



Ordinary Council

LATE REPORTS

Business Paper

date of meeting: Wednesday 21 June 2017

location: Council Chambers
17 Burrawan Street
Port Macquarie

time: 5.30pm

Note: Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

Council's Corporate Values

- ★ Sustainability
- ★ Excellence in Service Delivery
- ★ Consultation and Communication
- ★ Openness and Accountability
- ★ Community Advocacy

Council's Guiding Principles

- ★ Ensuring good governance
- ★ Looking after our people
- ★ Helping our community prosper
- ★ Looking after our environment
- ★ Planning & providing our infrastructure



**PORT MACQUARIE
HASTINGS**

How Members of the Public Can Have Their Say at Council Meetings

Council has a commitment to providing members of the public with an input into Council's decision making. The Council's Code of Meeting Practice provides two (2) avenues for members of the public to address Council on issues of interest or concern at the Ordinary Council Meeting.

These are:

- Addressing Council on an Agenda Item (if the matter **is** listed in the Council Business Paper)
- Addressing Council in the Public Forum (if the matter **is not** listed in the Council Business Paper)

You can request to address Council by completing the:

- 'Request to Speak on an Agenda Item' form
- 'Request to Speak in the Public Forum' form

These can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.

Requests can also be lodged on-line at:

<http://www.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-Committee-Meetings/Request-to-speak-on-an-Agenda-Item>

<http://www.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-and-Committee-Meetings/Request-to-speak-in-a-Public-Forum>

Your request to address Council must be received by Council no later than 4:30pm on the day prior to the Council Meeting.

- Council will permit no more than two (2) speakers 'in support of' and two (2) speakers 'in opposition to' the recommendation on any one (1) Agenda Item.
- A maximum of five (5) speakers will be heard in the Public Forum.
- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Consideration of items for which requests to address the Council Meeting have been received will commence at 5:30pm.
- When your name is called, please proceed to the Council Table and address Council.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- Councillors may ask questions of a speaker following an address. Each answer, by the speaker to a question, is limited to two (2) minutes. A speaker cannot ask questions of Council.
- An Agenda Item will be debated by Council following the address.
- Council will not determine any matter raised in the Public Forum session, however Council may resolve to call for a future report.
- If you have any documentation to support your presentation, provide two (2) copies to Council by 12 noon on the day of the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 12 noon on the day of the Meeting.
- The following will **not** be considered in the Public Forum (in accordance with the Code of Meeting Practice, clause 2.14.14):
 - Proposed or current development and rezoning applications and related matters.
 - A third (3rd) or subsequent application by a single member of the public to address Council on the same issue in the same calendar year. Council, at its discretion, may elect to exempt representatives or members of community groups from this restriction.
 - Any formal procurement process, contract negotiation or dispute resolution being undertaken.
 - Any matter the General Manager (or their delegate) considers inappropriate for discussion in the Public Forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- Members of the public may quietly enter and leave the Meeting at any time.



**PORT MACQUARIE
HASTINGS**

Ordinary Council Meeting

Wednesday, 21 June 2017

LATE REPORTS

Items of Business

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**PORT MACQUARIE
HASTINGS**

Looking After Our Environment

What are we trying to achieve?

We understand and manage the impact that the community has on the natural environment. We protect the environment now and in the future.

What will the result be?

- Accessible and protected waterways, foreshores, beaches and bushlands.
- Renewable energy options.
- Clean waterways.
- An environment that is protected and conserved for future generations.
- Development outcomes that are ecologically sustainable and complement our natural environment.
- Residents that are environmentally aware.
- A community that is prepared for natural events and climate change.

How do we get there?

- 4.1 Protect and restore natural areas.
- 4.2 Ensure service infrastructure maximises efficiency and limits environmental impact.
- 4.3 Implement total water cycle management practices.
- 4.4 Continue to improve waste collection and recycling practices.
- 4.5 Provide community access and opportunities to enjoy our natural environment.
- 4.6 Create a culture that supports and invests in renewable energy.
- 4.7 Increase awareness of and plan for the preservation of local flora and fauna.
- 4.8 Plan and take action to minimise impact of natural events and climate change.
- 4.9 Manage development outcomes to minimise the impact on the natural environment.

