# Statement of Environmental Effects (Revised)

## PROPOSED MODIFICATION OF DEVELOPMENT CONSENT DA/2007/083

## WASTE DISPOSAL FACILITY

"Yeronga Pit"

Lots 1 & 2, DP1039488

Euroka Road

Quandialla, NSW


Prepared for TTDR (C Burns)
February 2020

***15061 - Document History***

| Rev | Details | Date | Amended by | Signature | Notes |
|---|---|---|---|---|---|
| A | 1st Draft | 16/12/15 | G Salvestro | GS | |
| A | Review | 10/2/16 | G Salvestro | GS | For client review |
| A | Final | 29/2/16 | G Salvestro | GS | For DA lodgement |
| B | Revised | 28/01/2020 | G Salvestro | GS | Revised details |

**This report is prepared by**
**Salvestro Planning**
16 Fitzmaurice Street
PO Box 783
WAGGA WAGGA NSW 2650

Telephone: (02) 69218588
Facsimile: (02) 69218388
Email: admin@salvestroplanning.com.au
Website: www.salvestroplanning.com.au

***Disclaimer***
*While every reasonable effort has been made to ensure that this document is correct at the time of printing, Salvestro Planning and its employees make no representation, undertake no duty and accepts no responsibility to any third party who use or reply upon this document or the information contained in it.*

TABLE OF CONTENTS


**1 INTRODUCTION ..... 1**
1.1 Applicant and Site Ownership ..... 2
1.2 Subject Land and Locality ..... 2
**2 BACKGROUND ..... 2**
**3 DETAILED DESCRIPTION OF THE MODIFIED PROPOSAL ..... 4**
3.1 Modified Development Proposal ..... 4
3.2 Waste Product Classification ..... 5
3.3 Modification of Permissible Waste Description ..... 6
3.4 Waste Operation Overview ..... 8
3.5 Staffing and Hours of Operation ..... 10
3.6 Machinery Stored and Maintained ..... 10
3.7 Rehabilitation and Final Landform ..... 10
**4 EXISTING LANDFILL FACILITY PERFORMANCE ..... 11**
4.1 Monitoring Details ..... 11
4.2 Waste Cell Creation and Consumption ..... 11
4.3 Groundwater ..... 13
4.4 Existing Waste Sources ..... 13
4.5 Complaints Details ..... 13
**5 ENVIRONMENTAL ANALYSIS ..... 14**
5.1 Site Analysis ..... 14
5.2 Aboriginal Cultural & Post European Heritage ..... 14
5.3 Natural Hazards ..... 14
5.4 Site Health ..... 14
5.5 Air Quality ..... 15
5.5.1 Sensitive Receptors ..... 15
5.5.2 Operational Practices and Mitigation Measures ..... 15
5.6 Greenhouse Gas Matters ..... 16
5.7 Noise ..... 16
5.8 Flora and Fauna ..... 16
5.9 Groundwater ..... 17
5.10 Visual Analysis ..... 17
5.11 Social and Economic Impact ..... 17
5.12 Community Consultation ..... 17
5.13 Authority Consultation ..... 17
5.14 Road Access ..... 17
5.15 Traffic Generation ..... 17
5.16 Stormwater and Drainage ..... 18
5.17 Site Management, Servicing and Amenities ..... 18
5.18 Biosecurity ..... 19
5.19 Cumulative Impacts ..... 19
**6 ENVIRONMENTAL PLANNING INSTRUMENTS AND POLICIES ..... 20**
6.1 Defining the Landuse ..... 20
6.2 Environmental Planning and Assessment Regulation (EP&A) 2000 – Schedule 3 - Designated Development ..... 20
6.3 State Environmental Planning Policies ..... 20
6.4 Bland LEP 2011 ..... 21
6.5 Permissibility ..... 23
6.6 Bland Shire Development Control Plan 2012 ..... 23
6.7 Other Relevant 79C Matters for Consideration ..... 23
6.8 ESD Principles ..... 24
6.9 Modification of Existing Licenses ..... 24
**7 STATEMENT OF ENVIRONMENTAL EFFECTS SUMMARY ..... 25**
**8 CONCLUSION ..... 26**
**ATTACHMENT 1: ORIGINAL DA/SEE SUPPORT INFORMATION -**

