

# JOINT REGIONAL PLANNING PANEL

## Hunter and Central Coast

JRPP No	<b>2014HCC002</b>
DA Number	<b>DA/1940/2013</b>
Local Government Area	<b>Lake Macquarie City Council</b>
Proposed Development	<b>Waste Management / Recycling Facility being a Composting Facility</b>
Street Address	<b>367 and 413 Wilton Road Awaba</b>
Applicant	<b>Remondis Australia Pty Ltd</b>
Owner	<b>Lake Macquarie City Council and Crown Lands</b>
Number of Submissions	<b>Two</b>
Regional Development Criteria (Schedule 4A of the Act)	<b>The development is also on Council land, and Council is a third party to an agreement or arrangement relating to the development with the applicant, Remondis who will be operating the facility and has a CIV of greater than \$5 million.</b>
Recommendation	<b>Approval subject to recommended conditions of consent</b>
Report by	<b>Elizabeth J Lambert, Senior Development Planner, Lake Macquarie City Council</b>

### Assessment Report and Recommendation Cover Sheet

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## Précis

The development proposal is for the construction and operation of an alternate waste treatment (AWT) facility adjacent to the existing Awaba landfill waste management facility. The AWT facility will compost approximately 30,000 tonnes of source separated organic wastes utilising two aerobic composting methods, enclosed tunnel composting and open windrow composting. Organic source material will be derived from kerbside organics collection, comprising green waste and food waste, and from green waste drop off material delivered directly to the AWT facility by the public.



**Figure 1:** Locality Plan of AWT



**Figure 2: Site Plan of AWT Facility**

Approval for the AWT facility has been sought in two stages:

- Stage 1: for site clearing, earthworks and preliminary stormwater management measures. Consent was sought for Stage 1 works under Development Application DA/336/2013, which was granted conditional approval by Council on 26 June 2014.
- Stage 2: for the construction and operation of the AWT facility. Stage 2 works are the subject of this application and EIS.

Stage 2 works include construction and operation of:

- organics receipt infrastructure, including kerbside organics receipt building and green waste drop off area;

- composting infrastructure, including compost tunnel modules, bio-filter and windrowing areas;
- product screening, storage and loading infrastructure and equipment;
- water management infrastructure, including leachate barrier, collection and storage systems and stormwater collection and storage systems; and
- ancillary infrastructure, including internal access roads, weighbridge, carpark, office, education centre and amenities.

The AWT facility has been designed to minimise potential environmental and community impacts by:

- designing the facility in accordance with the EPA's *Environmental Guidelines for Composting and Related Organics Processing Facilities* (DEC 2004);
- utilising current best practice totally automated "in-vessel" technology to ensure emissions from the site are contained and appropriately managed to meet current environmental standards;
- minimising the disturbance footprint of the facility;
- avoiding sensitive environmental and cultural heritage areas; and
- implementing appropriate management measures.

The application is lodged by Remondis (intended operator of the facility) on behalf of Lake Macquarie City Council and has a cost of \$6million.

The existing Awaba landfill, which has recently received development consent for expansion from the Planning Assessment Commission in May 2013, under Part 3A of the Environmental Planning and Assessment Act, is the only land fill facility in Lake Macquarie City Council area and presently receives the local government area's green waste. LMCC Waste Strategy seeks to significantly increase the proportion of organic wastes diverted from the domestic waste stream. LMCC has a three bin source separated waste system. The AWT is proposed to operate as a separate commercial enterprise from the Awaba landfill.

Access to the AWT facility will utilise the existing landfill weighbridge until it is relocated and upgraded.

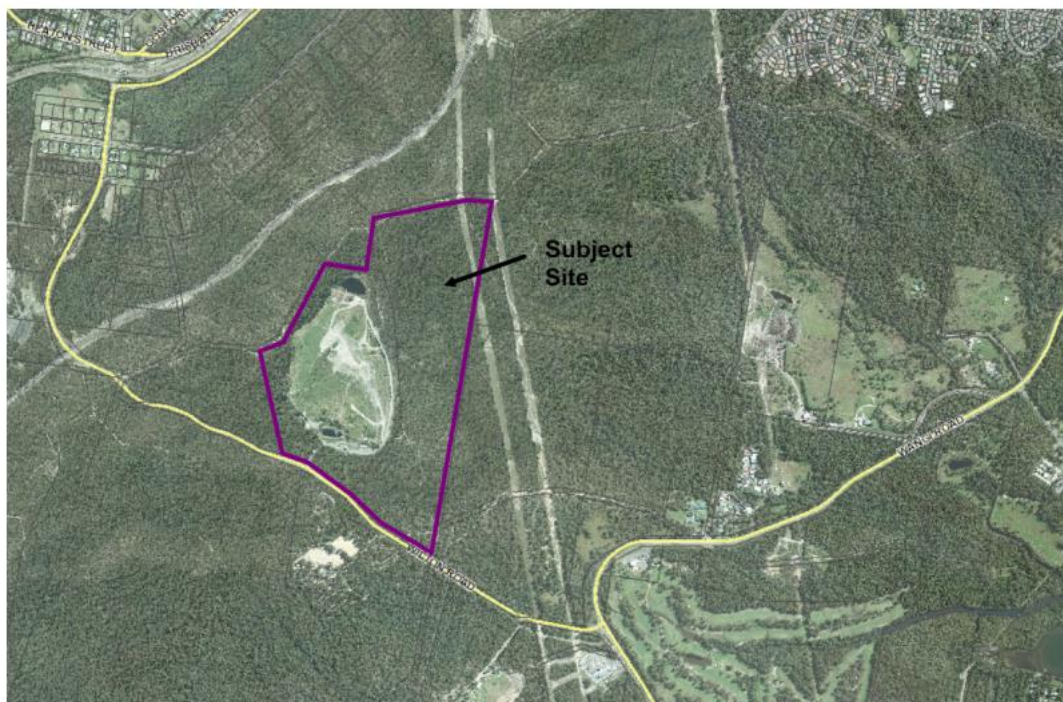
The application has detailed the need for the facility as well as alternatives and alternative locations for the facility. The positioning of an AWT facility within the local government area will prolong the life of the Awaba landfill facility, assist in reducing costs on the use of the landfill, reduce the amount paid in waste levies, meet community expectations and see that organic materials are reused in a constructive manner.