Looking After Our Environment

Item: 12.06

Subject: DA2017 - 328.1 LANDFILL GAS INFRASTRUCTURE ASSOCIATED WITH WASTE MANAGEMENT FACILITY - LOT 1 DP 1202080, PACIFIC HIGHWAY, PEMBROOKE

Report Author: Matt Rogers

Applicant: Port Macquarie-Hastings Council

Owner: Port Macquarie-Hastings Council

Estimated Cost: \$139K

Parcel no: 64348

Alignment with Delivery Program

4.9.2 Undertake transparent and efficient development assessment in accordance with relevant legislation.

RECOMMENDATION

That DA 2017 - 328 for landfill gas infrastructure associated with waste management facility at Lot 1, DP 1202080, Pacific Highway, Pembroke be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application (DA) for a landfill gas infrastructure installation associated with a waste management facility at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one (1) submission has been received.

In accordance with Council's Development Applications Conflict of Interest Policy, this DA is required to be determined by full Council as the Applicant and Owner is Council and submissions have been received objecting to the proposal.

This matter was considered by Council's Development Assessment Panel on 14 June 2017. DAP recommend to Council that the application be granted conditional consent.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 111.2 hectares.

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The Landfill currently operates under Environmental Protection Licence (EPL) 11189 which is administered by Council.

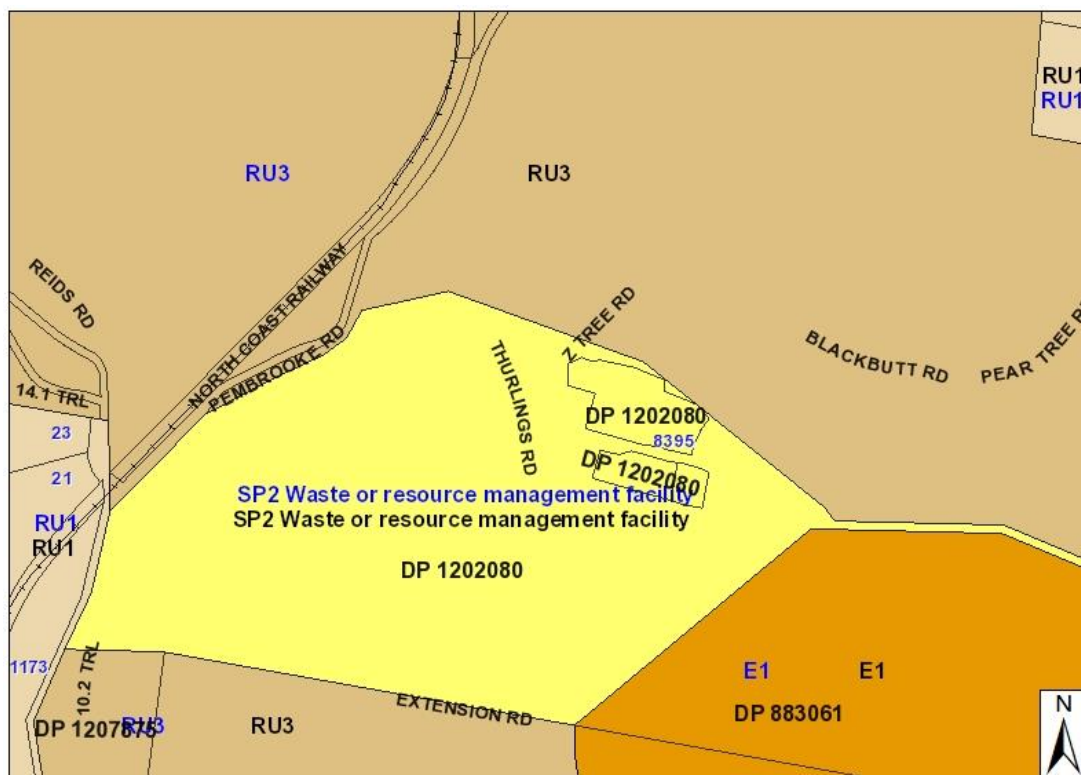
The site is currently an active landfill with extractive activities, waste processing (non-thermal treatment) and waste disposal (application to land) under the Environmental Protection Licence No. 11189 from NSW EPA. Port-Macquarie-Hastings Council (Council) owns and operates the CWMF, which receives approximately 43,000 tonnes of waste per annum.

