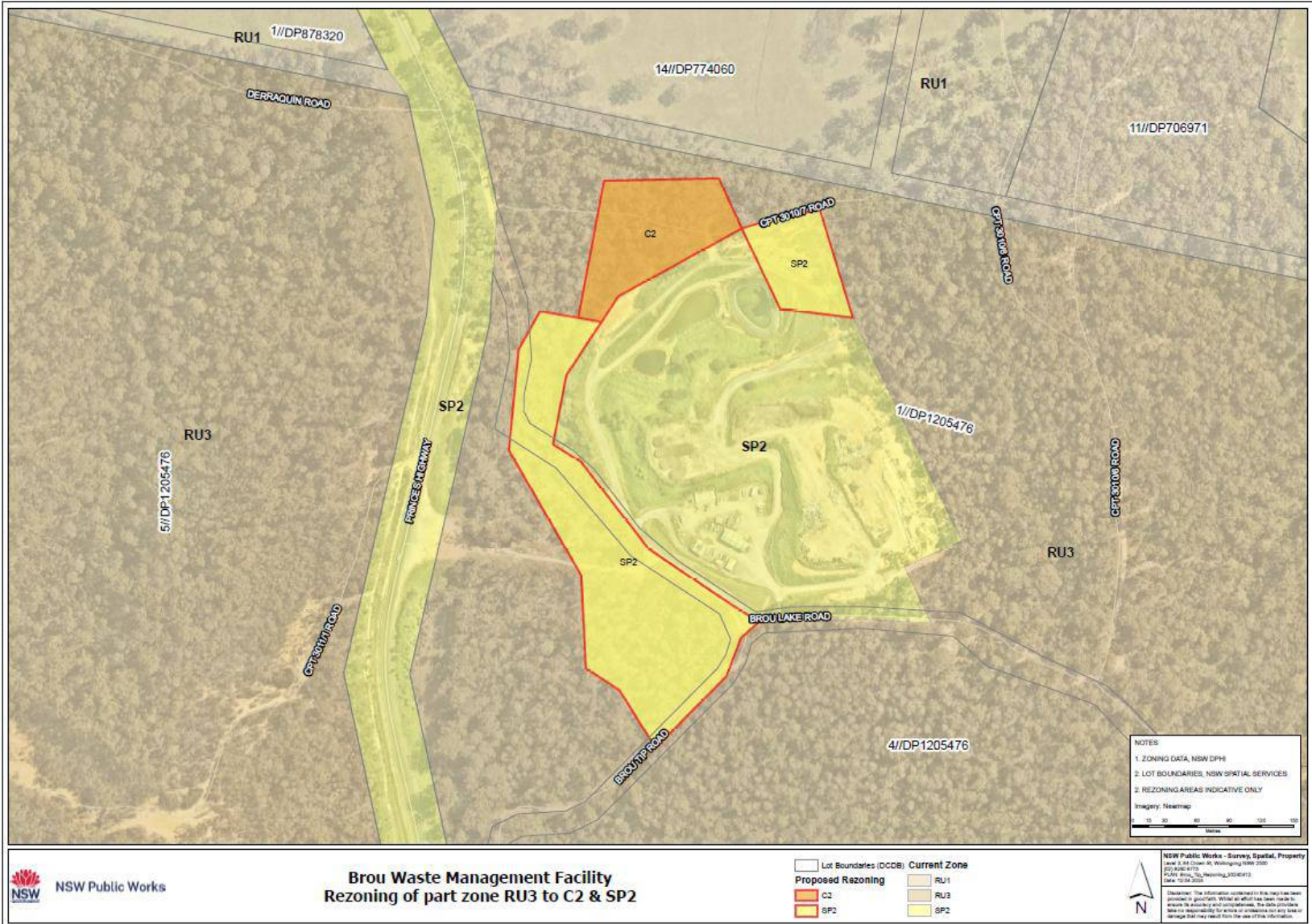


Figure 4-2: Proposed future zoning map

#### 4.1.3 Existing Public Infrastructure Buffer Map

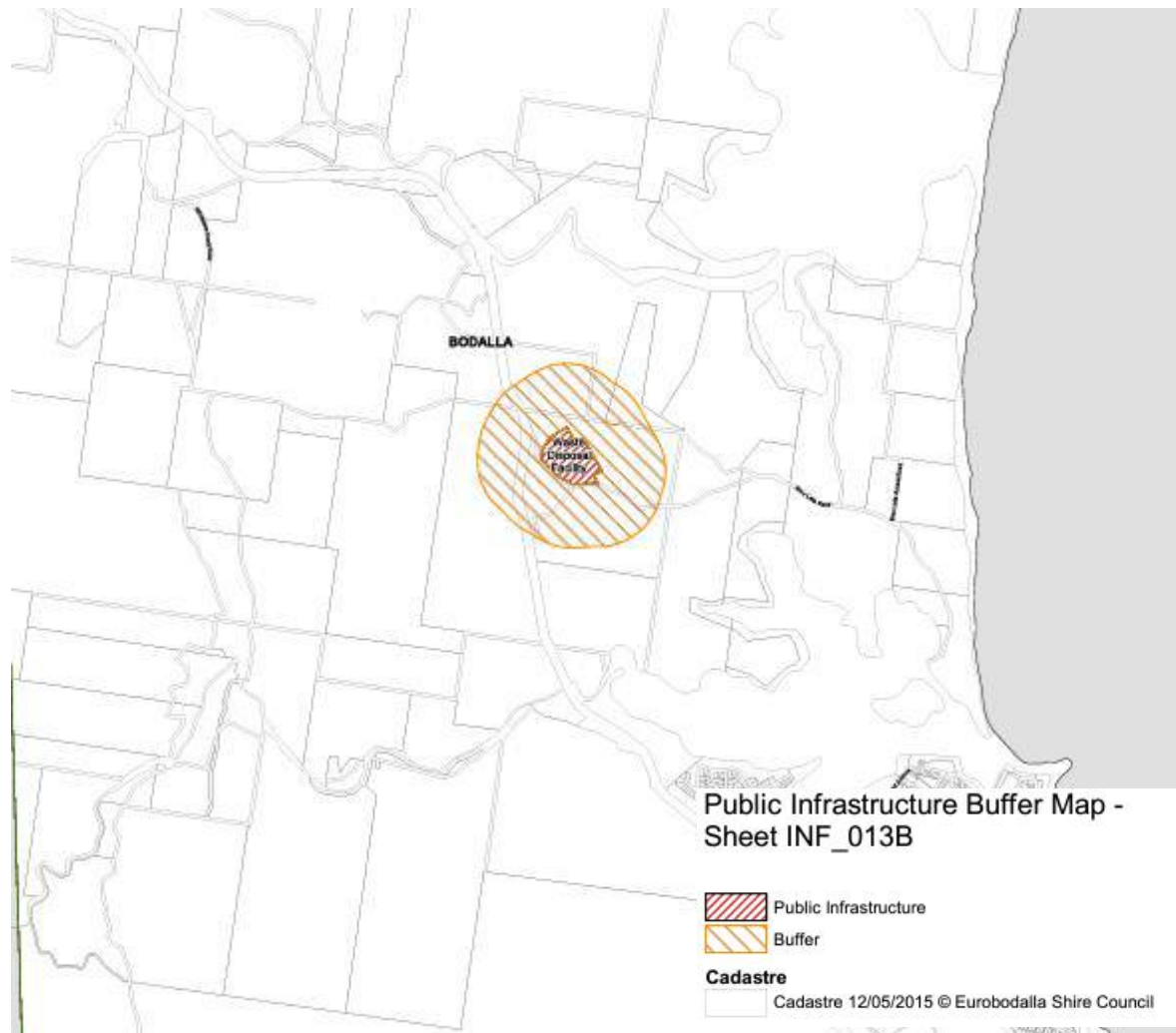


Figure 4-3: Existing Public Infrastructure Buffer Map

#### 4.1.4 Proposed Public Infrastructure Buffer Map

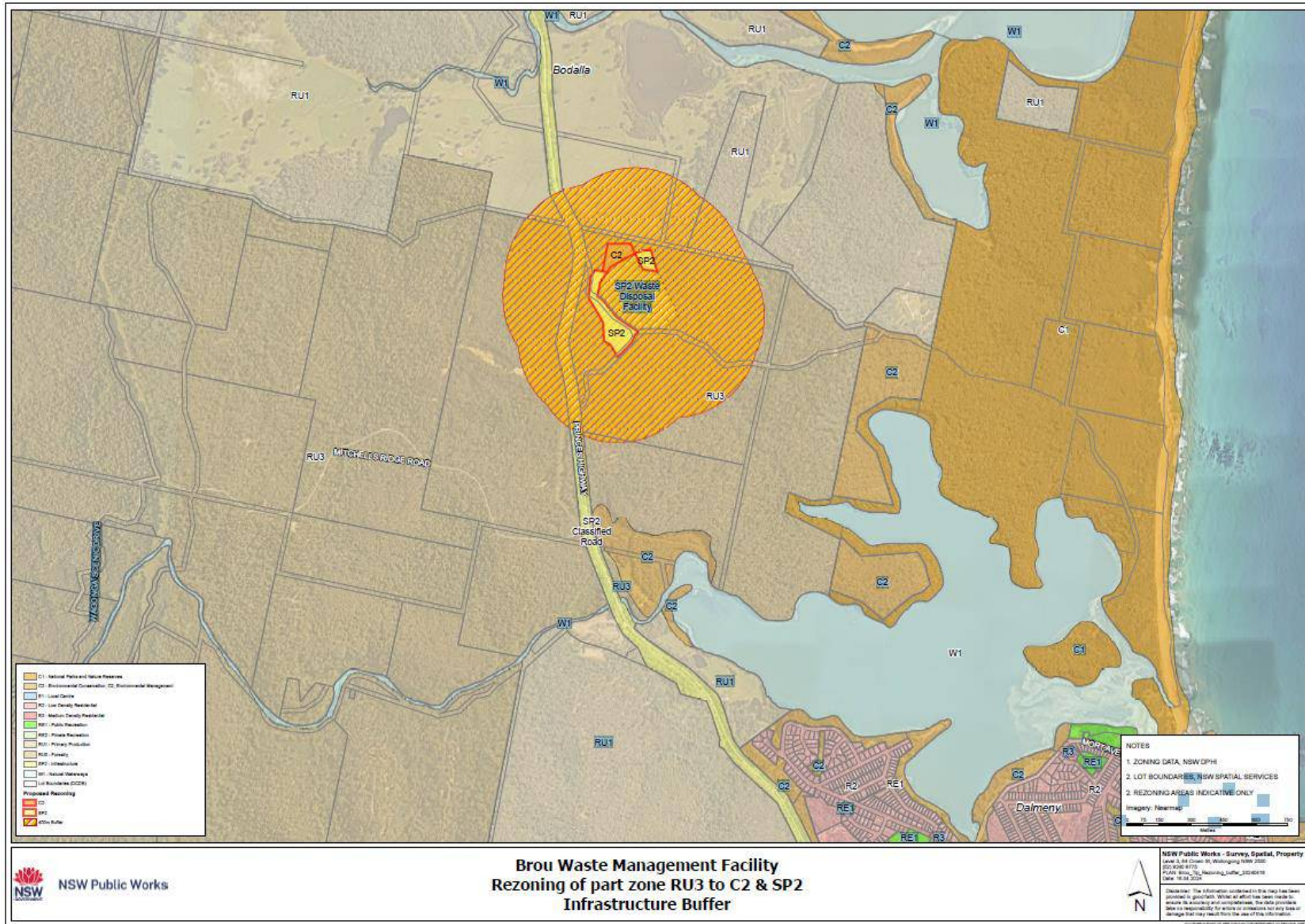


Figure 4-4: Proposed Public Infrastructure Buffer Map

## 5. Community Consultation

No community consultation has been undertaken to date. Preliminary consultation has been undertaken with the following agencies:

- NSW Department of Planning and Environment (now DPPI);
- NSW Environment, Energy and Science Group - Biodiversity Conservation Division (BCD);
- NSW Rural Fire Service.

The Proposal is considered a Complex Proposal, as per the descriptions in *the Local Environmental Planning Guideline* (August 2023). It is anticipated that DPE will be the Local Plan Making Authority (LPMA) for the Planning Proposal which will require it to be exhibited for a period of no less than 30 days.

It is recommended that the following agencies be consulted on the Planning Proposal as part of the Gateway process and given 21 days to respond:

- Environment, Energy and Science Group - Biodiversity Conservation Division (BCD);
- NSW EPA;