The development is integrated development for the purpose of the Mine Subsidence Compensation Act 1961 and Protection of the Environment Operations Act 1997. The Mine Subsidence Board and the Environmental Protection Authority (EPA) have provided General Terms of Approval.

## **Location**

The site is located at Awaba on the western side of Lake Macquarie. The application is lodged over two lots with the main components of the development being over Lot 373. Lot 372 provides access to the site of the proposed AWT facility and accommodated the existing landfill. The land is heavily vegetated. This application does not propose clearing of the development site. Development consent for the clearing and earthworks has been issued under a Stage 1 development application DA/336/2013.



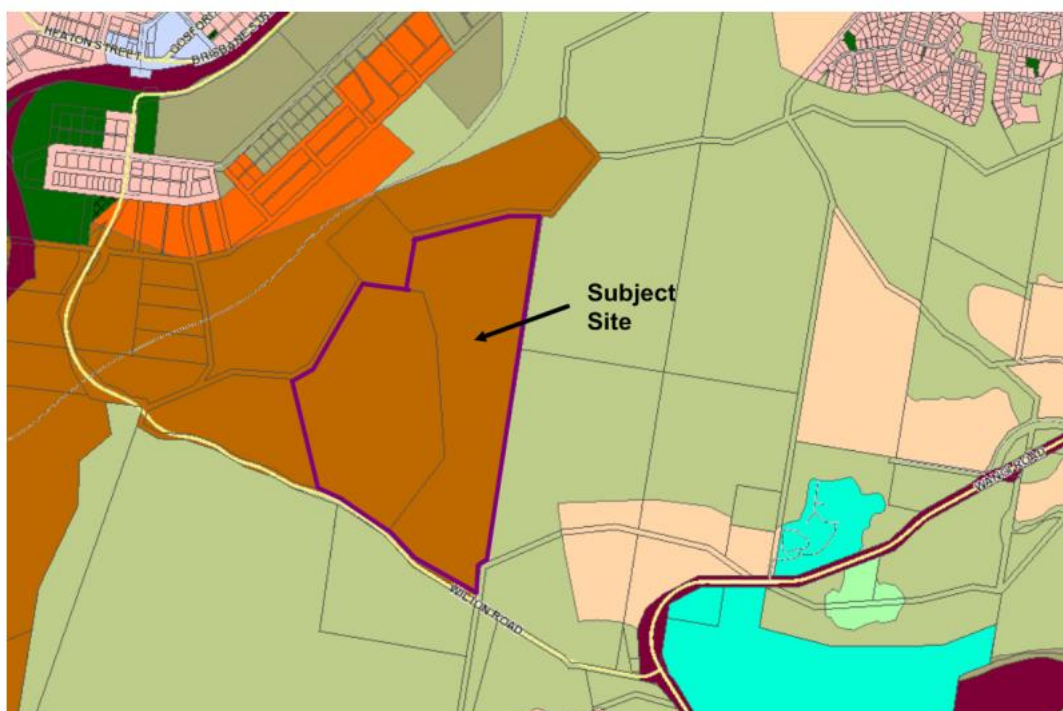


**Figure 3:** 2010 Aerial photograph of subject site and surrounding land

Lot 373 has an area of 39.8 hectares. The clearing and earthworks application proposes the removal of 4.85 hectares of vegetation to accommodate the Stage 2 works for the construction and operation of a waste management facility – composting facility. The surrounding land to the north, east and south of the site is also heavily vegetated and separates the development site from the townships of Awaba, Rathmines and Toronto. The land to the east of the proposed composting facility is presently used for Lake Macquarie City Council’s waste management facility, which includes general waste, e-waste and green waste. The vegetation on the development site is predominately undisturbed, with the exception of several fire trails.

The land slopes generally from the north western area of the site to the south east of the site. Site slopes are in the vicinity of 5° to 12°. The AWT facility is located down slope of the existing waste treatment facility.

Under Lake Macquarie Local Environmental Plan 2004 the land is zoned 9 Natural Resources. Surrounding lands are predominately zoned 7(2) Conservation (Secondary) and 7(4) Environmental (General), the proposed use is defined as a “*waste management and / or recycling facility*” which is permissible with development consent on land zoned 9 Natural Resources. Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) was gazetted on 12 September 2014 and comes into effect on 10 October 2014. LMLEP 2014 zones the land SP2 – Infrastructure (waste or resource management facility). The proposed development is a resource recovery facility that is permissible as a waste or resource management facility on the land zoned SP2 – Infrastructure (waste or resource management facility). The proposed development is a resource recovery facility that is permissible as a waste or resource management facility on the land zoned SP2 – Infrastructure (waste or resource management facility).



**Figure 4:** Extract from Lake Macquarie Local Environmental Plan zone map

The development is designated development being a composting facility that will process more than 5,000 tonnes per year of organic materials. Composting facilities or works defined as *being works involving the controlled aerobic or anaerobic biological conversion of organic material into stable cured humus-like products, including bioconversion, biodigestion and vermiculture:*

- (a) that process more than 5,000 tonnes per year of organic materials, or
- (b) that are located:
  - (i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or
  - (ii) in an area of high watertable, highly permeable soils, acid sulfate, sodic or saline soils, or
  - (iii) within a drinking water catchment, or
  - (iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or
  - (v) on a floodplain, or
  - (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

The development is also on Council land, and Council is a third party to an agreement or arrangement relating to the development with the applicant, Remondis, who will be operating the facility. The proposal has a CIV of greater than \$5 million making the application a JRPP matter for determination.

The application is supported by an environmental impact statement dated 19 December 2013, prepared by Peter Jamieson of Umwelt (Australia) Pty Ltd. Mr Jamieson has signed the EIS and declared that:

- *the statement has been prepared in accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2000;*
- *the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates; and*
- *that the information contained in the statement is neither false or misleading.*

The EIS has been prepared in response to request for Director-General Requirements (DGRs) for the development issued on 31 January 2012. The EIS addresses the key issues nominated in the DGRs. The application has been advertised and notified in accordance with the Act and Regulations.

