

COUNCIL ASSESSMENT REPORT

Panel Reference	2016HCC067
DA Number	DA/1940/2013/A
LGA	Lake Macquarie City Council
Proposed Development	Waste Management / Recycling Facility being a Composting Facility
Street Address	367 and 413 Wilton Road Awaba
Applicant	GHD Pty Ltd
Owner	Lake Macquarie City Council
Date of lodgement	25 November 2016
Number of Submissions	Nil
Recommendation	Approve subject to conditions of consent
Regional Development Criteria (Schedule 4A of the EP&A Act)	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.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2004 • State Environmental Planning Policy 33 – Hazardous and Offensive Development • Lake Macquarie Local Environmental Plan 2014 • Lake Macquarie Development Control Plan 2014 • Environmental Planning and Assessment Regulations (Clause 92, Schedule 3)
List all documents submitted with this report for the Panel's consideration	Plans of the development (Appendix A) Clause 4.6 Variation (Appendix B) Draft Conditions of Consent (Appendix C) EPA General Terms of Approval MSB General Terms of Approval Notice of Determination DA/1940/2013
Report prepared by	Elizabeth J Lambert, Chief Development Planner, Lake Macquarie City Council
Report date	14 August 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Executive Summary

Development Application DA/1940/2013 was lodged with Council on 20 December 2013 seeking consent for the construction and operation of a Waste Management / Recycling Facility being a Composting Facility at 367 and 413 Wilton Road Awaba.

The Hunter and Central Coast Joint Regional Planning Panel granted development consent, subject to conditions of consent, on 9 October 2014.

A Section 96(2) modification application, DA/1940/2013/A, was lodged with Council on 25 November 2016. The application seeks to increase the allowable processing capacity from 30,000 tonnes to 44,000 tonnes per annum. The increase in operations is proposed to be accommodated by:

- increasing the number of tunnels used in the first stage of the composting process from three to five;
- replacing some open windrows with aerated static piles (ASPs) to accelerate the composting process, and
- reducing the composting time from 6 – 10 weeks to 6 – 7 weeks.

The development includes site layout changes to accommodate new technology and the increase in production, as shown in the plans provided in Appendix A.

Within recent years the uptake of the green waste service provided by Lake Macquarie Council by residents increased significantly such that the volume of organic waste is anticipated to increase to 44,000, which has necessitated the proposed change to the maximum annual allowable tonnage from 30,000 to 44,000. The layout of the facility has been redesigned to accommodate a modified AWT facility incorporating enclosed tunnels and new ASP and static pile composting technology. The development does not propose the receipt of green waste from kerbside collection outside the Lake Macquarie local government area.

The ASP technology is combined with the approved enclosed tunnel and static pile technology to improve composting management and odour control throughout the composting process as well as minimising the required footprint of the AWT facility compared with the previously approved tunnel and open windrow technology combination. The refined technology also reduces processing times to cater for the increase in volume of waste.

The application demonstrates the proposed modification is not expected to have any adverse environmental impacts in relation to stormwater, air quality, noise and vibration, traffic, bushfire hazard, visual amenity or greenhouse gases over and above those identified under the previous application and determined under the consent conditions.

It is considered the application meets the tests of section 96(2) of the Environmental Planning and Assessment Act in that the development is substantially the same as that previously approved.

The proposed alterations and additions to the development do not significantly increase the environmental impacts of the total development compared with the approved development, hence this development is not in itself designated development.

The development application was integrated development for the purpose of the Protection of the Environment Operations Act 1997 and Mine Subsidence Compensation Act 1961. The Environment Protection Authority (EPA) and Mines Advisory have provided amended

General Terms of Approval in relation to the integrated development classification.

The application is subject to a Clause 4.6 variation regarding the maximum height of buildings as specified in the Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014), which is assessed through this report. The applicant's clause 4.6 variation is provided in Appendix B.

Clause 45 of State Environmental Planning Policy (SEPP) (Infrastructure) 2007 has been considered through referral to Ausgrid.