- Crown Lands NSW - ESC is understood to be in negotiations with Crown Lands NSW to close the Crown Road within the proposed rezoning area;
- Forestry Corporation of NSW;
- Transport for NSW;
- Bodalla Local Aboriginal Land Council (BLALC)
- Endeavour Energy;
- NSW Rural Fire Service.
- Marine Estate Management Authority
- NSW Fisheries

## 6. Project Timeline

(Timeline is based on the NSW DPE Document: *DPE Local Environmental Plan Making Guideline: September 2022*)

	Stage	Timeframe	Responsibility	Comments	Prescribed timeframe for Completion (As per <i>DPE LEP Making Guideline</i> )
1	Pre-lodgement	Completed	Public Works	Includes assessing alignment with the strategic planning framework, initial discussions with public authorities (DPE, BCD etc).	60 days
2	Completion of draft PP for Council review	Late April 2024	Public Works	Based on draft BDAR being available by mid-April. This allows time for review, consultation with Council and preparation of mapping.	
	Council review of draft PP	May 2024	ESC	Includes time for ESC to review and PW to make any amendments.	
	Final PP to Council	June 2024	Public Works	For Council resolution on June 18th	
	Council forward to DPE for Gateway Determination (with minutes from Council meeting)	June 2024	ESC and Public Works	Will be subject to minutes being available to attach to PP package.	