**DEC2007 ..... 29**
**ATTACHMENT 2: ORIGINAL DA-2007-083 CONSENT - 23JUN2008 ..... 30**
**ATTACHMENT 3: ADA SUPPORT INFORMATION - JAN2010..... 31**
**ATTACHMENT 4: ADA CONSENT - 20APR2010 ..... 32**
**ATTACHMENT 5: EPA L13222 - CURRENT 2016..... 33**
**ATTACHMENT 6: EPA ANNUAL RETURNS - 2013-2014 COMBINED ..... 34**
**ATTACHMENT 7: LETTERS OF ENGAGEMENT - TERMS OF WASTE CONTENT ..... 35**
**ATTACHMENT 8: WASTE DISPOSAL RECORD SHEET - DEMOLITION WASTE 2014-15 ..... 36**
**ATTACHMENT 9: GROUNDWATER MANAGEMENT PLAN - 2009..... 37**
**ATTACHMENT 10: GROUNDWATER MONITORING DATA 2010 & 2014 ..... 38**
**ATTACHMENT 11: NOISE IMPACT ASSESSMENT – AUGUST 2019..... 39**
**ATTACHMENT 12: WASTE MANAGEMENT PLAN – NOVEMBER 2019..... 40**

## LIST OF TABLES

Table 1: Attached support documentation ..... 1
Table 2: Process Components & Activity Description ..... 9
Table 3: Waste Disposal Records 2014-15 .....11
Table 4: Waste Cell Capacity .....12
Table 5: Heavy Vehicles Movements Assessment .....18
Table 6: Consideration of State Environmental Planning Policies.....20
Table 7: Zone Objectives .....22
Table 8: Matters for consideration under section 79C .....23
Table 9: Statement of Environmental Effects Summary .....25

## LIST OF FIGURES

Figure 1: Subject Land (Source: SIX Maps) ..... 2
Figure 2: Sand Quarry Active Cells - 2007 (Source: TTDR & DA Support Document – IMPAX 2007) ..... 3
Figure 3: Active Cells - 2016 (Source: TTDR & SIX Maps2016) .....12
Figure 4: Site Analysis Map showing nearest receptors (Source: SP & SIX Maps).....14
Figure 5: LEP Zone Map (Source: NSW Legislation, Bland Shire LEP 2011 Maps) .....21

# 1 INTRODUCTION

The following revised Statement of Environmental Effects (SEE) has been prepared at the request of Bland Shire Council (BSC) and the NSW Environmental Protection Authority (EPA) to accompany an application to modify current DA/2007/083 relating to an existing waste disposal facility located on the subject land.

The proposed DA modification is made under the provisions of clause 96(1A) of the Environmental Planning and Assessment Act (1979) based on the following revised SEE conclusions that the proposal involves minimal environmental impact. The existing landfill activity operates under the development approval conditions (as modified) of DA/2007/083 and EPA licence (EPL) 13222.

The existing and proposed operation of the approved landfill site continues to fall within the definition of a General Solid Waste Landfill (non-putrescible waste) and Special Waste Landfill (waste tyres). The subject application seeks to modify DA condition C1 (Limits of Approval) by increasing the maximum amount of waste to be accepted at the subject site from 10,000 tonnes to 18,000 tonnes per annum. Modifications to the wording of condition C1 are also being sought to more accurately describe the types of non-putrescible waste acceptable at the site, based on current work practices, site conditions and waste source arrangements.

The existing landuse, by incorporating the proposed modification, does not fall within the definition of designated development under the provisions of Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

Preparation of this revised SEE gives recognition to previously approved documentation relating to the current DA/2007/083 by making acknowledgment and reference to relevant sections of those documents to avoid duplication of common assessment criteria. The revised SEE focuses on the potential impact of the proposed increase in annual acceptance of waste material to the subject site and continued compliance with waste definitions for non-putrescible waste as contained in EPA guidelines and relevant legislation.

The operation and performance of the existing landfill operations are also discussed with reference to providing justification and support for the modified proposal.

The subject waste disposal facility is a scheduled activity under Schedule 1 of the POEO Act as it involves waste disposal (application to land) by filling the land with more than 20000 tonnes, over any time period, of building and demolition waste mixed with virgin excavated material, and receives more than 5 tonnes of waste tyres per year (Schedule 1 POEO Act). The site operation, including the proposed modifications, will continue to satisfy guidelines set under the (draft) Environmental Guidelines – Solid Waste Landfills (EPA Mar2015).

The revised SEE shall be read in conjunction with accompanying plans and documentation listed below in Table 1.

**Table 1:** Attached support documentation

| No. | Description | Prepared By |
|---|---|---|
| 1 | Original DA/SEE Support Information - Dec2007 | IMPAX Group |
| 2 | Original DA-2007-083 Consent - 23Jun2008 | Bland Shire Council |
| 3 | ADA Support Information - Jan2010 | IMPAX Group |
| 4 | ADA Consent - 20Apr2010 | Bland Shire Council |
| 5 | EPA L13222 - current 2016 | NSW EPA |
| 6 | EPA Annual Returns - 2013-2014 Combined | TTDR - Burns |
| 7 | Letters of Engagement - Terms of Waste Content | TTDR - Burns |
| 8 | Waste Disposal Record Sheet - Demolition Waste 2014-15 | TTDR - Burns |
| 9 | Groundwater Management Plan - 2009 | IMPAX Group |
| 10 | Groundwater Monitoring Data 2010 & 2014 | IMPAX Group & Ground Doctor |
| 11 | Noise Impact Assessment – February 2020 | NGH Consulting |
| 12 | Waste Management Plan – November 2019 | NGH Consulting |

### 1.1 Applicant and Site Ownership

The applicant is Mr Craig Burns of Traction Tyre Disposal & Recycling Pty Ltd (TTDR). The subject land is in the ownership of Mr C & Mrs G Burns and Mr C J Dixon, whose consent to the proposal is provided on the development application (modified) form.