Under Clause 103 of SEPP (Infrastructure) 2007, the development is traffic generating development. Comments from Roads and Maritime (RMS) have been provided. There is no change the conditions from RMS.

The application for modification is recommended for approval subject to amended conditions of consent as provided in Appendix C.

Assessment Report

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

Section 96(2) of the Environmental Planning and Assessment Act

The modification is a modification under Section 96(2) of the Environmental Planning and Assessment Act 1979 (EPA Act).

Section 96 (2) considers other modifications, specifically;

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
 - i. the regulations, if the regulations so require, or*
 - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

The applicant has provided legal advice from Fishburn Watson O'Brien. Legal Counsel for Council has confirmed the advice from Fishburn Watson O'Brien as to the relevant legal tests to be applied in determining whether the development is designated development and whether it can be dealt with under section 96 of the EPA Act. Legal Counsel advice states:

"If the proposed development would not result in a significant increase in environmental impacts when compared with the existing consent, it would therefore not be characterised as designated development under the EP & A Regulation.

If the consent authority considered the proposed development was substantially the same as the development for which consent was originally granted, approval could be dealt with under s96 of the EP & A Act."

The advice also notes:

"(a) The development would have substantially the same footprint as the development for which consent has already been granted;

(b) While an increase in annual tonnage is proposed, that increase is partly due to technological advances and faster composting times rather than any substantial increase in the volume of material on site at any one time;

(c) The technological changes proposed could more appropriately be described as “upgrades” in light of technological advances rather than a fundamental change to operations.”

Council officers are therefore satisfied the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.

Consultation, in accordance with section 96(2)(b), with the relevant public authorities (Ausgrid) and approval bodies (Mines Advisory and Environment Protection Authority) has occurred and their recommended amended conditions have been included within the amended conditions of consent as proposed in Appendix B.

The modification application has been notified in accordance with the regulations, with no submissions being received within the period prescribed.

It is therefore considered the modification application accords with section 96(2) of the EPA Act.

Schedule 3 of Environmental Planning and Assessment Regulation 2000

Part 2 - Are alterations or additions designated development?

Council officers have considered the factors to be taken in to consideration in Clause 36 in determining whether the alterations and additions for this development should be considered designated development.

It is considered there will not be a significant increase in the environmental impacts of the total development. Clause 36 specifically requires:

In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

(a) the impact of the existing development having regard to factors including:

- (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and*
- (ii) rehabilitation or restoration of any disturbed land, and*
- (iii) the number and nature of all past changes and their cumulative effects, and*

Given the development has not commenced there is no record of previous environmental management performance nor any requirement for rehabilitation or restoration of any disturbed land, therefore previous performance is not relevant.

There have been no previous changes to the development to have regard to cumulative impact. However, the application is supported by documentation addressing the cumulative impacts, particularly in relation to odour, noise, dust, and traffic of the development proposal and the adjoining waste management facility (WMF) landfill operation, including the approved expansion of the WMF.

In summary, air quality assessment has been undertaken in accordance with the Environmental Protection Authority's (EPA) Approved Methods for Modeling and Assessment of Air Pollutants in NSW (DEC 2005 and EPA 2016 update), including the use of generated site specific meteorology and the CALPUFF dispersion model. The predicted maximum odour impact from the modified proposal, adjoining landfill and their cumulative contribution expressed as a one hour average at the 99th percentile at all receivers is below

the impact assessment criteria of 3 OU and below a level recognizable above the background.

The noise assessment prepared for the modified proposal adopted the Industrial Noise Policy (INP) to assess operation noise impacts. The guidelines include both intrusive and amenity criteria designed to protect receivers from noise significantly louder than background level and the limit the total noise level from all sources near a receiver. Operational noise is mainly attributed to product deliveries, composting tunnel fans and front-end loaders operating within the maturation area. Operational noise impacts were assessed under the worst case meteorological conditions for noise propagation. Operational noise is predicted to be insignificant and not expected to cumulatively contribute to the ambient noise environment in the area.