3	Gateway Determination	Late August 2024	DPE	Targeted timeframe: 45 days as per <i>DPE LEP Making Guideline</i> .	45 days

4	Post-Gateway Review and Additional Studies (if required by DPE)	Late August- Early November 2024	Public Works	70 days is specified period in <i>DPE LEP Making Guideline</i> . Should be much less if no additional studies required.	70 days
5	Agency Consultation	21 days over month of November.	ESC and Public Works	Likely to include NSW Biodiversity and Conservation Division, Transport for NSW, RFS, EPA, NPWS.	115 days
	Commencement and completion of Public Exhibition Period	30 days. Late November- early December	ESC and Public Works	Prescribed timeframe as per <i>DPE LEP Making Guideline</i> .	
	Consideration of Submissions	8-15 January 2025	Public Works	Subject to ESC forwarding all submissions received to PW.	
6	Post-Exhibition Review	If required, commission review late Jan- Early Feb.	Public Works		70 days
	Report recommending formal adoption of PP	February Council meeting	ESC	Subject to no additional studies required.	
	Formal adoption of PP by elected Council	February Council meeting	ESC		
	Submission to PCO for Finalisation	Late Feb- Early March 2025	ESC	Dependant on when minutes from meeting become available.  70 day timeframe as per <i>DPE LEP Making Guideline</i>	