### 1.2 Subject Land and Locality

The subject land remains the same as described in the original support documentation (Dec2007), being Lots 1 & 2 DP1039488, comprising a total of 425 hectares. The original support document and maps are attached to this revised SEE and are to be referenced for further detailed site & locality description.

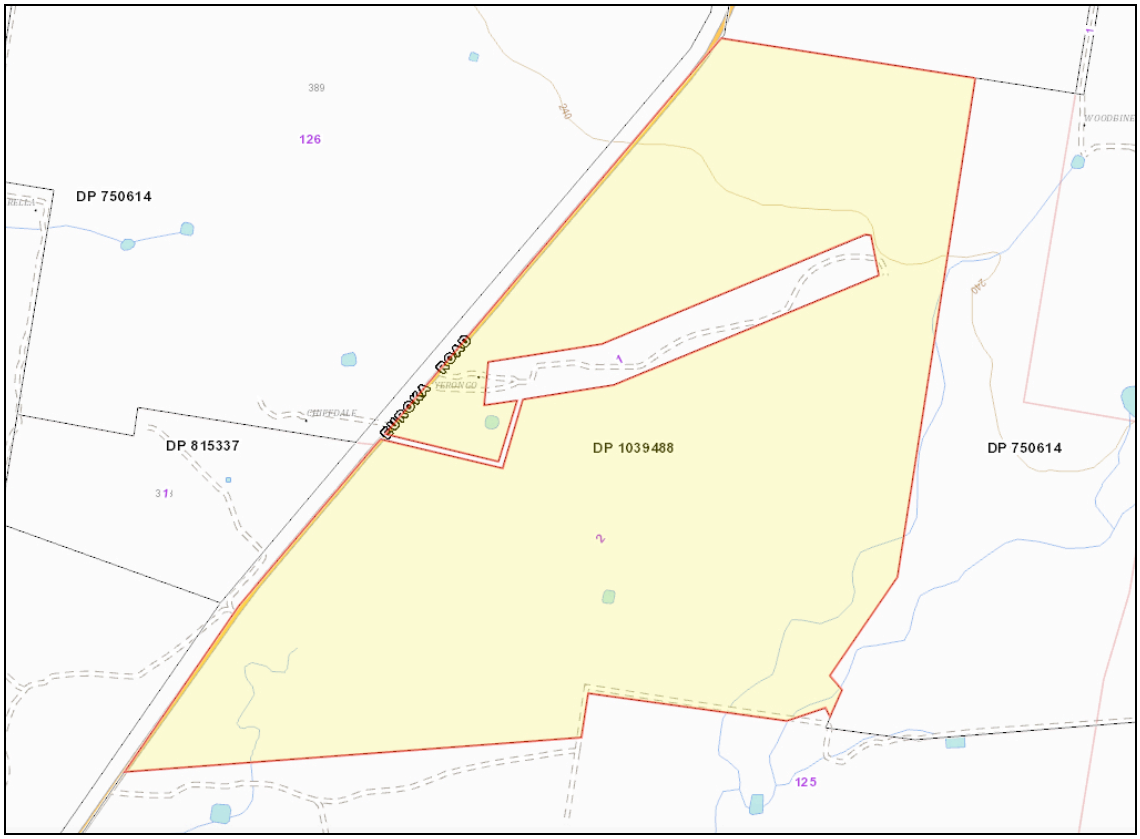



**Figure 1:** Subject Land (Source: SIX Maps)

## 2 BACKGROUND

The subject land contains two active development activities:

- Extractive Industry – Sand; and
- Waste Disposal Facility

A precie of available file records from the applicant and Council relating to relevant history of development activity on the subject land is summarised below:

- *DA119/95 for Continued Operation of Extractive Industry – Sand approved by BSC 16/11/95, subject to conditions.*
- *Subdivision application followed that created Lots 1 & 2 DP1039488.*
- *Dec2007 – Application lodged for a Waste Management (Disposal) Facility – use of redundant sand pits as a landfill site for building/demolition waste and tyre disposal in conjunction with the site's rehabilitation plan.*
- *Jan2008 – Concurrence with NSWEPA re EPL requirements.*
- *Jan-Feb2008 – Various submissions & objections to DA proposal, main concern being ground water impacts and other associated matters.*
- *DA/2007/083 for a Waste Disposal Facility approved by BSC 23/6/08.*