Cumulative dust impacts have been considered for the construction and operational phases. While no background dust levels were available it is expected the levels will be low. The prominent sources of dust would be areas subject to wind erosion and from urban activities as well as pollen and vegetation dust. The existing WMF as a dust source would be impacted by the existing dust control measures implemented as part of the approval to avoid cumulative dust generation. Dust mitigation measures to be implemented on the completed development include:

- compost material to be managed with a sprinkler system to have an appropriate moisture content;
- suspension of stockpiling in high wind periods;
- limitations on vehicle speed, wash-downs and vehicle inspection.

An additional 19 vehicle movements per day are anticipated as a result of the modified proposal. These movements are already occurring at the adjoining landfill site as the increased volumes of organics at the kerbside are being collected and disposed at the landfill site. The current upgrade of the Wilton Road / access intersection would ensure it performs at a level of service "A" for both the AWT and the WMF.

- (b) *the likely impact of the proposed alterations or additions having regard to factors including:*
- (i) *the scale, character or nature of the proposal in relation to the development, and*
 - (ii) *the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and*
 - (iii) *the degree to which the potential environmental impacts can be predicted with adequate certainty, and*
 - (iv) *the capacity of the receiving environment to accommodate changes in environmental impacts, and*

While the proposed modifications will intensify processing on the site, the environmental impacts will not be significantly different and in some cases improved, due to improvements in process and mitigation measures.

The site is cleared. With regard air, noise and water quality the reports submitted with the application conclude the environmental impacts of the modification will not be significant. With regard scenic character and special features of the land, the proposal remains substantially the same in character and is an appropriate location for the AWT.

The potential environmental impacts have been modelled using reputable and acceptable standards and compared to the original assessment. Accordingly, the potential environmental impacts can be predicted with adequate certainty.

The location of the site within limited proximity to receiver's, especially sensitive receivers. In this regard, the site has the capacity to accommodate the changes proposed under this modification.

(c) *any proposals:*

- (i) *to mitigate the environmental impacts and manage any residual risk, and*
- (ii) *to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

The development includes proposals to mitigate the environmental impacts and manage any residual risk to facilitate compliance with relevant standards, codes of practice and the requirements of the Environmental Protection Authority, which are discussed throughout this report.

In this regard, it is considered the proposed alterations and additions to the development do not significantly increase the environmental impacts of the total development compared with the approved development, hence this development is not in itself designated development.

With respect section 96(3) of the EPA Act an assessment under section 79C (1) has been undertaken and follows.

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 (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:

Proximity to Existing Network Assets

There are existing overhead electricity network assets located near or adjacent to the development. It is a statutory requirement the minimum Workcover Code of Practice distances be maintained.

Clearance to “As Constructed” Development assessed to be Compliant

Based on the design of the development provided, it was identified the “as constructed” minimum clearances will not be encroached by the development. The existing overhead mains may require relocating should the minimum safety clearance be compromised during construction.

Existing Electricity Easements

Ausgrid currently has two 132,000 volt power lines and one 11,000 volt power lines running near or adjacent to the development. These assets form part of Ausgrid’s transmission network and are accessed by Ausgrid for routine maintenance and or emergencies via a right of carriageway. Advanced consultation is required regarding any proposed changes in access to the power lines or if works are proposed within the existing easements.

It is appropriate to include the above matters as a condition of consent as part of any approval. This will require minor modification to the existing Ausgrid conditions as proposed in Appendix C.

Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)

Clause 2.3 Zone Objectives and Land Use Table

The land is zoned SP2 – Infrastructure, noting the special purpose zone is designated as “*Waste or Resource Management Facility*”. The zone objectives are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To provide land required for the development or expansion of major health, education and community facilities.