## THE ASSESSMENT

This report provides an assessment of the justification presented in the application against all relevant State and Local planning legislation and policy.

### SECTION 79C: POTENTIAL MATTERS FOR CONSIDERATION

#### 79C(1)(a)(i) the provisions of any Environmental Planning Instrument (EPI)

##### ***State Environmental Planning Policy 33 – Hazardous and Offensive Development***

A preliminary risk screening has been undertaken for the proposed AWT facility. The preliminary risk screening confirmed the proposed AWT facility is not a potentially hazardous industry therefore a Preliminary Hazard Analysis is not required. The AWT facility will require an environment protection licence (EPL) and therefore is considered potentially offensive. A preliminary risk analysis has been prepared and submitted with the application. The EPA have been consulted specifically with regard the EPL and requires conditions of consent be applied in this regard, this matter is discussed throughout this report.

##### ***State Environmental Planning Policy 44 – Koala Habitat Protection***

No clearing is proposed as part of this development application. In this regard, SEPP 44 does not apply. SEPP 44 has been considered as part of the Stage 1 Development Application.

##### ***State Environmental Planning Policy 55 – Remediation of Land***

Any requirement for remediation works would be required to be undertaken as part of the Stage 1 works which are not being considered under this application. SEPP 55 is not relevant to this stage.

##### ***State Environmental Planning Policy (SEPP) (Infrastructure) 2007***

###### Ausgrid

Ausgrid have provided the following response under Clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007:

Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid's infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

Ausgrid have also advised to note the following information in relation to the construction of the development:

###### Existing Electricity Easements

We have conducted a search for existing Ausgrid owned electrical infrastructure and it appears that Ausgrid own two 132, 000 volt power lines and one 11kV power line, with associated power poles which are covered by electricity easements on the property title at Lot 372 & Lot 373 DP 723259. Any intension to relocate existing infrastructure will not be at Ausgrid's expense. These assets are part of Ausgrid's Transmission network and are accessed by Ausgrid for routine maintenance and/or emergencies via a right of



carriageway. We request advanced consultation regarding any future plans for an upgrade in power supply, changes in access to these powerlines or if the proponent proposes to complete any type of works within the existing electricity easement.

Our current records suggest that Ausgrid do not have any plans for electrical works other than maintenance or emergency works within the subject land.

The above matters will be included as a condition of consent as part of any approval.

#### Roads and Maritime Services

The application has been referred to Roads and Maritime Services under clause 104 Schedule 3 of SEPP Infrastructure. The development is for a waste management facility, which is classed as Traffic generating development within schedule 3 and requires referral to the RMS.

RMS have responded with comments on 29 April 2014 raising no objection to the development provided the following matters are addressed and included in Council's conditions of development consent:

- Prior to the commencement of operations of the Awaba Alternative Waste Treatment Facility the road works outlined in Condition 33 of the Project Approval 10\_0139 dated 14 September 2013 for the adjacent Awaba Waste Management Facility Expansion Project (10\_0139) shall be completed to the satisfaction of Roads and Maritime.
- A Construction Traffic management Plan (CTMP), including Vehicle Movement Plan, shall be prepared for the construction phase of the development. The CTMP shall be prepared with the intention of having minimal impact on the operation of the road network. The CMPT shall be submitted to Roads and Maritime for review and acceptance prior to any construction activities occurring on site.

Roads and Maritime reserves the right to review the construction Traffic Management Plan at any stage and make changes in the interests of maintaining road safety and network efficiency on the classified road network.

- All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council and to Council requirements.

The above matters will be included as a condition of consent as part of any approval.

### ***Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004)***

#### Clause 15 General Controls for Land within Zones

The land is zoned 9 - Natural Resources. The development is defined under LMLEP 2004 as a waste management facility – composting facility and is permissible with the consent of the JRPP. Waste Management and / or Recycling Facilities are defined as:

*A building or place used for the collection, storage, abandonment, sorting and / or sale of waste materials and / or the preparation of those recycled materials for further use.*

The development proposes the collection, storage, abandonment, sorting and sale of waste materials, being organic waste, and the preparation of organic materials for further use.

#### Clause 16 Development Consent – matters for consideration

##### *(a) Lifestyle 2020 Vision, Values and Aims*

In considering this application, the consent authority must have regard to the following vision, values and aims of the Lifestyle 2020 Strategy as expressed in Part 2 of the LMLEP2004 as follows:

## **Vision**

*The vision for land to which this strategy is:*

- a place where the environment is protected and enhanced.*
- a place where the scenic, ecological, recreational and commercial values and opportunities of the Lake and coastline are promoted and protected.*
- a place with a prosperous economy and a supportive attitude to balanced economic growth, managed in a way to enhance quality of life and satisfy the employment and environmental aims of the community.*
- a place that recognises encourages and develops its diverse cultural life and talents and protects and promotes its heritage.*
- a place that encourages community spirit, promotes a fulfilling lifestyle, enhances health and social wellbeing, encourages lifestyle choices and has opportunities to encourage participation in sport and recreation.*
- a place that promotes equal access to all services and facilities and enables all citizens to contribute to an participate in the City's economic and social development.*

## **Values**

*The 4 core values of the strategy are sustainability, equity, efficiency and liveability.*

## **Aims**

*The aims of the strategy are to:*

- (a) provide the community with realistic expectations about the future development patterns for land in Lake Macquarie City, while retaining flexibility for land use decision making in the longer term, and*
- (b) reinforce and strengthen centres so that a wide range of commercial and community services may be provided in a timely and accessible manner, and*
- (c) provide local employment opportunities for residents and promote economic development consistent with the City's natural, locational and community resources, and*
- (d) guide the development of urban communities that are compact, distinct and diverse and include a range of housing types and activities, and*
- (e) achieve a strong sense of positive community identity, through the development of local communities that are safe and liveable and offer a diversity of uses, economic opportunities and ready access to services, and*
- (f) develop an attractive urban setting for the City which reflects its physical and natural environment, and visual character, and*
- (g) manage the City's natural environment so that its ecological functions and biological diversity are conserved and enhanced, and contribute to the City's overall well being, and*
- (h) manage the City's heritage and economic resources in a way that protects the value of these resources and enhances the City's character, and*
- (i) integrate land use with the efficient provision of public and private movement systems.*

The proposal has addressed and satisfied the vision, values and aims of the Strategy in this development through the provision of a facility that will assist in protecting the environment through the diversion of waste to landfill and its reuse, further enhancing the long-term sustainability of Lake Macquarie in resource management. The development will also protect the natural environment so that its ecological functions and biological diversity are conserved and enhanced, which contributes to the City's overall wellbeing.

