

Clause 4.6 Variation Request Height of Buildings

MidCoast Regional Organics Processing Solution

19 January 2026



Clause 4.6 Variation Request for MidCoast Regional Organics Processing Solution

A Submission to The Department of Planning, Housing and Infrastructure on behalf of NALG

Prepared by

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Purpose of this Document

This document has been prepared to support the Environmental Impact Statement (EIS) for the State Significant Development Application (SSDA) (SSD-84090218) with the Department of Planning, Housing and Infrastructure (DPHI).

The document includes a Clause 4.6 variation request relating to the Height of Buildings development standard under the *Great Lakes Local Environmental Plan 2014* (GLLEP). The variation is submitted in accordance with section 35B of the *Environmental Planning and Assessment Regulation 2021*, which requires justification for non-compliance with development standards. This request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

Site and Proposed Development

1 Site Context

The proposed development is to be located at Midge Orchid Road, Darawank NSW 2428, formally described as Lot 5, Deposited Plan (DP) 1089990 (see Figure 1). The site is owned by MidCoast Council and will be leased to NALG for the purpose of developing and operating the facility.

Situated within the MidCoast Council LGA, the site lies approximately 4 kilometres north of the Tuncurry township. The surrounding area is characterised by a mix of rural residential properties, nature reserves, and existing waste management infrastructure. The site is adjacent to the existing Tuncurry Waste Management Centre and benefits from established connections and compatible land use zoning. The location offers strategic access to regional transport routes, including The Lakes Way, facilitating efficient movement of materials to and from the facility.

The site is currently undeveloped.

2 Proposed Development

MidCoast Council has identified the need for a food organics and garden organics (FOGO) processing facility to process the anticipated growth of the FOGO waste stream produced across the MidCoast Council LGA in the coming years.

The proposed facility, known as the MidCoast Regional Organics Processing Solution (MC ROPS), is a fully enclosed FOGO facility that will utilise In-Vessel Composting (IVC) and Dry Anaerobic Digestion (AD) technology to process organic waste and produce high-quality compost end products. The proposed operational capacity is 146,000 tpa, providing the capacity to process MidCoast Council FOGO material, self-haul material and additional organics sourced from commercial and industrial arisings.

Figure 1: Site location



Source: Nearmap, 2025

Planning Instrument, Development Standard and Proposed Variation

3 What is the environmental planning instrument/s you are seeking to vary?

The application seeks to vary the *Great Lakes Local Environmental Plan 2014* (GLLEP).

4 What is the site's zoning?

The site is zoned RU2 Rural Landscape under the GLLEP.

5 Identify the development standard to be varied.

The standard proposed to be varied is the Height of Buildings development standard which is set out in Clause 4.3 of the GLLEP as follows:

4.3 Height of buildings

(1) *The objectives of this clause are as follows—*

- (a) *to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,*
- (b) *to encourage residential development that is consistent with AS 4299–1995, Adaptable housing.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

(2A) *Despite subclause (2), the height of a building may exceed the maximum height shown for the land on the Height of Buildings Map by 10% if the land is in Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone E1 Local Centre or Zone MU1 Mixed Use and the consent authority is satisfied that—*

- (a) *internal lift access will be provided to all levels in the building, and*
- (b) *the design of the building is consistent with AS 4299–1995, Adaptable housing.*

6 Identify the type of development standard.

The request is seeking to vary the maximum numeric height of buildings development standard as it applies to the site.

7 What is the numeric value of the development standard in the environmental planning instrument?

Under the GLLEP, the maximum height of buildings control for the site is 8.5m.