The site is bounded by the Cairncross State Forest to the north, east and south; Rawdon Creek Reserve to the south east; and by Pembroke Road to the west.

The site is classified as Operational Land.

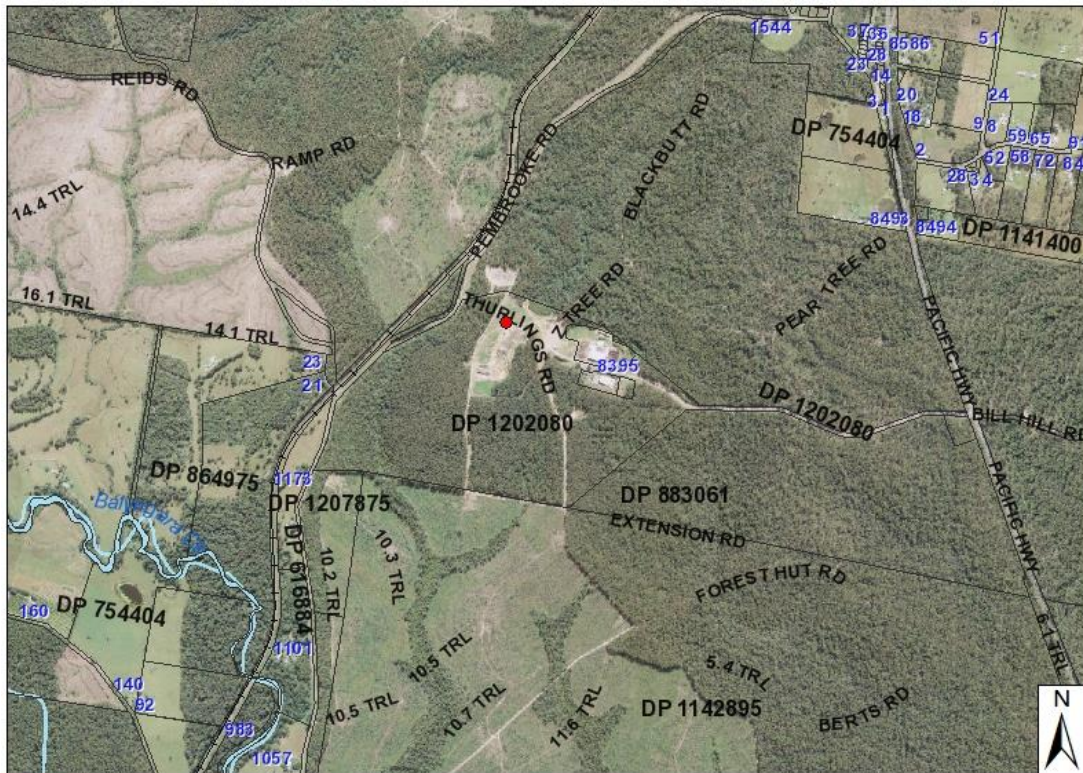
The nearest existing neighbours are Rocking House Farm - located approximately 1500m to the south west; and the Gougeville Residence - located approximately 1800m to the north east.

The site is zoned SP2 waste or resource waste management facility in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:

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2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