- (b) Objectives of Zone*

The land is zoned 9 – Natural Resources. The objectives of the 9 zone are to:

- (a) *provide land that has dual values as an economic natural resource and for an environmental protection; and*
- (b) *recognise the dual values of the land and integrate economic use of the land with ecological sustainability, and*
- (c) *acknowledge the economic value of its natural resources, particularly for extraction of coal, gravel and timber, and*
- (d) *acknowledge the long term value of the land for the management and maintenance of biodiversity, threatened species habitat, and corridors by minimising the adverse impacts of resource development, and*
- (e) *rehabilitate disturbed land to a natural state, reflective of its long term value, and*
- (f) *minimise earthworks while enabling productive use of the land, and*
- (g) *permit habitat disturbance to facilitate forestry, surface activities for underground mining and other extraction of mineral and gravel resources and energy generation works, and*
- (h) *acknowledge the multiple use of State forests for tourism, conservation and sustainable harvesting of timber, and*
- (i) *provide for sustainable water cycle management.*

Planning Comment:

This development application is for the construction and operation of a waste management facility being a composting facility on a site that has previous approval for clearing and earthworks. In this regard, this assessment reviews the impacts of the construction and operation of the facility post clearing and earthwork activities. The clearing and earthworks are not considered for the purpose of this assessment as they have been considered previously.

The development of an AWT facility is part of LMCC's Waste Strategy and is considered part of the required essential infrastructure needed to accommodate the expanding population of the local government area. This development application does not require further clearing of land to accommodate the facility. The site is economically valuable for use as a separate but adjoining facility to the existing landfill located on Lot 372 adjoining the AWT site. In this regard, the development acknowledges the economic value of positioning the development on this site. Alternative sites and options to the provision of this facility in this location have been reviewed. None of the alternative options are viable

The overall development provides for sustainable water cycle management.

#### Clause 17 - Provision of essential infrastructure

The site has available water, sewer, electricity, and telecommunication facilities adequate to service the development.

#### Clause 18 – 28A

Not applicable.

#### Clause 29 Building heights

The height of the proposed building is 10 metres from the new ground level. Setbacks for the buildings and activity areas are appropriate for the development and have regard to the previous development application for clearing and earthworks on the site. Adequate setbacks and buffer zones have been provided within the site to mitigate the impacts of the development.

### Clause 30 Control of pollution

All reasonable and practicable control measures will be implemented to minimise pollution likely to arise from carrying out the development. This matter is addressed in further detail throughout this assessment report.

### Clause 31 Erosion and sediment control

The area of soil surface exposure is greater than 2500m<sup>2</sup>. In this regard, Council has considered a soil and water management plan, which complies with the construction guidelines adopted by Council. In addition, conditions of consent are proposed to prevent and minimise the effects of erosion and sediment.

The revised information submitted including a Soil and Water Management Plan (SWMP) has satisfactorily addressed relevant requirements of LMLEP 2004, Clause 31 and DCP1 Section 2.1.11 (Erosion Prevention and Sediment Control). The final erosion and sediment control requirements for Stage 2 will not be finalised until the end of Stage 1.

Council will require a revised SWMP for Stage 2 to be submitted to Council and approved by Council prior to the commencement of any works for Stage 2, irrespective of whether a Construction Certificate is required for such works, conditions of consent are provided in Appendix A.

### Clause 32 Flood prone land

The land is not flood prone land.

### Clause 33 Bush fire considerations

The land is zoned bush fire prone.

NSW Rural Fire Service provided recommended conditions under section 79BA of the Environmental Planning and Assessment Act 1979; these are included as a condition of consent in the recommended conditions in Appendix A.

### Clause 34 Trees and native vegetation

Stage 2 works do not propose the removal of any vegetation. Vegetation removal has been approved under the Stage 1 development approval.

### Clauses 35 - 37

Not applicable.

### 38 Advertising Structures and Signs

Development consent is sought for signage proposed as part of this development application.

### Clauses 39 – 42B

Not applicable.

### Part 6: Heritage Provisions

The development complies with the objective of this Part. The development is not contrary to the protection and conservation of archaeological sites and places of Aboriginal, natural or European cultural significance. The development will not alter the remaining fabric, relics, settings or views of heritage items. The site is not within a heritage conservation area.

Heritage considerations were considered as part of the Stage 1 development for earthworks.

### Part 7: Administrative Provisions

Not applicable.



Part 8 - 10

Not applicable.

**79C(1)(a)(ii) the provisions of any draft EPI**

Draft Lake Macquarie Local Environmental Plan 2012 (dLMLEP 2012) was on public exhibition until 24 December 2012 and is now termed Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014). LMLEP 2014 zones the land SP2 – Infrastructure (waste or resource management facility). Waste or Resource Management Facility is defined as meaning any of the following:

- (a) *a resource recovery facility,*
- (b) *a waste disposal facility,*
- (c) *a waste or resource transfer station,*
- (d) *a building or place that is a combination of any of the things referred to in paragraphs (a) – (c).*

Where a resource recovery facility is separately defined as meaning:

*a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.*

The proposed development is a resource recovery facility that is permissible as a waste or resource management facility on the land zoned SP2 – Infrastructure (waste or resource management facility).

LMLEP 2014 was gazetted on 12 September 2014, and commences 28 days after it is published on the NSW legislation website, making the commencement date of the Plan 10 October 2014.