				(this includes gazettal).	
	Gazettal of LEP Amendment (DPE Parliamentary Counsel Office)	May 2025	DPE PCO Office		

## Appendix A – Consistency with Applicable Section 9.1 Ministerial Directions

The Planning Proposal's consistency with relevant Local Planning Directions (section 9.1 Directions) is discussed in the table below:

Directions	Consistent/Not Consistent	Reasons for Consistency or Inconsistency
Direction 1.1 Implementation of Regional Plans	Justifiably inconsistent.	The proposed rezoning does not specifically align with any of the Goals in the South-East and Tablelands Regional Plan 2036. It is considered that the proposed rezoning does not go against the overall intent of the Regional Plan and the inconsistency is of minor significance.
Direction 1.3 Approval and Referral Requirements	Inconsistent	The future expansion of the waste management facility will constitute Designated Development due to the facility's location within the catchment of an ICOLL.  This is inconsistent with the Direction, however it is considered that the Designated Development requirements will be adequately addressed in any future Development Application and Environmental Impact Statement which will be required to be consistent with the Secretary's Environmental Assessment Requirements.
Direction 1.4 Site Specific Provisions	Consistent.	The Planning Proposal will allow for the proposed development to be undertaken with Development Consent within the SP2 zone which is consistent with this Direction.
Direction 3.1 Conservation Zones	Consistent	To protect the River-Flat Eucalypt Forest EEC that was identified in the Biodiversity Constraints Report, it is proposed to rezone that section of the Site to C2 Environmental Conservation which will provide ongoing protection to this community and prevent any future waste management activities from being carried out on this part of the Site.
Direction 3.2 Heritage Conservation	Consistent	The Aboriginal Due Diligence Assessment undertaken by Lantern identified that whilst there were no known Aboriginal Sites within the proposed activity area, the area may contain sensitive landforms with moderate to high potential for stone artefact scatters and low to moderate potential for archaeological deposits, culturally modified trees and middens.  The results of the visual Site inspection and Due Diligence Assessment concluded that works in some parts of the Site may proceed with caution. Works in sensitive landforms identified within the report require an Aboriginal Cultural Heritage Assessment Report (ACHAR) prior to works proceeding.

		An ACHAR was prepared by Lantern Heritage Pty Ltd. It concluded that the future works would be unlikely to result in any impacts to Aboriginal artefacts or cultural heritage values and recommended that the proposed activity may proceed with caution.
Direction 4.1 Flooding	Consistent	<p>A minor watercourse traverses the WMP, flowing from the south-west to the north of the Site. The proposed expansion of the waste management facility is not likely to lead to an increase in flooding within the catchment of the creek.</p> <p>The design of the waste cells will take into consideration any potential impact from localised flooding at the Site in accordance with the NSW Flood Prone Land Policy and Floodplain Development Manual 2023.</p>
Direction 4.2 Coastal Environment	Consistent	The Site is partially located within the Coastal Environment Zone under State Environmental Planning Policy (Resilience and Hazards) 2021. Consideration of the aims and objectives of the SEPP, as well as the considerations in Division 3, will need to be addressed in any future development application.
Direction 4.3 Planning for Bushfire Protection	Consistent	<p>Preliminary discussions have been held with the NSW RFS regarding the requirements to be addressed at Planning Proposal and EIS stages. The existing facility is designed within perimeter access, and it is anticipated that the new facility will be designed with similar access arrangements around the waste cells and transfer station.</p> <p>The new facility will be designed to comply with the provisions of PBP 2019 including access, water and utilities and further consultation with the RFS is anticipated throughout the Gateway and EIS processes.</p>
Direction 9.1 Rural Lands	Consistent	Although zoned RU3 - Forestry, the land is no longer used for forestry purposes and is therefore no longer suited to the current zoning. The Planning Proposal is not rezoning from rural to one of the uses listed in Direction 9.1 1(a) and is therefore considered consistent with this Direction.
Direction 9.2 Rural Zones	Consistent	The Planning Proposal will not affect the agricultural production of rural land in the vicinity of the Site and is considered to be consistent with this Direction.

## Appendix B – Consistency with South-East and Tablelands Regional Plan 2036

<b>Goal 1 - A connected and prosperous economy</b>	
<b>Direction 1: Leverage access to the global gateway of Canberra Airport</b>	
1.1 Protect Canberra Airport’s current and future operations by maintaining restrictions on the location of nearby residential development.	N/A
1.2 Enhance data sharing on freight movements between the NSW and ACT Governments to improve freight planning and management.	N/A
1.3 Plan for compatible and complementary economic development opportunities around the region’s airports, including in Moruya and Merimbula.	N/A
<b>Direction 2: Enhance tourism and export opportunities through the Port of Eden</b>	
2.1 Promote business and industry development to attract visitors and cruise vessels to Eden.	NA
2.2 Develop a strategy to encourage marine-based tourism along the South Coast and Illawarra-Shoalhaven.	N/A
2.3 Foster opportunities for embarkation and disembarkation facilities around wharf infrastructure to support marine-based tourism.	N/A
2.4 Protect port-related infrastructure at the Port of Eden from encroachment through local environmental plans.	N/A
2.5 Continue to implement actions and prioritise investment in boating infrastructure as identified in relevant regional boating plans to improve boating safety, boat storage and waterway access, including better launching facilities for marine-based tourism.	N/A