The development for a Waste Management / Recycling Facility being a Composting Facility provides a specific composting facility to provide for the waste and resource management for the local government area. The development of this site for the composting facility will not detract from the provision of other infrastructure and is compatible with the adjoining land use to the west being the Council owned and operated waste management facility (landfill). The development does not provide land for the expansion of major health or education facilities but provides for the expansion of the existing waste management facility on the adjoining land to provide for resource recovery through composting. The development meets the zone objectives.

Clause 4.3 Height of Buildings

LMLEP 2014 specifies the maximum height of buildings on this land as 8.5m. The modification proposes the construction of the receival hall and area for tunnel composting with a height of 11m. The objectives of this clause are to ensure the height of buildings is appropriate for their location and to permit building heights that encourage high quality urban form.

An 8.5m building height for an SP2 Infrastructure zone designated for a waste or resource management facility is insufficient to accommodate waste related building typologies and developments. The tipping height requirements of vehicles require a building of this height to safely unload product to the floor for sorting.

The site is not observable from any static receptors within the visual catchment which

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 1.4 km to the north-east off Parkside Parade. The properties at this location do not have any direct or filtered views of the site.

The Awaba Waste Management Facility (AWMF) 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 receival hall is not anticipated to create a significant impact upon the visual and aesthetics of the area as the visual screening provided by the vegetation immediately adjacent to the site and the topography of the surrounding area blocks the identified viewing points from locations such as Kilaben Bay. It is noted that the final height of the proposed receival hall is significantly lower than the adjacent AWMF landfill mass.

The receival hall will incorporate a modern and innovative metal cladding finish that is seen to fit in with the AWMF site and isolated from other urban development.

Previous development consent granted approval for the construction of the receival hall to a height of 10m above the finished ground level. A clause 4.6 variation was not required under the previous development application as the LEP did not contain a height of building map applicable to the site at the time of lodgement of the application.

A Clause 4.6 variation has been submitted to support the proposal.

Clause 4.6 Exceptions to development standards

A clause 4.6 variation (Appendix B) has been submitted for the development with regard the contravention of the maximum height of building development standard referred to in Clause 4.3 of the LMLEP 2014.

The 4.6 variation from the applicant has been provided in writing and justifies the contravention of the development standard by demonstrating:

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b) that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the variation submitted has demonstrated:

- strict compliance with the standard would tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act;
- the objection is well founded; and
- the development standard is unreasonable and unnecessary in the circumstances of this case.

An 8.5m height limit for waste related facilities is considered inappropriate to facilitate development that will provide for the efficient and cost effective operation of the receival hall and the AWT facility as a whole. Such a height limit will only act to constrain development and result in buildings and infrastructure that are not fit for purpose. The nature of green waste collection, its transportation and processing would not enable a height compliant

structure to accommodate the activity on this site.

The scale and form of the development is in line with the development at the Awaba Waste Management Facility located on the site immediately to the west. Although the proposed structure will not comply with the standard, it is not considered to adversely affect and environmental, social or economic factor in this area. It is considered there are in fact positive environmental, social and economic outcomes from the development of this site in this manner.

The increased building height is considered appropriate given the SP2 zoning, the proposed design, materials and colours of the proposed building and the large vegetated buffer to residential areas and other vantage points. In addition, a development strictly complying with the numerical standard would not address the need to operate an efficient and effective waste treatment facility.

It is considered the proposed development will be in the public interest because it is consistent with the objectives of the SP2 Infrastructure zone. The proposed development will be in the public interest as the development is consistent with the objectives of the development standard and the zone objectives.

Clause 7.21 Essential Services

The site has available to it the required essential services and infrastructure to accommodate the development.

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

There are no draft environmental planning instruments relevant to this development.

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

Development Control Plan 2014

The following sections of Development Control Plan 2014 (DCP 2014) are considered relevant to this proposal.

Part 5 - Development in Industrial, Business Park and Infrastructure Zones

2.1 Site Analysis

A site analysis plan appropriate for the development has been provided.