Clause 1.8A – Savings provision relating to development applications, enables development applications made before the commencement of the Plan, which have not been finally determined before that commencement, must be determined as if this Plan had not commenced. This application is determined under LMLEP 2004, the development is permissible under both plans.

**79C(1)(a)(iii) the provisions of any Development Control Plan (DCP)**

*Development Control Plan No. 1 – Principles of Development*

**Section 1.8 – Development Notification Requirements**

As required by the EPA Regulation 2000, relevant government departments were notified, being:

- Crown Land;
- Energy Australia;
- Environmental Protection Authority;
- Mine Subsidence Board;

NSW Rural Fire Service, and  
Roads and Maritime Services.

Crown Land provided comments on 7 May 2014.

Energy Australia provided comments on 29 January 2014.

The Environmental Protection Authority General Terms of Approval were received on 11 August 2014.

The Mine Subsidence Board General Terms of Approval were received on 30 April 2014.

The NSW Rural Fire Service provided comments on 30 January 2014.

Roads and Maritime Services provided comments on 29 April 2014.

The development is designated development being composting facilities or works, in this regard the notification is carried out in accordance with the requirements for designate development in the Environmental Planning and Assessment Act and Regulation.

The development was notified for a minimum 30 day notification period and included neighbour notification, notice displayed on the site and advertisement in the local newspaper.

Two submissions were received. One submission states they have “no submission”, the other submission objects to the proposal. The objections are addressed within section 79C(1)(d) of this report.

## Section 2.1 – Environmental Responsibility and Land Capability

### 2.1.1 – Ecological Values, 2.1.2 – Ecological Corridors and 2.1.4 – Tree Preservation

This application does not require the removal of any trees. All tree removal will be carried out under the Stage 1 development application (DA/336/2013).

### 2.1.3 - Scenic Values and 2.7 - Views

The Stage 1 development application included land clearing for the construction of a pad for in vessel composting facility at a constructed height of 46m AHD.

The existing landfill emplacement on the adjoining site is constructed to an RL.83 m AHD. The landform is not observable from any static receptors within the visual catchment that includes lands to the east of site including the townships of Kilaben Bay and Rathmines and further east to Belmont. The existing landform is also not visible from the township of Toronto, north of the site and from Awaba which is west of the site.

The immediate lands surrounding the development are not zoned for urban use and are not highlighted as a release area. The lands are predominately either Crown Land or Native Title lands. The closest residential development to the landfill site is approximately 1.8 km to the north-west. The properties at this location do not have any direct or filtered views of the site.

The landfill on the adjoining land to the west has a Part 3A project approval (MP 10\_0139) to enable its constructed height of 110m, 17m greater than the current constructed level. A comprehensive assessment was approved by the NSW Department of Planning and Infrastructure which considered the proposal was not likely to introduce any adverse visual impacts to the visual catchment of the locality.

The approval to the landfill also contains additional structures adjacent to the proposed AWT location. One of these structures, being a waste transfer station is approved to be constructed

to RL 59.540m AHD. This structure also approval under MP\_0139 and was not considered to introduce any adverse impacts to the visual catchment of the locality. The proposed AWT is to be located adjacent to this structure. The proposed AWT will be constructed lower than the approved waste transfer facility, which will be at least 13 metres higher than the proposed AWT.

### Transient Receptors

The existing landfill landform is potentially observable from transient receptors using Wilton Road, however only at the entrance to the landfill.

Given the 80 km/h speed zone along Wilton Road any fleeting views of motorists using the road network are considered to be negligible.

Similarly, the proposed AWT facility will unlikely be observable from transient views from either Wilton Road or the more broader road network. The current landfill, which is constructed to a significantly higher degree and encompasses a significantly larger area than the proposed AWT currently does not pose any adverse visual impacts to this receptor and equally it is considered the addition of the AWT will not also introduce any impacts to this receptor.



**Figure 5:** Views from the entrance off Wilton road into to the landfill. No structures are observable and the existing landfill landform does not impose itself on receptors from this location. This is the only location where a transient view is obtainable.

### Static Receptors

The existing landfill landform and existing structures on-site are also not visible from any static receptor as discussed above from either of the nearby residential townships.

The closest static receptor is located at approximately 1.8 km from the site at the township of Awaba and the subject site is separated from this township by a significant ridgeline, which forms a vegetated backdrop to the township.

Static views are also not available of the existing landfill and buildings on-site from the townships of Rathmines and Kilaben Bay being at a distance of approximately 3.5km and 3km respectively.

The subject site is at a significant distance from these residential areas and the separation is punctuated with significant vegetation and topography that prevents any direct views and or any filtered views of the site.

Given the existing landfill site and its buildings, which are all at a higher RL than the proposed AWT, it can be concluded that the proposed development is also unlikely to present any adverse visual impacts to the visual catchment of the locality.

It is appropriate, given the location, to recommend conditions of consent regarding the finished colours of the building, including roofing materials, be limited to colours of mid to darker shades of green or grey.



**Figure 6:** Views from Wilton Road towards the street interface of the AWT facility location. The AWT facility is setback at approximately 370 m from this location.

#### 2.1.5 Bushfire Risk

The NSW Rural Fire Service under section 79B of the Act has considered the application. Recommended conditions provided by NSW RFS will be included as conditions of consent.

#### 2.1.6 Water Bodies, Waterways and Wetlands

The proposed development is located within the vicinity of an ephemeral watercourse. The proposed development incorporates a stormwater management strategy which will provide for diversion of upstream stormwater flows around the site, a leachate dam and stormwater detention basin. There will be no stormwater discharged from the site for storms up to a 10 year 24 hour duration storm. The stormwater strategy is adequate to ensure that there will be no impact to the water body, associated ecosystems and downstream receiving waters.

#### 2.1.7 – 2.1.8

Not applicable.

#### 2.1.9 Sloping Land and Soils

There are no slope stability issues arising from stage 2 of the proposal. Geotechnical matters were addressed as a part of the Stage 1 approval.



#### 2.1.10 Acid Sulfate Soils

The site was not identified as having potential acid sulfate soils.