<b>Direction 3: Develop the Snowy Mountains into Australia’s premier year-round alpine destination</b>	
3.1 Enhance opportunities for visitation and recreation on the Snowy River by improving access and signage.	N/A
3.2 Develop a Visitor Economy Strategy for the Snowy Mountains.	N/A
3.3 Investigate opportunities for improved access to the Snowy Mountains through flexible transport options, improved connections through existing transport modes, and air travel.	N/A
<b>Direction 4: Leverage growth opportunities from Western Sydney</b>	
4.1 Foster initiatives to promote the South East and Tablelands as a suitable place for businesses to relocate.	N/A
4.2 Maintain a supply of appropriately serviced employment land to create opportunities for new industrial development.	N/A
4.3 Monitor development so that infrastructure planning responds to investment opportunities.	N/A
<b>Direction 5: Promote agricultural innovation, sustainability and value-add opportunities</b>	
5.1 Promote commercial, tourism and recreational activities that support the agricultural sector.	N/A
5.2 Encourage value-add agricultural opportunities through flexible planning provisions in local strategies and local environmental plans.	N/A
5.3 Encourage co-location of related value-added agricultural industries to maximise infrastructure, decrease supply chain costs, increase economies of scale and attract further investment.	N/A

5.4 Promote opportunities to better connect the agricultural industry to export markets.	N/A
<b>Direction 6: Position the region as a hub of renewable energy excellence</b>	
6.1 Identify opportunities for renewable energy industries.	N/A
6.2 Develop analytical tools to map large-scale renewable energy potential.	N/A
6.3 Encourage the co-location of renewable energy projects to maximise infrastructure, including corridors with access to the electricity network.	N/A
6.4 Promote best practice community engagement and maximise community benefits from renewable energy projects.	N/A
6.5 Promote appropriate smaller-scale renewable energy projects using bioenergy, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.	N/A
<b>Direction 7: Grow the South Coast's aquaculture industry</b>	
7.1 Facilitate the development of a shellfish hatchery to safeguard oysters and other shellfish production.	N/A
7.2 Minimise the impacts of development on aquatic habitats in aquacultural estuaries.	N/A
7.3 Promote opportunities to better connect the aquaculture industry to export markets.	N/A
<b>Direction 8: Protect important agricultural land</b>	
8.1 Map important agricultural land to better inform strategic and local planning processes.	The Site is not identified as important agricultural land.

<p>8.2 Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans.</p>	<p>Land to the north of the Site is zoned as RU1 – Primary Production. The proposed C2 - Environmental Conservation zone will ensure a permanent vegetated buffer between the waste management facility and the RU1 zoned land to the north.</p>
<p>8.3 Develop profiles of the leading agricultural industries to guide future investment decisions.</p>	<p>N/A</p>
<p>8.4 Minimise biosecurity risks by undertaking risk assessments that take into account biosecurity plans, and applying appropriate buffer areas.</p>	<p>N/A</p>
<p><b>Direction 9: Grow tourism in the region</b></p>	
<p>9.1 Enhance the broader tourism offering by collaborating with Visit Canberra and the ACT Government.</p>	<p>N/A</p>
<p>9.2 Encourage tourism development in natural areas that support conservation outcomes.</p>	<p>N/A</p>
<p>9.3 Align local strategies with the relevant destination management plan.</p>	<p>N/A</p>
<p>9.4 Collaborate with and support Eden Local Aboriginal Land Council’s development of the Bundian Way as a sustainable economic venture.</p>	<p>N/A</p>
<p>9.5 Address seasonal transport capacity shortages efficiently through initiatives such as:</p> <ul style="list-style-type: none"> <li>• branding public transport services;</li> <li>• raising awareness of travel options;</li> <li>• supporting seasonal transport options such as holiday bus services and/or park and ride services; and</li> <li>• introduce flexible and on-demand transport options.</li> </ul>	<p>N/A</p>

<b>Direction 10: Strengthen the economic self-determination of Aboriginal communities</b>	
10.1 Work with the Local Aboriginal Land Councils to conduct a strategic assessment of their landholdings to identify priority Sites with economic development potential.	N/A
10.2 Identify priority Sites that can create a pipeline of potential projects.	N/A
10.3 Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	N/A
<b>Direction 11: Enhance strategic transport links to support economic growth</b>	
11.1 Improve the capacity of the regional freight network by investigating and prioritising upgrades to narrow bridges, culverts, alignment, and lane and shoulder width that constrain restricted access vehicles.	N/A
11.2 Deliver local and regional road projects that support the regional freight network.	N/A
11.3 Limit inappropriate adjoining development and direct access points along strategic transport links including the Hume, Federal, Illawarra, Barton and Kings highways.	N/A
11.4 Investigate options to improve heavy vehicle rest areas appropriate for the demand.	N/A
11.5 Work with the Australian Government to plan for a future high-speed rail corridor.	N/A
<b>Direction 12: Promote business activities in urban centres</b>	