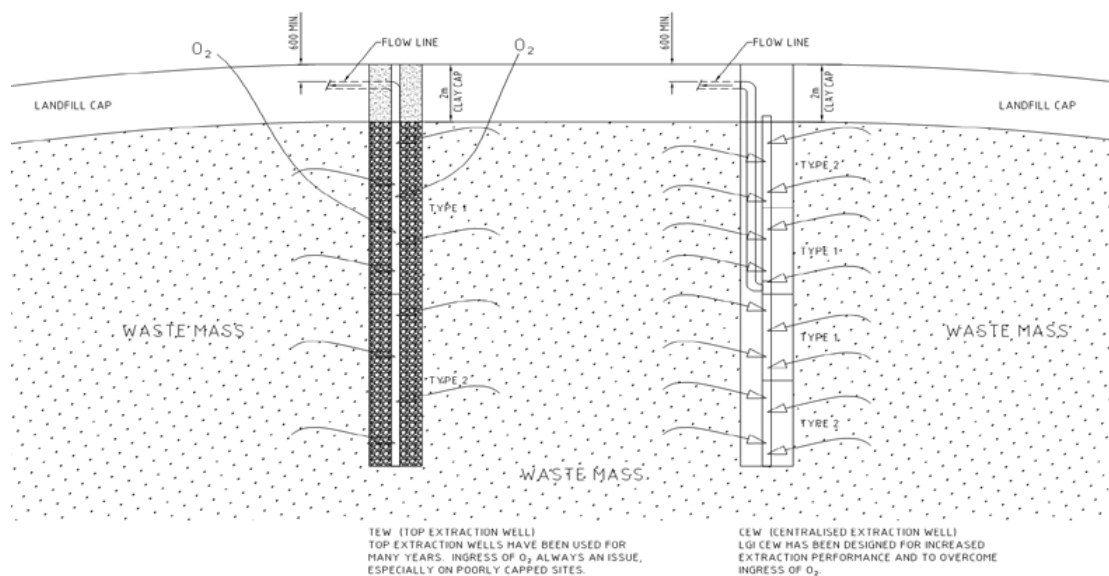
- Installation of Landfill Gas management infrastructure, including pipework and flaring unit proposed for the LFG pumping trial. This is integral to best-practice management of landfill sites, as reinforced by the NSW Environmental Protection Agency's (EPA) Environmental Guidelines – Solid Waste Landfills (2016 revision). The proposed LFG extraction and combustion system will improve the environmental performance of the site by reducing fugitive LFG emissions, and reducing the risk of odour and LFG migration to surrounding areas.
- LFG can be actively extracted from landfills and combusted to convert the methane to less harmful carbon dioxide.
- Landfill gas extraction also has the potential to generate renewable energy by using the combustion of gas to drive electricity generators.

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Example of above ground landfill gas system:

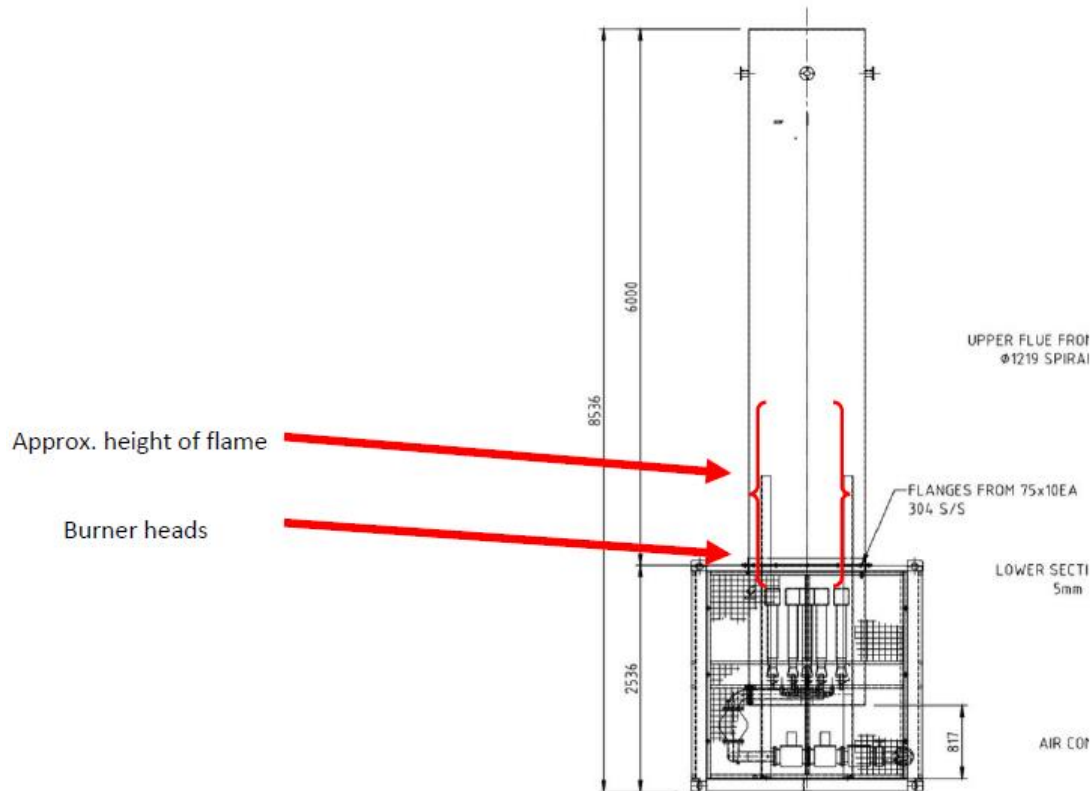


Example of extraction wells:



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Proposed installation flare stack flame height:



Designated Development

The Proposal does not meet the requirements under the Environmental Planning and Assessment Act 1979 (EP&A Act) or Environmental Planning and Assessment Regulations 2000 (EP&A Regulations) for designated development or State Significant Development (SSD), due to the existing nature of the site. In accordance with Schedule 3, Section 36 (c)(i) of the EP&A Regulations, the Proposal aims to mitigate the environmental impacts of the landfill by reducing the amount of greenhouse gases being released into the atmosphere.

Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (PoEO Act) sets out procedures and requirements for waste, air, water and noise pollution control. Schedule 1 of the PoEO Act establishes that an environment protection licence (EPL) must be obtained for a scheduled activity (i.e. activities listed in Schedule 1 of the PoEO Act).

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There are currently three (3) EPLs in force at the on-site:

- Cairncross Landfill - EPL 11189
- Organics recovery Recycling Facility - EPL 13120
- Materials Recovery Facility - EPL 20708

The Applicant has advised that the NSW Environmental Protection Authority will be advised of this proposal. The Cairncross Landfill's EPL may need to be amended to allow flaring to take place.

Refer to attachments at the end of this report.

Application Chronology

- 24 April 2017 - DA lodged with Council
- 9 to 27 May 2017 - Neighbour notification of proposal
- 23 May 2017 - General Manager approval to continue with internal Planning Staff assessment
- 23 May 2017 - Submission issues raised with the Applicant
- 24 May 2017 - Response to submission issues received from Applicant
- 14 June 2017 - DA considered by Council's Development Assessment Panel

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**
(i) **any Environmental Planning Instrument:**

State Environmental Planning Policy No. 44 - Koala Habitat Protection

With reference to clauses 6 and 7, the subject land is greater than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP must be considered.

State Environmental Planning Policy No.55 – Remediation of Land

All works are being undertaken on a capped area of an active landfill and therefore has already undergone disturbance of land for development.

No specific requirements of this SEPP require further consideration.

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

Given the nature of the proposed development the proposal will be unlikely to have any adverse impact on any existing aquaculture industries.

State Environmental Planning Policy (Infrastructure) 2007

Section 121 of the ISEPP facilitates the development for the purposes of waste or resource management facilities, with development consent within a 'prescribed zone' which includes rural zones (RU1 Primary Production, RU2 Rural Landscape, IN1 General Industrial, IN3 Heavy Industrial, SP1 Special Activities and SP2 Infrastructure). The CWMF site is zoned SP2 under the Port Macquarie–Hastings

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Local Environmental Plan 2011 (PMH LEP), which is a 'prescribed zone'. Therefore, development of a waste or resource management facility is permissible on the site with development consent. Development consent for this Proposal is sought under Part 4 of the EP&A Act in accordance with the ISEPP.

In determining development applications for landfills, Section 123 (1)(b)(ii) considers whether the development 'reduces the long term impacts of the disposal waste, such as greenhouse gas emissions or the offsite impact of odours, by maximising landfill gas capture and energy recovery'. This Proposal is in accordance with Section 123 (1)(b)(ii).

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2, the subject site is zoned SP2 - Infrastructure (Waste or Resource Management Facility). In accordance with clause 2.3(1) and the SP2 zone landuse table, the proposed development for an ancillary installation to an existing waste management facility is a permissible landuse with consent in the SP2 zone.

The objectives of the SP2 zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:

- the proposal is a permissible landuse.
- the proposal is for alterations to an existing established waste facility.
- Clause 4.1, the development does not propose any subdivision, therefore the minimum lot sizes will not be affected by the development proposal.
- Clause 5.9 - no trees are proposed or required to be removed.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1, the proposal site is not identified as containing any Acid Sulphate Soils.
- Clause 7.3, the site is not land within a mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus 0.9m East of the Pacific Highway).
- Clause 7.5 – the Proposal site is not land that is shown as "Koala Habitat area" on the Koala Habitat Map.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

(ii) Any draft instruments that apply to the site or are on exhibition:

No draft instruments apply to the site.