#### 2.1.11 Erosion Prevention and Sediment Control

This matter is addressed within the LEP 2004 section of this report.

#### 2.1.12 Mine Subsidence

The Mine Subsidence Board has no objection to the proposal and provided General Terms of Approval to be imposed on any development consent issued.

#### 2.1.13 Contaminated Land

The land has not accommodated any contaminating activities. Some illegal dumping of rubbish has occurred on the site, appropriate conditions of consent are proposed regarding the removal of this rubbish. The land is appropriate for its intended use.

#### 2.1.14 Energy Efficiency

The operator of the facility has proposed the incorporation of a range of measures into the facility design to improve energy efficiency. The facility will be constructed using new technology designed to optimise energy efficiency. Key energy efficiency measures include:

- soft starters on variable speed drives on all electric motors which run fans and pumps;
- integrated process controllers to shut down equipment automatically when not in use;
- high efficiency electric motors, and
- short travel distances between different processing stages.

None of the enclosed buildings will have a gross floor area in excess of 4000m<sup>2</sup>. The office and education centre have small footprints that will not trigger the need to achieve a 4star Green Building Accreditation or 4.5star rating under NABERS.

#### 2.1.15 Noise and Vibration

Council's Environmental Management Officer has provided comment on the development and advised:

A Noise Impact Assessment prepared by Umwelt dated December 2013 has been submitted for the proposal. Environmental Management have no objections to the proposed development, subject to appropriate conditions being applied to the consent.

#### 2.1.16 Air Quality and Odour

The applicant has provided within the Environmental Impact Statement at Section 5.2 - Air Quality and Odour, and Appendix 3 - Air Quality Impact Assessment, AQIA.

The documents were reviewed with reference to the *Protection of the Environment Operations Act 1997*, *EPA Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (August 2005, Approved Methods), the *National Environment Protection (Ambient Air Quality) Measure* (July 2003, The Standard), and Council's *Development Control Plan*.

The Awaba Alternate Waste Treatment Facility – Stage 2 – project describes the construction and operation of a green-waste recycling centre. The project will manage approximately 30,000 tonnes of green-waste received per year, and converted to an estimate 22,390 tonnes per year of commercial compost and mulch. Composting will be achieved using enclosed and open processes, where the enclosed system will be used for the more odorous kerbside organics, and the open system will be used to further process kerbside waste and other green-waste.

Air pollutants of concern for such facilities are commonly limited to odour and dust. The emission of these air pollutants, and the potential for causing nuisance or health issues for sensitive receptors, were assessed in the *Environmental Impact Statement*. The assessment methodology was consistent with that described in The Standard, and Approved Methods.

#### Odour:

Odour is the main air pollutant of concern for the project. The proponents modelled the dispersion of odour and assessed its impact using the most stringent criteria for odour assessment in The Standard. The acceptable odour threshold, as used, was far beyond the requirements of the project (given the low population density) however a sensible and cautious approach due to the presence of a school in the vicinity. Modelling methodology, inputs, and constraints were all deemed appropriate for the facility, and no sensitive receptors are predicted to be adversely impacted by odour from the facility.

#### Dust:

Dust emissions are considered a minor concern for the project, largely due to the moderate distance to the nearest sensitive receptor. The processes on site that will cause dust emissions are largely truck/ plant movements and manual handling of composted material, and therefore, the main dust concerns for the operating facility will relate to coarse particles (between 2.5 – 10 micrometers in diameter), and above. In light of proposed actions for dust minimisation on site, dust is not anticipated to be an issue for neighbouring sensitive receptors.

While odour and dust emissions are not anticipated to impact on neighbouring sensitive receptors, the operation of the facility should be subject to an Air Quality Management Plan (AQMP). A condition of consent is recommended in this regard, in line with the EPA conditions.

#### 2.1.17 Demolition and Construction Waste Management

The construction will generally involve modular / prefabricated components, which are manufactured off site and transported to the site for installation / assembly. As such, waste generation from construction will be minimal.

The application proposes the preparation of a waste management plan as part of the CEMP to manage construction waste; this is recommended as part of the condition of consent. The plan shall identify:

- types and amounts of waste likely to be generated;
- waste storage issues;
- methods of transport and disposal of wastes;
- opportunities for waste reduction, re-use of materials and recycling; and
- requirements for compliance with the Waste Avoidance and Resource Recovery Act 2001.

#### **Section 2.2 – Social Impact and 2.3 –Economic Impact**

The increasing population within the Lake Macquarie Local Government area generates an increased need for an appropriate and sustainable waste management alternative to landfilling within the LGA for future sustainability.

The AWT facility will result in positive social benefits to the local community through the diversion and recovery of up to 30,000 tonnes of organics from the domestic waste stream providing a more sustainable waste management system. The economic benefits of this process for LMCC and residents include:

- extending the life of the Awaba landfill;

- reducing waste levy payments to the NSW government by diverting waste from landfill (approximate saving of \$3.1million in 2013/2014); and
- minimising Council's costs associated with the Federal government's Carbon Tax.

These savings flow through to the local community by minimising future rates increases associated with continued unsustainable waste management practices.

The development will invest \$5million into the Lake Macquarie area and employ people during and post construction, which will have flow on effects within the community.

Potential adverse social impacts include potential dust, odour, noise and water emissions and the perceived health impacts of these emissions, visual impact and potential for traffic to impact adversely on the locality. Further impacts include visual impacts, as well as the potential for additional traffic to impact adversely on the local road network and road users. However, the potential for these adverse impacts has been significantly limited by the appropriate location and design of the facility, which limits emissions and visual impacts.

In addition, the EIS identifies that:

- The AWT facility is unlikely to cause adverse odour and dust levels during operation;
- A range of air quality control measures will be implemented as part of the project to minimise odour and dust emissions;
- Under worst case conditions, the proposed AWT facility will comply with relevant construction, operational and road traffic noise criteria at all surrounding residential and non-residential receivers;
- A number of noise control measure as have been integrated into the design the AWT facility; and
- The potential increase in traffic associated with the AWT facility will not exacerbate current road operating conditions at local intersections.

Given these findings, then it is unlikely that there will be any health impacts associated with the proposal.