12.1 Use flexible planning controls to facilitate knowledge-intensive industries and the development of small work hubs.	N/A
12.2 Encourage mixed use developments that cater for commercial, retail, residential and tourism uses through local planning controls.	N/A
12.3 Reinforce the role and function of centres as the primary places for commerce, retail, social activity and regional services through local strategies and local environmental plans.	N/A
12.4 Focus future commercial and retail activity in existing commercial centres, unless there is a demonstrated need and positive social and economic benefits to locate this activity elsewhere.	N/A
12.5 Require proposals for new retail development to demonstrate how they: <ul style="list-style-type: none"> <li>• respond to retail supply and demand needs;</li> <li>• respond to innovations in the retail sector;</li> <li>• maximise the use of existing and planned infrastructure (including public transport and community facilities) commensurate with the scale of the proposal; and</li> <li>• enhance the value of the public realm.</li> </ul>	N/A
<b>Direction 13: Manage the ongoing use of mineral resources</b>	
13.1 Consult with the NSW Division of Resources and Geosciences when assessing applications for land use changes (strategic land use planning, rezoning and Planning Proposals) and new developments or expansions.	N/A
13.2 Protect areas of mineral and energy resources potential through local strategies and local environmental plans.	N/A
<b>Goal 2: A diverse environment interconnected by biodiversity corridors</b>	

<b>Direction 14: Protect important environmental assets</b>	
14.1 Develop and implement a comprehensive Koala Plan of Management for the Snowy Monaro and Wingecarribee local government areas	N/A
14.2 Protect the validated high environmental value lands in local environmental plans.	The proposed rezoning will protect the identified area of EEC in the north of the Site by rezoning to C2 - Environmental Conservation to protect the area from any future development activity.
14.3 Minimise potential impacts arising from development on areas of high environmental value, including groundwater-dependent ecosystems and aquatic habitats, and implement the 'avoid, minimise and offset' hierarchy.	The Biodiversity Assessment Report by Umwelt dated April 2024 identified areas of high environmental value and threatened species potentially impacted by the proposal.
14.4 Improve the quality of and access to information relating to land with identified high environmental values.	Some impact of the works would be minimised due to the revision of the development Site. Other impacts can be mitigated through the implementation of measures such as conducting pre-clear assessment for threatened species, cleaning vehicles, conducting clearing works outside breeding times and adding nest boxes.
14.5 Support planning authorities to undertake strategic, landscape-scale assessments of biodiversity and areas of high environmental value.	
14.6 Protect Travelling Stock Reserves in local strategies.	N/A
<b>Direction 15: Enhance biodiversity connections</b>	
15.1 Protect and enhance the function and resilience of biodiversity corridors in local strategies.	Brou Lake is identified as a sensitive estuary in Goal 2 - A diverse environment interconnected by biodiversity corridors. The subject Site is within the catchment of Brou Lake and Direction 14 of the Regional Plan 2036 requires use of the 'avoid, minimise, and offset' hierarchy when considering new developments such as the expansion of the waste management facility.  Direction 15: Enhance Biodiversity Connections. The area of land to be rezoned is also considered to be of high environmental value, based on the outcomes of the Standalone Biodiversity Assessment report by Umwelt Pty Ltd dated April 2024.
15.2 Improve planning authority access to regional biodiversity corridor mapping and methodology.	
15.3 Confirm and validate the location and boundaries of regional biodiversity corridors.	
15.4 Focus offsets from approved developments to regional biodiversity corridors, where possible.	

	<p>As discussed above, the proposal will protect areas of high environmental value where practicable.</p> <p>Potential offsetting will be calculated as part of the EIS process and the BDAR that is required to support the development application.</p> <p>The potential impact of the development on the Swift Parrot has been assessed in accordance with the Commonwealth Assessment of Significance for Swift Parrot and it is unlikely that any individuals will be directly impacted by the proposal, given the habitat consists of foraging habitat only, and the species is highly mobile.</p>
<b>Direction 16: Protect the coast and increase resilience to natural hazards</b>	
16.1 Locate development, including new urban release areas, away from areas of known high bushfire risk, flooding hazards or high coastal erosion/inundation; contaminated land; and designated waterways to reduce the community's exposure to natural hazards.	<p>The design and layout of the new facility will incorporate relevant requirements regarding bushfire protection and flooding, where appropriate.</p> <p>Initial discussions with NSW RFS have been undertaken and a bushfire assessment report will be submitted as part of any future Development Application and EIS.</p>
16.2 Implement the requirements of the NSW Floodplain Development Manual by developing, updating or implementing flood studies and floodplain risk management plans.	<p>The design and layout of the proposed future waste management facility will take into consideration the overland flow paths and the requirements of NSW Floodplain Development Manual, where appropriate.</p>
16.3 Update coastal zone/estuary management plans and prepare new coastal management programs to identify areas affected by coastal hazards.	N/A
16.4 Incorporate the best available hazard information in local environmental plans consistent with current flood studies, flood planning levels, modelling, floodplain risk management plans and coastal zone management plans.	N/A
16.5 Update and share current information on environmental assets and natural hazards with councils to inform planning decisions.	N/A