(iii) any Development Control Plan in force:

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Port Macquarie-Hastings Development Control Plan 2013

The proposal will not contravene any of the requirements of this DCP as there are no specific development provisions applicable.

(iia) any planning agreement that has been entered into under Section 93f or any draft planning agreement that a developer has offered to enter into under Section 93f:

No planning agreement has been offered or entered into relating to the site.

iv) any matters prescribed by the Regulations:

N/A

v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates:

No Coastal Zone Management Plan applies to the subject site.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

Context and setting

The proposal will be unlikely to have any identifiable adverse impacts to existing adjoining properties or the public domain.

The proposal is considered to be compatible with surrounding land uses given the separation to the WTS facilities.

There are no identifiable adverse view sharing, privacy or overshadowing impacts.

The proposal will be unlikely to result in any adverse lighting impacts.

Access, Roads, Traffic and Transport

For the installation of the LFG management system, LGI will be using the vehicle access roads provided at the CWMF. These existing access roads connect the public roads through the entrance to the site and to the tip face for the installation and monitoring of the four (4) wells and flaring device. Access to the CWMF is via the Pacific Highway. Interruption to normal landfill traffic flows will be minimal. Traffic control plans will be in place if necessary.

Parking and Manoeuvring

Space for onsite parking for the plant and equipment during the installation, and operational stage of the project will be available next to the (4) wells and flare. Onsite parking will be used during the installation of the LFG management system and for monitoring purposes. Interruption to normal landfill traffic flows and parking will be minimal.

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Further storage capability for plant is available on the hardstand stockpile area located to the north of the proposed LFG pumping trial location.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Following a site inspection (and a search of Council records), no known items of Aboriginal or European heritage significance exist on the property.

Due to the high level of past disturbance evident throughout the site, it is extremely unlikely that any in-situ artefacts would be present in the area. As such, the proposal is unlikely to impact on any aboriginal places, objects and features of significance.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed location of the extraction wells and flare is at RL 48 AHD, which remains well above the surrounding land, and low sections of the landfill site. This will ensure none of the collection wells, or connected equipment are susceptible to flooding.

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity.

Air and microclimate

The Applicant has provided details that LGI's flares are designed and proven to exceed NSW EPA requirements under Protection of the Environment Operations (Clean Air) Regulations 2010, section 52 Destruction efficiency. Refer to Appendix D for a sample stack emissions lab analysis completed in early 2015 while LGI was conducting a LFG pumping trial for Tamworth Regional Council.

The purpose of the LFG extraction and combustion system is to specifically mitigate emissions from landfill. It is expected that air quality, including odour, will actually improve as a result of the trial. LGI will monitor the LFG system to ensure that it is operating to the required levels in order to maintain air quality.

Given the proximities of the nearest residences (approximately 1500m), and the overall benefits of the pumping trial, the LFG pumping trial is not expected to have any identifiable air quality issues for surrounding properties.

Looking After Our Environment

Noise

LGI will comply with the CWMF *Environmental Protection Licence (EPL) no. 11189* when on site, for the installation and management of the LFG pumping trial. During construction of the LFG management system, LGI will operate within the CWMF operational hours to minimise noise migration off site.

The flaring compound will emit a low humming noise during operation, typical of motorised equipment, but not exceeding the background operational noise of the overall site. The Flaring system will operate at 50-60 dB over a 10 meter radius, therefore there will be no noise issues for surrounding properties.

Flora and fauna

Construction/installation of the proposed development will not require the removal of any trees from the subject site.

The proposal therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Section 5A of the Act is considered to be satisfied.

Energy

The LFG system is intended to run on a diesel generator for the course of the trial. LGI will discuss and provide recommendations to Council on the energy requirements for ongoing operation of a permanent system once the trial is over.

Waste

The proposed LFG management system will improve the degradation of waste within the landfill by generating optimum conditions of moisture, temperature and nutrient sources for methanogenic activity. All waste material extracted during the well installation process will be loaded directly onto LGI's truck, and removed to the tip face. This minimises double handling of waste, reduces odour, and ensures the site remains in an organised manner.

All above ground equipment and waste will be removed at the completion of the LFG pumping trial.

Noise and vibration

No adverse impacts anticipated given the nature of the development. Standard noise conditions are recommended including requirements to not generate *offensive noise*. Condition recommended to restrict construction to standard construction hours.