The development application has considered appropriate measures and management techniques to ensure the facility will operate within the current guidelines. The location and design of the facility limits the impact of the facility due to the colocation with the existing landfill operation and the significant buffers around the site.

## Section 2.4 – Heritage

Section 2.4 is not relevant to this application.

## Section 2.5 – Stormwater Management, Infrastructure and On-site Services

### 2.5.1 Essential Infrastructure

The site has available to it the required infrastructure necessary to support the development.

Ausgrid have advised that a substation may be required on site, either a pad-mount kiosk or chamber depending on the final electrical load and site conditions. Easements will be required over any substations and associated Ausgrid underground cables.

### 2.5.2 On-Site Wastewater Treatment

The development will require onsite wastewater treatment. A section 68 approval will be required prior to issue of the first construction certificate for this development.

### 2.5.3 Stormwater Management (Drainage System Design) and 2.5.4 On-Site Stormwater Harvesting (Source Controls)

Cardno prepared a suitable Stormwater Management Plan for Stage 1 of the development. Stage 2 of the development will augment the stormwater facilities proposed in Stage 1 and this includes a leachate dam, which will collect all leachate from the site. The leachate will be fully recycled through the composting process. A stormwater detention basin will also be provided to control stormwater discharge. All stormwater up to a 10 year recurrence interval will be recycled on site. For storms in excess of a 10 year recurrence interval, stormwater will flow to a downstream watercourse via a pipe system and level spreader. The stormwater system is considered suitable and will essentially recycle water on site except in very large storm events.

### 2.5.5 Operational Waste Management

Waste generated during operation is likely to include:

- non-compostable items removed via the manual screening process; and
- general waste and recyclables from site personnel.

The facility will have garbage and recyclable bins, which will be serviced by the adjoining landfill operation on a commercial basis.

## **Section 2.6 – Transport, Parking, Access and Servicing**

### 2.6.1 Movement System

This section is not applicable to this development.

### 2.6.2 Traffic Generating Development

The application is for traffic generating development as defined under SEPP Infrastructure. The application has been referred to the RMS for comment, as detailed in the SEPP section of this report. RMS provided conditions to be included in any consent.

### 2.6.3 Road Design

No works are proposed on a public road as a part of the development. Wilton Road is existing and is adequate for the proposed development.

### 2.6.4 Pedestrian and Cycle Paths

The development does not require additional pedestrian or cycle paths. Due to the nature of the development, the site is not located within close proximity to residential or commercial areas. Pedestrian paths or cycleways along the frontage would not link to any existing infrastructure of this nature.

### 2.6.5 Public Transport

The site is not serviced by public transport.

### 2.6.6 Vehicle Parking Provision

The parking required for a Waste Management Facility is not defined in the DCP.

Due to the remote site, it is recommended that at least one parking space be provided for each on-site employee, and one disabled parking space that complies with AS2890.6, plus parking



for visitors. Proposed are 10 visitor spaces including one disabled parking space, and 4 staff parking spaces. It is recommended that this is an appropriate number of parking spaces.

#### 2.6.7 Car Parking Areas and Structures / 2.6.8 Vehicle Access

The internal driveway and car parking area (including turning movements) for the development appear adequate for the development and are proposed to be constructed in accordance with AS 2890.1.

The proposed access and sight distances to the proposed development from Wilton Road are considered adequate.

#### 2.6.9 Access to Bushfire Risk Areas

The development site is surrounded by bushfire prone land. The application has been referred to NSW Rural Fire Service for comment, who has recommended conditions of consent for the development.

#### 2.6.10 Servicing Areas

The development has sufficient servicing areas that have been appropriately designed for the efficient operation of the site.

#### 2.6.11 On-Site Bicycle Facilities

Due to the remoteness of the site, formal on-site bicycle facilities will not be required for the development. It is noted that shower and locker facilities will be provided for staff. Customers are unlikely to cycle to the facility to drop off composting or pick up composting.

#### 2.6.12 Non-Discriminatory Access and Use

The development will be required to provide for non-discriminatory access and use within the public and staff areas. An accessible parking space is provided and will be required to comply with the relevant Australian Standard. Amenities will also be required to comply with the required Australian Standard to enable non-discriminatory use.

Overall, the development adequately provides for non-discriminatory access and use within private and staff areas.

### **Section 2.7 – Streetscape and the Public Realm**

#### 2.7.1 Streetscape and Local Character

The AWT facility will not be visible from Wilton Road and will be accessed via the existing waste management facility. This is in keeping with the existing streetscape of Wilton Road.

#### 2.7.2 Landscape

Some landscaping is nominated adjacent to the Groups Collection Point and adjacent to reception area.

In light of the proposed/ indicative landscaping measures, an appropriate landscape conditions requiring Category 2 landscaping should be included in any consent.

#### 2.7.3 Public Open Space

The development will not impact on any area of public open space.

#### 2.7.4 Pedestrian Networks and Places

The development will not impact on any pedestrian network or place.

### 2.7.5 Light, Glare and Reflection

The development does not propose the use of reflective or light coloured materials. Conditions of consent will apply in this regard.

### 2.7.7 Signs

The development proposes the erection of a single flush wall sign located on the western elevation of the kerb side organics receival building. The sign will be located approximately 7m above ground and will have dimensions of approximately 2m x 8m, and will display the operating company logo.

### 2.7.8 Fences

The site will be fenced with security fencing to secure the site. Fencing will consist of open style fencing.

### 2.7.9 Safety and Security

Due to the automatic processes, the composting process will continue 24hours a day; however, the facility will not be staffed 24 hours a day. Outside the hours of operation, the composting process will operate at a reduced capacity. The facility may be accessed remotely and therefore does not require staff unless for emergency maintenance outside the staffing hours of 7:00am to 5:30pm.

Lighting will be installed around the facility for security purposes and in the event of any emergency maintenance; however, the facility will only operate during daylight hours.

The site will be secured by fencing and gated at the boundary with the adjoining landfill, which is also gated. Staff parking is proposed immediately adjacent to the office building to ensure safe passage of staff to their vehicles at all times.