16.6 Manage risks associated with future urban growth in flood-prone areas as well as risks to existing communities.	N/A
<b>Direction 17: Mitigate and adapt to climate change</b>	
17.1 Enhance government service delivery and implement local initiatives to address climate change impacts on local communities.	N/A
17.2 Collaborate with the ACT Government to reduce emissions and adopt adaptation strategies.	N/A
17.3 Support councils to assess and respond to impacts and opportunities associated with a changing climate.	<p>Support of the PP will ensure that NSW DPHI and the NSW EPA support ESC to adapt to the impacts of climate change. The PP will enable Council to meet future climate driven natural disasters through the provision of a more efficient waste management facility, which is consistent with this Direction.</p> <p>The existing landfill is equipped with a methane capture and flare system. This system would be extended to incorporate the landfill expansion.</p>
17.4 Help communities and businesses to understand and respond to climate-related risks and opportunities by providing climate information, building capacity and unlocking financial mechanisms to help fund emission reductions and climate adaptation.	N/A
<b>Direction 18: Secure water resources</b>	
18.1 Locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream impacts and groundwater sources.	N/A
18.2 Finalise water resource plans for rivers and groundwater systems as part of the Murray-Darling Basin Plan and implement water sharing plans.	N/A

18.3 Prepare or review integrated water cycle management strategies to ascertain long-term infrastructure needs to accommodate population growth.	N/A
18.4 Incorporate water sensitive urban design into development that is likely to impact water catchments, water quality and flows.	A water quality assessment will be prepared as part of any future Development Application and EIS
<b>Goal 3: Healthy and connected communities</b>	
<b>Direction 19: Strengthen cross-border connectivity</b>	
19.1 Finalise a cross-border transport model that incorporates the ACT and the Queanbeyan-Palerang and Yass Valley local government areas.	N/A
19.2 Prepare an issues and options paper on cross-border public transport that maps public transport services and demand, and addresses legal and contractual barriers.	N/A
<b>Direction 20: Enhance access to goods and services by improving transport connections</b>	
20.1 Improve bus operations in centres and their connections with regional communities.	N/A
20.2 Work with community transport providers to meet future demand.	N/A
20.3 Integrate community transport services into the overall transport system to meet a broader range of needs.	N/A
<b>Direction 21: Increase access to health and education services</b>	
21.1 Implement planning controls to grow complementary health uses around hospitals.	N/A
21.2 Work with the ACT Government to meet the growing and changing education needs of cross-border communities.	N/A

21.3 Facilitate joint venture opportunities to share community and education facilities	N/A
21.4 Identify appropriate Sites for cemeteries and crematoria in local strategies.	N/A
<b>Direction 22: Build socially inclusive, safe and healthy communities</b>	
22.1 Develop best-practice guidelines for planning, designing and developing healthy built environments and use the Neighbourhood Planning Principles in local environmental plans, development control plans and local strategies in the interim.	N/A
22.2 Adopt elements of Livable Housing Australia’s Livable Housing Design Guidelines in development controls for housing, where possible.	N/A
22.3 Integrate walking and cycling networks into the design of new communities to encourage physical activity.	N/A
22.4 Promote energy efficiency in new development proposals.	N/A
<b>Direction 23: Protect the region’s heritage</b>	
23.1 Undertake and implement heritage studies, including regional Aboriginal cultural heritage studies, to inform local strategies.	<p>An Aboriginal Due Diligence Assessment was undertaken by Lantern Heritage Pty Ltd in June 2022 (Appendix D). The report identified that whilst there were no known Aboriginal Sites within the proposed activity area, the area may contain sensitive landforms with moderate to high potential for stone artefact scatters and low to moderate potential for archaeological deposits, culturally modified trees and middens.</p> <p>The results of the visual Site inspection and Due Diligence Assessment concluded that works in some parts of the Site may proceed with caution. Works in sensitive landforms identified within the report require an Aboriginal Cultural Heritage Assessment Report (ACHAR) prior to works proceeding.</p>

	<p>An ACHAR was prepared by Lantern Heritage Pty Ltd (Appendix D). It concluded that the works would be unlikely to result in any impacts to Aboriginal artefacts or cultural heritage values and recommended that the proposed activity may proceed with caution.</p> <p>There are no non-Aboriginal heritage items located on or within proximity to the Site.</p>
23.2 Consult with Aboriginal people and the broader community to identify heritage values at the strategic planning stage.	Further consultation with the Bodalla LALC will be undertaken at Gateway stage.
23.3 Conserve heritage assets during local strategic planning and development.	<p>The results of the visual Site inspection and Due Diligence Assessment concluded that works in some parts of the Site may proceed with caution. Works in sensitive landforms identified within the report require an Aboriginal Cultural Heritage Assessment Report (ACHAR) prior to works proceeding.</p> <p>An ACHAR was prepared by Lantern Heritage Pty Ltd. It concluded that the works would be unlikely to result in any impacts to Aboriginal artefacts or cultural heritage values and recommended that the proposed activity may proceed with caution.</p>
23.4 Provide resources for heritage advice to inform planning processes.	
23.5 Acknowledge cultural heritage assets where appropriate and consider how these assets can add value to a development.	
23.6 Enhance heritage data sharing between NSW and ACT to support joint conservation planning.	
<b>Goal 4: Environmentally sustainable housing choices</b>	
<b>Direction 24: Deliver greater housing supply and choice</b>	
24.1 Prepare guidelines for local housing strategies.	N/A
24.2 Prepare local housing strategies consistent with the Settlement Planning Principles to provide a surplus supply of residential land to meet projected housing needs.	N/A
24.3 Promote increased housing choice, including townhouses, villas and apartments in strategic centres and locations close to existing services and jobs.	N/A