2.2 Scenic Values

The site is not observable from any static receptors within the visual catchment that includes lands to the east of the 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 to the 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 closest residential development to the landfill site is approximately 1.4km to the north-east off Parkside Parade. The properties at this location do not have any direct or filtered views of the site.

The Awaba waste management facility (WMF) on the adjoining land to the west has a Part 3A project approval to enable its construction to a height of 110m, 17m greater than the current constructed level. A comprehensive assessment of visual impacts accompanied the application. The NSW Department of Planning and Infrastructure considered the proposal

was not likely to introduce any adverse visual impacts to the visual catchment of the locality.

The approval to the Awaba WMF also contains additional structures adjacent to the proposed AWT site. One of these structures is approved to be constructed to RL 59.540m AHD. The proposed AWT will be located adjacent to this structure. The AWT will be constructed lower than the approved waste transfer station at RL48.20, approximately 11m lower.

Nevertheless, a current condition of consent regarding the finished colours of the building, including roofing materials, being limited to colours of mid to darker shades of green or grey, will be retained as part of the recommended conditions.

2.3 Geotechnical

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.

2.4 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.

2.7 Stormwater Management

The modified application proposes changes to the stormwater system as follows:

- The current consent includes a 1ML leachate dam and a 3.1 ML stormwater dam.
- The new proposal includes a 6 ML leachate dam as well as two tanks with a combined capacity of 4ML to store water from the roofs of the receival building, tunnels and corridor roofs.

The development meets stormwater requirements for stormwater detention and stormwater quality controls. The volume of the leachate dam has increased significantly as a part of the modification, adequate to manage leachates.

2.11 Bushfire

NSW Rural Fire Service has provided recommended conditions of consent, which will be applied to the development.

2.12 and 2.13

Section 2.12 and 2.13 are considered not relevant to this development.

2.17 Social Impact and 2.18 Economic Impact

Since the approval was granted to construct and operate the AWT facility, the uptake of the service by Lake Macquarie residents has been such that the volumes of organics is anticipated to increase to 44,000 tonnes per annum. This increase has necessitated the change to the maximum annual tonnage allowable from 30,000 to 44,000 tonnes.

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 44,000 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 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 application 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 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.

3.1 and 3.2

These sections have been considered and are not relevant to this development.

3.3 Building Bulk

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.

The development consists of the construction of an office / education building containing amenities for the development. Additionally, the development includes construction of a receival hall covering the "drop off area" for the organic wastes and the tunnel composting.

The office / education centre has a maximum height of 5.2m and area of approximately 200m². This building is located toward the entry of the site. Vertical steel cladding is proposed for the external walls of the building and a Colorbond roof. The building is provided appropriate articulation and fenestration.

The receival hall has an area of approximately 2700m² with dimensions 67m x 40m. The maximum height of the structure is 11m.

The development does not propose the use of reflective or light coloured materials. The present condition reads:

External Material Reflection

External cladding materials, including roof and wall materials shall be finished in colours in the mid to dark green range to blend with the natural environment.

External cladding materials such as roofs, walls and windows shall have low-reflective properties.

It is proposed to retain this condition of consent.

The modified application does not propose any signage.

3.6 Landscape Design

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.

3.10 Fencing

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

3.11 Traffic and Transport / 3.12 Design of Parking and Service Areas / 3.15 Car Parking Rates

The relocation of the office and education centre provides for greater separation of heavy vehicles and visitor / staff vehicles. The positioning of the education room provides for over-viewing of the site operations within the safety of the building. In this regard, the development provides for effective, efficient and safe movement for pedestrians and motor vehicles. Vehicles are able to enter and leave the site in a forward direction.

Vehicle parking required for a Waste Management Facility is not defined in DCP 2014. 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 17 spaces including one disabled parking space. It is considered this is an appropriate number of parking spaces.

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

3.16 Non-Discriminatory Access

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.

3.17 Safety and Security

Due to the automatic processes, the composting process will continue 24 hours 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.