- *Sep2008-Feb2009 – Various requests from BSC, including correspondence and meetings, in relation to DA conditions compliance.*
- *11/6/09 – BSC confirmation that conditions B1, B2 & B3 have been complied with.*
- *Jan2010 – Application lodged requesting modification of DA/2007/083 condition C2 Lining of Pits, including submission of ground water testing results.*
- *Feb2010 – Various submissions & objections to the proposed modification, main concern being ground water impacts and other associated matters.*
- *6/4/10 – NSWEPA concurrence to the proposed DA modification.*
- *20/4/10 – Modification to condition C2 approved, removing requirement for flexible membrane liner and reliance on clay liner as specified by NSWEPA.*
- *21/6/10 – Confirmation with BSC regarding regular groundwater monitoring of site in accordance with the Groundwater Management Plan (2009 – IMPAX Group).*
- *19/10/10 – Submission to BSC of Baseline Groundwater Monitoring Data.*
- *29/3/12 – Concerns raised by BSC re rehabilitation works and other matters in relation to waste disposal, including tyres, at the site.*
- *17/2/14 – Consideration of additional tyre storage on site & potential EIS process (note: no further process on this matter).*
- *1/4/14 – Groundwater Monitoring Data submitted to Council – no concerns raised.*
- *6/7/15 – Informal request to BSC for modification of DA/2007/083 by Ground Doctor P/L, to increase annual limit of waste acceptance to subject site.*
- *21/9/15 – BSC concerns regarding type of waste being received at site (plastics), notification of referrals including EPA.*
- *30/9/15 – EPA request for further information including site and waste management details, air quality and noise mitigation details.*
- *21/10/15 – Information requests to BSC to enable revised SEE preparation.*
- *Extent of existing sand quarry active cells, as at Dec 2007 shown below (3 Cells – total 7.237ha). Existing consents refer to staged creation and rehabilitation of cells.*