## **Section 3.1 – Lake, Waterway and Coastline Development**

### Section 3.1.1 – Development Adjoining the Lake and Waterways Zone

The site does not adjoin the Lake and Waterways Zone; however, the development maintains and enhances the ecological, community and scenic values of the Lake and its tributaries. The impact of the development on the ecology of the site has largely been addressed in earlier sections of this report specifically sections 2.1.1 and 2.1.2 of DCP 1.

### Section 3.1.2 – Development in or adjoining the Coastal Zone

The site is not located within the coastal zone.

## **Section 3.2 to 3.7 (inclusive)**

These sections were considered not applicable to the subject development.

## **Part 4 – Area Plans**

There are no area plans applicable to this site.

### **79C(1)(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into**

There is no planning agreement that has been entered into under section 93F, and no draft planning agreement that a developer has offered to enter into under section 93F of the Act that relates to this development.

### **79C(1)(a)(iv) any matters prescribed by the regulations**

The Regulation 2000 provides:

(1) *For the purposes of section 79C (1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*

(a) *in the case of a development application for the carrying out of development:*

- (i) *in a local government area referred to in the Table to this clause, and*
  - (ii) *on land to which the Government Coastal Policy applies,*
- the provisions of that Policy,*

Planning Comment: The Government Coastal Policy does not apply.

(b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

Planning Comment: The development does not include demolition.

### **79C(1)(b) the likely impacts of the development**

The following matters were considered and, where applicable, have been addressed elsewhere in this report.

Context & Setting	Waste
Access, transport & traffic	Energy
Public domain	Noise & vibration
Utilities	Natural hazards
Heritage	Technological hazards
Other land resources	Safety, security & crime prevention
Water	Social impact on the locality
Soils	Economic impact on the locality
Air & microclimate	Site design & internal design
Flora & fauna	Construction

### **79C(1)(c) the suitability of the site for development**

#### **Does the proposal fit the locality?**

The outcomes proposed will achieve a highly functional development compatible with the surrounding activities, including the adjoining waste management facility (land fill).

#### **Are the site attributes conducive to development?**

The site attributes are conducive to development.

### **79C(1)(d) any submissions made in accordance with this Act or the Regulations?**

### **Public submissions:**

One submission was received in relation to the proposal. The main matters raised in the submission are summarised below.

- Impact on environment and air quality
- Traffic and impact on roads
- Existing facility should not be expanded
- Remondis should provide and maintain a community facility that brings people into the area and generates an income for Awaba

The above issues have been extensively considered in this assessment report, specifically the impact on the environment, air quality, traffic and impact on roads, and need for the facility.

With regard the request for provision and maintenance of a community facility, the development includes educational resource facilities that will enable school groups and other community groups to attend and learn about the facility and further promote the facility and the benefits of composting.

### **Submissions from public authorities:**

#### Crown Land

Consent is granted by the Minister administering the Crown Lands Act 1989 to the lodging of a development application under the Environmental Planning and Assessment Act 1979, and other associated applications required under other legislation, for the development proposal described above.

This consent is subject to the following:

- 1) This consent is given without prejudice so that consideration of the proposed development may proceed under the Environmental Planning and Assessment Act 1979 and any other relevant legislation.
- 2) This consent does not imply the concurrence of the Minister administering the Crown Lands Act 1989 for the proposed development, or the issue of any necessary lease, licence or other required approval under the Crown Lands Act 1989; and does not prevent the NSW Trade & Investment, Crown Lands from making any submission commenting on.
- 3) This consent will expire after a period of 12 months from the date of this letter if not acted on within that time. Extensions of this consent can be sought.
- 4) The Minister reserves the right to issue landowner's consent for the lodgement of applications for any other development proposals on the subject land concurrent with this landowner's consent.
- 5) Irrespective of any development consent or any approval given by other public authorities, any work or occupation of Crown land cannot commence without a current tenure from NSW Trade & Investment, Crown Lands authorising such work or occupation.

This letter should be submitted to the relevant consent or approval authority in conjunction with the development application and/or any other application.

It is advised that NSW Trade & Investment, Crown Lands will inform Lake Macquarie City Council of the issue of this landowner's consent and will request that Lake Macquarie City

Council notify NSW Trade & Investment, Crown Lands of the subsequent development application, for potential comment, as part of any public notification procedure.

If any modifications are made to the application (whether in the course of assessment, by conditions of consent, or otherwise), it is your responsibility to ensure the modified development remains consistent with this landowner's consent.

This landowner's consent relates to the following plans and other documents as stamped and retained by NSW Trade & Investment, Crown Lands:

- ☐ Development Application
- ☐ AWT Facility Site Plan
- ☐ Environmental Impact Statement for Awaba Alternative Waste Treatment Facility – Stage 2

#### Mine Subsidence Board

The application is integrated development for the purpose of the Mine Subsidence Compensation Act 1961. The Mine Subsidence Board issued general terms of approval for the development on 30 April 2014, as provided within the recommended conditions of consent

#### Environment Protection Authority

The application is integrated development for the purpose of the Protection of the Environment Operations Act 1997. The Environmental Protection Authority issued their general terms of approval for the development on 11 August 2014, as provided within the recommended conditions of consent.

No other submissions from public authorities were received.

### **79C(1)(e) the public interest**

It is considered the public interest issues have been adequately considered. The proposed development is considered to be in the greater public interest.

## **CONCLUSION**

Based on the above assessment it is concluded that the construction and operation of a waste management facility, being an alternative waste treatment facility at 367 and 413 Wilton Road Awaba will result in an appropriate development, with no unreasonable environmental impacts.

## **RECOMMENDATION**

It is recommended that the application be approved, subject to the conditions contained in Appendix A to this report.

## **ENDORSEMENT**

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application has no pecuniary interest to disclose in respect of the application.

The staff responsible authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is enclosed and the recommendation therein adopted.

Elizabeth J Lambert  
**Senior Development Planner**  
**Lake Macquarie City Council**

I have reviewed this report and concur with the recommendation.

John Andrews  
**Chief Development Planner**  
**Development Assessment and Compliance**