24.4 Promote opportunities for retirement villages, nursing homes and similar housing for seniors in local housing strategies.	N/A
<b>Direction 25: Focus housing growth in locations that maximise infrastructure and services</b>	
25.1 Focus future settlement to locations that: <ul style="list-style-type: none"> <li>• maximise existing infrastructure and services and minimise the need for new services;</li> <li>• prioritise increased densities within existing urban areas; and</li> <li>• prioritise new release areas that are an extension of existing strategic and local centres.</li> </ul>	N/A
25.2 Plan for and prioritise services and infrastructure investment to maximise cost efficiencies, coordinate the delivery of different infrastructure assets, and achieve equitable sharing of responsibility, including funding, procurement and ongoing maintenance.	The proposed extension to the waste management facility is considered the most economical way of managing waste services in the Eurobodalla Shire when balanced against other potential future waste management options.
<b>Direction 26: Coordinate infrastructure and water supply in a cross-border setting</b>	
26.1 Coordinate the provision of services and infrastructure required to support housing delivery in the Yass Valley and Queanbeyan-Palerang local government areas, including South Jerrabomberra and Parkwood.	N/A
26.2 Develop an agreed set of principles to inform a new cross-border infrastructure funding model.	N/A
26.3 Develop a regional water strategy for the Yass Valley and Queanbeyan-Palerang local government areas that clarifies the requirements, available volumes and quality of all water supplies and defines the optimal level of water use.	N/A
26.4 Enhance cross-jurisdictional collaboration to develop a coordinated strategic approach to water supply and investigate water supply options for growth areas.	N/A



26.5 Work with the ACT Government to develop a cross-border land and housing monitor.	N/A
<b>Direction 27: Deliver more opportunities for affordable housing</b>	
27.1 Deliver greater housing affordability by incorporating policies and tools into local housing strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing.	N/A
27.2 Facilitate greater housing diversity, including studios and one- and two-bedroom dwellings, to match forecast changes in household sizes.	N/A
<b>Direction 28: Manage rural lifestyles</b>	
28.1 Enable new rural residential development only where it has been identified in a local housing strategy prepared by council and approved by the Department of Planning and Environment.	N/A
<p>28.2 Locate new rural residential areas:</p> <ul style="list-style-type: none"> <li>• close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure;</li> <li>• to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and</li> <li>• to avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards.</li> </ul>	N/A
28.3 Manage land use conflict that can result from cumulative impacts of successive development decisions.	N/A

## Appendix C – Relevant State Environmental Planning Policies

SEPPs	Comment
SEPP (Biodiversity and Conservation) 2021	<p>There are no sections of the SEPP that are applicable to the rezoning.</p> <p>Consideration of this SEPP will be necessary in preparation of the EIS due to the high environmental value of the expansion area, the proximity to the endangered ecological community (River Flat Eucalypt Forest on Coastal Floodplains) to the north of the Site and the Site’s location within the catchment of Brou Lake to the north, which is considered a sensitive coastal lake in Schedule 1 of the SEPP.</p>
SEPP (Resilience and Hazards) 2021	<p>There are no sections of the SEPP that are applicable to the rezoning.</p> <p>Consideration of this SEPP will be necessary in the preparation of an EIS to support a future development application for the expansion of the Waste Management Facility, particularly regarding the matters for consideration in Division 3 of Chapter 4 Coastal Management which relate to mandatory considerations for development within the Coastal Environment Area.</p>
SEPP (Planning Systems) 2021	<p>There are no sections of the SEPP that are applicable to the rezoning process.</p> <p>The future development will be considered Regionally Significant Development as the expansion of the waste management facility constitutes Designated Development due to the Site being located within the catchment of an intermittently open and closed lake (ICOLL).</p>
SEPP (Transport and Infrastructure) 2021	<p>There are no sections of the SEPP that are applicable to the rezoning.</p> <p>Once the Site has been rezoned, Division 23 ‘Waste or Resource Management Facilities’ will be applicable and allow for certain types of development to be undertaken within the SP2 zone as Exempt Development, Development permitted without Consent (requires Part 5 Assessment) or permitted with consent (requiring a Development Application).</p>

## Appendix D – Aboriginal Due Diligence and Cultural Heritage Reports

# Appendix E – Biodiversity Assessment Report

## Appendix F - Commonwealth Assessment of Significance for Swift Parrot

## Appendix G - Agency Consultation

## Appendix H – Geotechnical Assessment