Bushfire

The Cairncross WMF Fuel (Bushfire) Management Plan 2005 applies to the site. The objective of this Plan is to reduce the risk of bushfire impacting on the CWMF and spreading to neighbouring lands. The Plan aims to reduce the amount of available fuel surrounding the WMF by burning under controlled conditions, and provides fire breaks around the perimeter of the facility in the form of fire trails.

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To minimise risk of fire spreading to neighbouring lands, LGI will monitor the amount of available fuel surrounding the flare enclosure. The enclosure will be placed accordingly on site in an area with minimal vegetation (see appendix B). This will allow a buffer zone between the enclosure and surrounding vegetation for mitigation measures. The flare supplied by LGI is an enclosed unit with a stack height of 8.5m. This ensures the flame is contained within the lower stage of the stack (approx. 2m from ground level), allowing 5m of stack height to contain the flame, and direct waste heat upwards. Refer to Figure 10 below for scale.

Safety, security and crime prevention

The proposed development is unlikely to result in loss of safety or reduction of security in the immediate area.

Social impacts in the locality

Given the nature of the proposed development and its location the proposal is unlikely to result in any adverse social impacts.

Economic impact in the locality

No adverse impacts likely.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

Cumulative impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development:

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints have been adequately addressed and appropriate conditions of consent recommended.

(d) Any submissions made in accordance with this Act or the Regulations:

One(1) written submission has been received following neighbour notification of the application.

Looking After Our Environment

Key issues raised in the submissions received and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
Smell	<p>The Applicant has provided the following response to this submission issue raised:</p> <p><i>The purpose of a landfill gas extraction and combustion system is to mitigate emissions from the landfill. Therefore, it is expected that air quality, including odour, will actually improve as a result of the trial. In addition, a recent draft Air Quality Impact Assessment (AQIA) found that the landfill operations comply with established EPA air quality assessment criteria.</i></p> <p>The response provided satisfactorily addresses this issue raised. It is also noted that the objector's residence is located approximately 1.3 kilometres from the proposed installation.</p>
Noise	<p>The Applicant has provided the following response to this submission issue raised:</p> <p><i>The installation of landfill gas infrastructure will only occur within the operational hours of the Cairncross Waste Management Facility (CWMF) to minimise any noise migration offsite.</i></p> <p><i>The flaring compound will emit a low humming noise during operation, typical of motorised equipment. The system is estimated to emit 50-60 dBA within a 10 m radius of the flare. In addition, a recent draft Noise and Vibration Impact Assessment (NVIA) found that the landfill operations estimated to be about 100 dBA, comply with established EPA noise assessment criteria at the nearest residence even with a prevailing wind.</i></p> <p>The response provided satisfactorily addresses this issue raised. It is also noted that the objector's residence is located approximately 1.3 kilometres from the proposed installation.</p>

Looking After Our Environment

Lowering the value of property	<p>The Applicant has provided the following response to this submission issue raised:</p> <p><i>The landfill gas pumping infrastructure as a part of this DA is temporary, and will only be operating for 12 weeks and unlikely to impact property values. Any future permanent infrastructure and landfill gas operations will be subject to separate development consent.</i></p> <p>The response provided satisfactorily addresses this issue raised. It is also noted that the objector's residence is located approximately 1.3 kilometres from the proposed installation.</p> <p>Impacts on property values are additionally not a matter for consideration in the assessment of Development Applications.</p>
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(e) The Public Interest:

The proposed development satisfies relevant planning controls and is unlikely to impact on the wider public interest.

The CWMF is already a registered project (project ID ERF103826) under the Emissions Reduction Fund (ERF) and is eligible to create saleable Australian Carbon Credit Units (ACCUUs). The installation of a complete, permanent LFG management system would allow the Port Macquarie-Hastings Council another potential revenue stream to generate income through the extraction and combustion of landfill gas.

During the construction phase, local suppliers will be engaged to provide materials wherever practicable.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

No contributions applicable.

5. CONCLUSION

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Looking After Our Environment

Attachments

- 1[View](#). DA2017 - 328.1 Plans
- 2[View](#). DA2017 - 328.1 Concept Design and Construction Methodology
- 3[View](#). DA2017 - 328.1 Recommended Conditions
- 4[View](#). DA2017 - 328.1 Submission - Rowsell