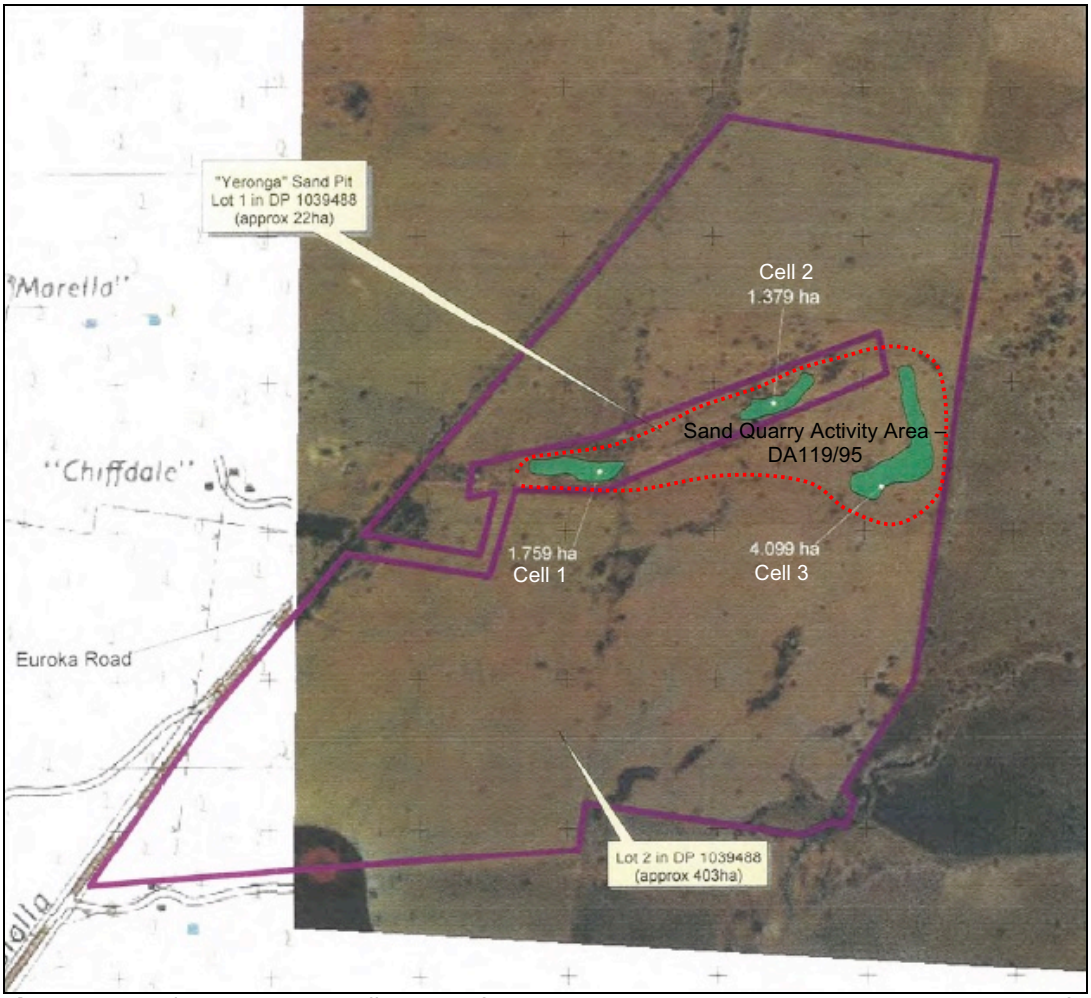



**Figure 2:** Sand Quarry Active Cells - 2007 (Source: TTDR & DA Support Document – IMPAX 2007)

# 3 DETAILED DESCRIPTION OF THE MODIFIED PROPOSAL

The description of development as outlined below is to be considered in conjunction with the attached Waste Management Plan prepared by NGH Consulting. Additional detail regarding operations is contained within the WMP.

## 3.1 Modified Development Proposal

The modified development application request under S96(1A) seeks changes to DA condition C1 (Limits of Approval) by increasing the maximum amount of waste to be accepted at the subject site from 10,000 tonnes (including up to 5000 tonnes of tyres) to 18,000 tonnes per annum (similarly, including up to 5000 tonnes of tyres). The applicant also seeks rewording of condition C1 to ensure the definition of acceptable waste is aligned with NSWEPA guidelines and POEO Act definitions for general solid waste (non-putrescible) (see detailed discussion below). No other changes to the DA conditions relating to this development activity are being sought.

Under S96(1A), Council may agree to the modification provided:

*(a) it is satisfied that the proposed modification is of minimal environmental impact, and*
*(b) it is satisfied that the development to which the consent as modified relates is substantially the same development, and*
*(c) it has notified the application and considered any relevant submissions.*

In accordance with the relevant Acts & Regulations, the proposed DA consent modification is considered as involving minimal environmental impact (S96(1A)) for the following reasons:

- The requested modification is to increase the rate at which waste can be accepted per annum at the subject site, not to increase the overall volume of waste accepted at the site. The total amount of waste that can be received at the site remains unchanged and limited by the volume of void space available for filling within the redundant sand pit cells.

- Increasing the annual rate of disposal to site will result in the void space of redundant cells being filled over a shorter time period. The total amount of waste to be applied to land will not change, as the total void space to be filled is not proposed to change. An increased rate of filling at the site will result in a shorter project life within environmental management thresholds, less potential longer-term operational impacts on the local environment and an acceleration of rehabilitation works, achieving part of the project's original objectives sooner.

- The content of waste will continue to involve special waste (tyres) and mixed loads from authorised suppliers of non-putrescible waste, being a combination of virgin excavated natural material, building and demolition waste as defined within the definition of general solid waste (non-putrescible), except for "excluded waste" as described in the TTDR Letter of Engagement – Terms of Waste Content contained in Attachments 7 of this report. The operator will ensure that there are no single loads of plastics, glass, paper & paper products and metal or any loads containing treated timbers and products containing asbestos. This is in accordance with best practice guidelines endorsed by NSWEPA (see further discussion below).

- Increase in traffic movements accessing the site will result in negligible impact on the local road system. The proposed modification is expected to result in up to 6-8 traffic movements per day, which is well below the current traffic volumes experienced on Euroka Road and also insignificant in relation to the carrying capacity of the local road system. Council has approved current access arrangements to the site and there is no need for any changes to these

arrangements.

- Social & economic impact benefits including increasing employment opportunities as a result of the proposal from 7 to 14 employees. Shorter operational life for the facilities and earlier completion of rehabilitation works, with less longer-term exposure to potential environment impacts (such as traffic, dust and noise) for the benefit of the wider local community.

- There have been on formal complaints from the local community in relation to the current operation of the facility.

- There are no planned changes to the general landuse nature (waste disposal facility) and approved hours of operation of the facility.

- Current environmental monitoring results, in particular groundwater, indicate no detection of impact from the facilities' operation.

- The operator has established procedures in place to ensure the sourcing, management, transportation, disposal, monitoring and documentation of waste remain acceptable within the environmental impact thresholds and licencing/DA approvals currently in place.

Further discussion on waste product classification and content/management of waste loads is provided in separate sections below.

### 3.2 Waste Product Classification

The waste product classification is defined under the EPA Waste Classification Guidelines (2014). DA/2007/083 involves both tyres and other non-putrescible waste, as defined below. The EPA guidelines are utilised to help classify the existing waste and also the correct procedures for environmentally responsible disposal, in accordance with achieving applicable environmental goals.

For the subject waste operation, the EPA Waste Classification Guidelines provides six basic steps for classifying waste, as follows:

***Step 1 - Establish if the waste is classified as special waste.***

Part of the waste currently approved for disposal involves tyres. Waste tyres means used, rejected or unwanted tyres, including casings, seconds, shredded tyres or tyre pieces. No other special wastes, as defined in the guidelines, are disposed at the subject site. Waste tyres are classified as special waste.