8 What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

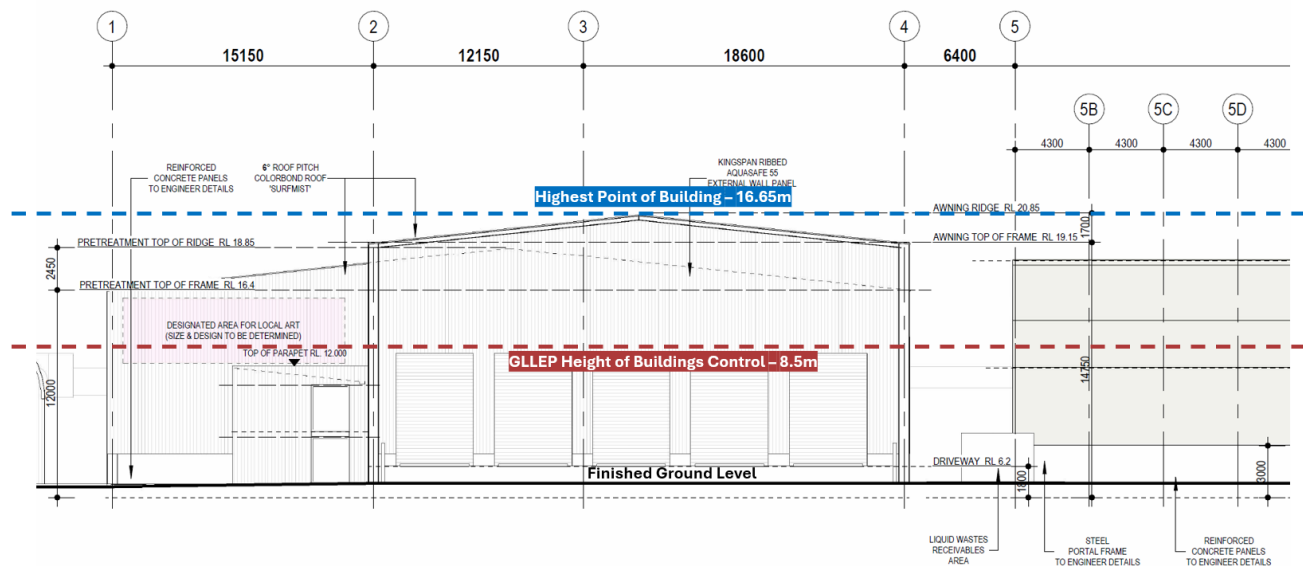
The proposed facility has a maximum height of RL20.85m (ridge line of the pre-treatment building), and the Finished Ground Level (FGL) is RL4.2m. Therefore, the maximum building height proposed is 16.65m above ground level.

This represents an 8.15m excess to the development standard for building height, which is a percentage variation of 95.88%.

9 Visual representation of the proposed variation.

A visual diagram of the proposed variation sought has been presented in Figure 2.

Figure 2: Visual Diagram of Proposed Variation



Justification for the Proposed Variation

10 How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

Compliance with the 8.5m height limit under Clause 4.3 of the GLLEP is considered unreasonable and unnecessary in this instance due to the functional and operational requirements of the proposed facility.

The receival building must accommodate the tipping height of semi-trailers and B-double trucks delivering incoming material to the pretreatment building. This tipping height requirement is essential for the efficient unloading of waste materials. According to Sloan truck trailer specifications, the maximum tipping height is 11,350mm, necessitating a building height above the standard specified in the GLLEP.

Additionally, and more importantly, the proposed height enables the delivery of waste to be undertaken within a semi-enclosed structure, which is critical for odour containment and environmental impact management.

The receival awning is designed to ensure that waste unloading occurs undercover, reducing the potential for odour emissions to escape into the surrounding environment and impact sensitive receivers. This is particularly important for organic and putrescible waste, which can generate strong odours during handling.

The receival building supports a controlled internal air environment, allowing for the integration of mechanical ventilation and odour treatment systems. These systems rely on the containment of airflows to function effectively, and the increased height ensures that tipping operations and odour management can effectively be carried out.

In this context, the proposed height is not an arbitrary design choice but a functional necessity that directly supports the environmental management of the Project.

Compliance with the Zone Objectives

The objectives of Clause 4.3 of the GLLEP are still achieved. The proposed variation is consistent with objective 1(a), as the building scale is appropriate to the rural industrial context, being situated on land adjacent the existing Tuncurry Waste Management Centre and surrounded by dense vegetation on adjacent parcels of land which will provide screening.

The variation allows for a purpose-built facility that meets modern waste management standards and operational safety, which cannot be achieved within the prescribed height limit. Therefore, strict compliance with the height standard would compromise the functionality of the facility and undermine the planning objectives for the site.

11 Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify contravening the height of buildings development standard, as the increased building height supports achieving better environmental outcomes and aligns with the objects of the EP&A Act.

- The increased building height directly supports odour management and containment, a key environmental consideration for waste facilities. By receiving and processing waste entirely within a sealed building envelope, the proposal minimises odour emissions and improves air quality outcomes.
- The design contributes to reducing visual impact due to the building's siting, landscaping, and integration with the surrounding topography. The rural setting and lack of sensitive receivers further mitigate potential amenity impacts.
- The proposal aligns with the RU2 Rural Landscape zone objectives, which include supporting infrastructure that services the community and protects environmental values.
- The variation facilitates a more sustainable and efficient waste management process, contributing to broader environmental goals such as resource recovery and reduced landfill reliance.

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