4.1 Demolition and Construction Waste Management / 4.2 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.

4.5 Erosion and Sediment Control

The area of soil surface exposure is greater than 2500m². 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.

4.6 Air Quality

The application is supported by an Odour Impact Assessment (OIA) prepared by GHD having regard to Development Control Plan 2014, the National Environment Protection (Ambient Air Quality) Measure 1999 (Air NEPM), the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (Approved Methods, Environment Protection Authority [EPA] 2005), and with respect to the previous approval for the project.

The dominant air pollutant of concern for the project is mixed odours, and to a lesser extent, particulate matter (deposited dust, total suspected particulates, and particles of 10 micrometres in diameter or less). The potential for odour to impact sensitive receptors was assessed in the OIA, and control measures for odour and dust have been proposed as appropriate for the project. Odour and dust/ particulates management processes as detailed in the OIA were as follows.

Odour Management

The proponent proposes to manage the additional odour from site, using a range of design processes including:

- 1- an additional forced aeration stage, enabling accelerated composting;
- 2- increasing the number of composting tunnels from three to five, and having all incoming material initially subject to enclosed composting;
- 3- replacing open windrow composting with a compact ASP composting system;
- 4- relocation of the waste receival area;
- 5- reconfiguring of the product screening and storage areas; and
- 6- a reduced composting period.

Additional to design processes as presented above, GHD recommend the implementation of the following control strategies to ensure that the project meets legislative requirements

on air quality:

- 1- direct delivery of kerbside organics to the receival building and timely sorting, shredding and transfer into composting tunnels;
- 2- train staff (internal and contractors) on the odour management strategy and all relevant procedures;
- 3- measure oxygen and moisture content of compost, and control with aeration and moisture addition;
- 4- install and operate an aerator in the leachate pond to reduce the odour potential from the stored leachate;
- 5- develop and implement a bio-filter operation and management plan; and
- 6- apply a layer of oversized composted product on the ASP to reduce the odour emission potential from this stage of the process.

Dust/ Particulates Management

The proponent proposes to manage the dust impacts, using a range of processes including:

- 1- compost material to be managed to have an appropriate moisture content, a sprinkler system will be installed in the curing area to provide this;
- 2- stockpile turning to be suspended during periods of high wind; and
- 3- dust from traffic areas will be managed by application of water as required.

Council's Sustainability Department – Air Quality have reviewed the modified application and advised as follows:

The modelling process is consistent with the Approved Methods. All emissions factors are reasonable and relevant for the development. With regard, control methodologies presented above, the results of the OIA would suggest that no sensitive receivers are predicted to be exposed to odour above the minimum threshold prescribed in the Approved Methods (2 Odour Units [OU]).

Dust/ particulates are likely to be a minor pollutant of concern, should the control factors as detailed above, be implemented.

4.7 Noise and Vibration

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

A Noise Impact Assessment prepared by GHD dated November 2016 has been submitted for the proposal. Environmental Management have no objections to the proposed development, and advised the previous conditions included are still relevant.

79C(1)(a)(iia) 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

There are no matters prescribed by the regulations relative to this development

modification.

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

The following matters were considered and, where applicable, have been addressed 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.

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:

No submissions have been received from the public in response to the modification application.

Submissions from public authorities:

Mine Subsidence Board

The application is integrated development for the purpose of the Mine Subsidence Compensation Act 1961. Mines Advisory issued amended general terms of approval for the development on 6 March 2017, 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 amended general terms of approval for the development on 3 July 2017, as provided within the recommended conditions of consent.

Roads and Maritime

The application is Traffic Generating Development under SEPP (Infrastructure). RMS have provided confirmation of their previous advice which is included as part of the conditions of consent. There is no proposal to change the conditions of consent previously requested from RMS.

Ausgrid

Ausgrid raised no objection to the development in their response dated 10 February 2017.

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 the modification application be approved, subject to the conditions contained in Appendix C 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
Chief Development Planner
Lake Macquarie City Council