***Step 2 - If the waste is not classified as special waste, establish whether the waste is classified as liquid waste.***

Other waste delivered to the site is not classified as liquid waste under the guidelines.

***Step 3 - If the waste is not classified as special waste or liquid waste, establish whether the waste is of a type that is 'pre-classified'.***

Other waste delivered to the site involves a mixture of waste falling within the definition of general solid waste (non-putrescible) under Part 3 Definitions of Schedule 1 of the POEO Act, excluding asbestos and treated timber.

***Step 4, 5 & 6*** are not applicable in respect of this matter, as the waste definitions have been established in the earlier steps.

Based on the above, the current waste delivered to the subject site falls within the definitions of special waste (tyres) and general solid waste (non-putrescible). Current

site operations have been approved to manage the disposal of both the special waste (tyres) and general solid waste (non-putrescible) as further described and restricted under DA condition C1.

### 3.3 Modification of Permissible Waste Description

DA condition C1 includes a description of solid waste permitted to be received and disposed of at the subject site as follows:

- *Virgin excavated natural material (clay, gravel, sand, soil and rock);*
- *Building and demolition waste (bricks, concrete and timber); and*
- *Used, rejected and unwanted tyres (including shredded tyres and tyre pieces).*

*No other waste products are permitted to be received and disposed of as part of this consent.*

*Plastics, glass, paper & paper products, metal, treated timbers and products containing asbestos are NOT PERMITTED to be received or disposed of as part of this consent.*

*Reason: To minimise the environmental impacts of the development.*

The permitted waste described above falls within the definition of general solid waste (non-putrescible) under the POEO Act.

The applicant seeks a modification to the description of waste permissible to be accepted onsite for disposal. The current description within DA condition C1 appears difficult to manage in the day-to-day operation of the landfill and also in relation to ongoing compliance management by Council and the EPA. There is a general acceptance by Council, the EPA and the applicant that various levels of plastic, glass, metal, paper & paper products are present in the mixed loads that are sourced and disposed of at the site.

The original development application sought Council's approval for a wider variety of solid waste/inert waste as described on page 4 of the DA Support Information (2007) (see attached). The reason for excluding those particular materials from the general description of non-putrescible waste is broadly given as seeking to "*minimise the environmental impacts of the development*". Further discussion with Council confirmed that it was Council's assessment that by excluding those particular materials a better environmental outcome would be achieved for the local community, particularly in relation to ensuring any mismanagement of the site would avoid incidences of blown paper, plastics, etc, impacting on the amenity of the local area. The concern appears to be mainly focused on bulk loads of those excluded materials being individually disposed onsite, as opposed to loads that are mixed, as generally occurs with most building and demolition waste loads.

Under the POEO Act (Schedule 1), *building and demolition waste means unsegregated material (other than material containing asbestos waste or liquid waste) that results from:*

*(a) the demolition, erection, construction, refurbishment or alteration of buildings other than:*
*(i) chemical works, or*
*(ii) mineral processing works, or*
*(iii) container reconditioning works, or*
*(iv) waste treatment facilities, or*
*(b) the construction, replacement, repair or alteration of infrastructure development such as roads, tunnels, sewage, water, electricity, telecommunications and airports, and includes materials such as:*

*(c) bricks, concrete, paper, plastics, glass and metal, and*
*(d) timber, including unsegregated timber, that may contain timber treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP),*

*but does not include excavated soil (for example, soil excavated to level off a site prior to construction or to enable foundations to be laid or infrastructure to be constructed).*

Under current management and legal arrangements, the sources of waste being disposed at the subject site are restricted to premises that have sorted (segregated) building and demolition waste, and exclude the following:

i. *Any waste that is properly liable to a Metropolitan Levy by a Governmental agency, and/or any Metropolitan Levy Area waste as defined by law and/or any waste that is from a Metropolitan Levy Area;*
ii. *Asbestos;*
iii. *Any product containing bitumen;*
iv. *Any products containing petroleum;*
v. *Treated timber;*
vi. *Any landfill gas or anything derived from landfill gas;*
vii. *Any landfill leachate or other waste derived from landfill leachate;*
viii. *Any other good, material, substance, chemical or similar that is prohibited by law to be used as landfill;*
ix. *Any other good, material, substance, chemical or similar that is prohibited by law to enter and/or be situated within the premises of a licensed waste disposal facility.*

The above arrangements currently meet the environmental goals set by Council's DA conditions and also the operator's goals of maximizing recycling and responsible waste management objectives.

Inherent in the waste loads generated under these arrangements is the acceptance by both the authorities and the operator that there are varying levels of plastics, glass, metal, paper & paper products present. It is also evident from the monitoring of the landfill activities, including groundwater monitoring, that the operation on the facility is having negligible impact on the environment and is performing well within accepted environmental thresholds.

Current loads are screened, segregated, checked, authorized and also subject to a legally binding assurance contract prior to acceptance for transport to the landfill site. On closer examination, it is clearly evident that in practice the waste loads are meeting higher environmental goals, particularly in terms of recycling and responsible management of the waste stream, than is possible under the strict terms of DA condition C1. Restricting waste loads to only bricks, concrete and timber fails to recognise that other general waste (non-putrescible) materials can sustainably be accepted at the subject site without exceeding or impacting on environmental thresholds and general amenity of the local area.

As will be demonstrated further below, the current operators have robust management, monitoring and reporting procedures in place, including legal requirements with waste sources and onsite operational procedures, that ensure that the highest of responsible environmental management outcomes are achieved for the subject site. This assurance would equally apply to a modified condition that permitted those particular materials, provided they are included with "mixed loads" and continue to be classified within the definition of general solid waste (non-putrescible).

Based in the discussion above and performance assessment contained with this revised SEE, it is suggested that DA condition C1 be modified as follows:

*C1 Limits of Approval*

*A maximum of 18,000 tonnes of waste per annum shall be accepted at the site, of this, the disposal of tyres is limited to 5,000 tonnes. Further development consent shall be required should the amount of waste material exceed this limit.*

*The type of solid waste to be received and disposed on the site to only include the following:*

- *General solid waste (non-putrescible):*
  - *Virgin excavated natural material (clay, gravel, sand, soil and rock);*
  - *Building and demolition waste; and*

- *Special Waste - Used, rejected and unwanted tyres (including shredded tyres and tyre pieces).*

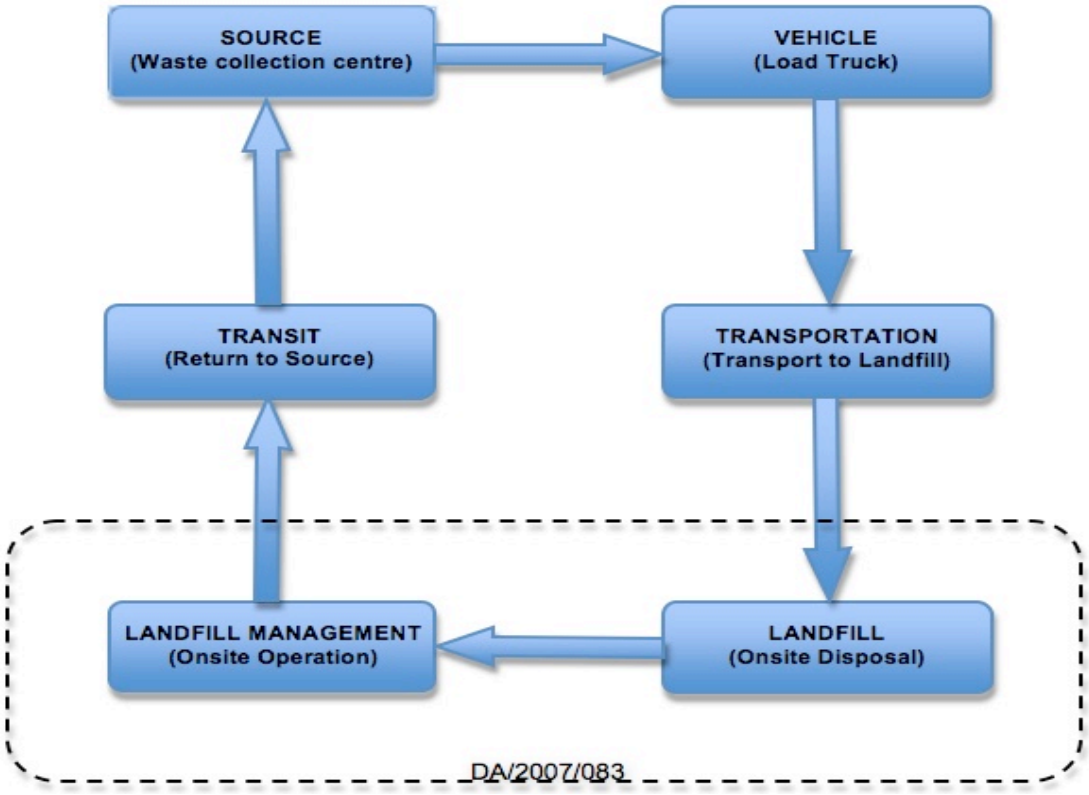
*No other waste products are permitted to be received and disposed of as part of this consent.*

*Waste products not permitted to be received or disposed on the site as part of this consent include the following:*

- *Single bulk loads of plastics, glass, paper & paper products and metal; and*
- *Treated timbers and products containing asbestos.*

## 3.4 Waste Operation Overview

The existing facility operates under the conditional consent issued with DA/2007/083. Site activities and management operate within the scope of the current DA, EPA licencing and general best practice EPA guidelines. The following schematic chart captures the current waste management process employed by the operator. It is proposed to continue this process system for the expanded operation.



Process descriptions and a description of activities undertaken at each critical step are described below.

**Table 2:** Process Components & Activity Description

| **Traction Tyre Disposal & Recycling P/L**<br>**Yeronga Pit**<br>**Euroka Road, Quandialla**<br><br>**Process Components & Activity Description** |
|---|
| ***1. Source – Waste collection centre*** |
| ▪ Prelicenced facilities/private contractors |
| ▪ Agreement in place to ensure content of waste received in accordance with DA consent (see copy attached) |
| ▪ Onsite workplace safety measures to ensure safe handling of waste and operation |
| ***2. Vehicle – Loading of trucks & preparation for transport*** |
| ▪ Loads checked/screened by operator and driver to ensure content of load is in accordance with agreement and DA conditions |
| ▪ Vehicle placed over weighbridge (private and public weighbridges available at Young and Belconnen) |
| ▪ Loads covered for transport to landfill site |
| ▪ Logbooks completed |
| ***3. Transportation – Road transport to landfill site*** |
| ▪ Transportation via public road system on approved haulage routes appropriate for type and weight of load |
| ***4. Landfill – Onsite disposal within landfill site*** |
| ▪ Onsite disposal in accordance with original DA consent conditions and description of activity/operation as submitted and approved by Council and licenced by EPA |
| ▪ Access via approved roadway |
| ▪ Water truck available onsite at all times to manage dust generation |
| ▪ Minimum of 2 operators on site to manage activities including documentation for reporting purposes |
| ▪ Machinery onsite include Dozer, Dump Truck, Excavator, Frontend Loader and any other miscellaneous equipment needed to ensure safe, efficient and responsible operation and management of the facility |
| ***5. Landfill Management – Onsite operational activities and management systems*** |
| ▪ Operational activities and management systems in accordance with appropriate best practice |
| ▪ Site preparation including preparation of base clay liner in accordance with approved and licenced methods |
| ▪ Cells progressively filled and daily/intermediate cover applied |
| ▪ Equipment and machinery routinely checked, serviced and maintained in accordance with licencing and manufacturers recommendations and schedules |
| ▪ Rehabilitation schedule implemented as necessary, in accordance with previously approved DAs |
| ▪ Logbooks, data sheets and regular returns, as licenced, documented, completed and submitted to responsible authorities |
| ▪ Records and filing systems maintained in accordance with recommended best practice |
| ▪ Transport vehicles prepared for return transit to source, checked & washed |
| ▪ Overnight storage of transport vehicles may occur either onsite, in transit (truck parking areas) or appropriate locality in close proximity to driver's residence |
| ***6. Transit – Return to source with empty vehicle*** |
| ▪ Transport vehicles return to source via approved public road system |

The above operational overview is consistent with best practice (see Draft Environmental Guidelines: Solid Waste Landfills NSWEPA 2015) and equally applicable to the proposed expanded operation. Key comparisons to current guidelines include the following points:

- Leachate management has been introduced via approved clay liner and procedures for installation/management outlined in the approved Groundwater Management Plan (see attached).
- Stormwater and erosion/sediment control is as per the existing approved operation.
- Water quality monitoring, in particular groundwater, is regularly reported to BSC.
- There are no known landfill gas issues with the site that require control.
- There are no known odour issues with the existing site. To manage potential odour impacts the operator applies a daily cover to the waste area, tipping face is kept as small as possible. Waste received is generally odourless. An odour complaint management system exists with the current approval and will continue with the proposed expansion.
- There are no known dust issues with the existing site. A water truck is continually available on site to mitigate any potential dust issues from vehicle movement. Other current management practices help reduce the risk of dust issues, including minimizing areas of exposed soils, revegetating as soon as practical, sealing of entrance road, avoid active operations on site during windy periods, minimizing speed of vehicles onsite, loads are covered for transport.
- There are no known noise issues with the existing site. Existing machinery used onsite are maintained to ensure no excessive noise levels are generated from the operation of the facility. Operation under the expanded arrangements is to comply with the NSW Industrial Noise Policy.
- Onsite management ensures consistent litter and debris control. This procedure will continue with the expanded proposal.
- Fire prevention procedures have been established with the original consent and are proposed to continue under the expanded operation.
- Existing waste acceptance/screening and site security procedures are to continue under the revised proposal. The operator has strict legal procedures in place to ensure waste loads are screened and acceptable to the site.
- Daily cover is applied to the site as per existing DA conditions.
- Procedures existing under the previous DA for site capping and rehabilitation are to continue under the expanded proposal.

### 3.5 Staffing and Hours of Operation

The expanded operation will increase staff levels from 7 to 14. The current hours of operation will remain the same as previously approved, 8am to 7pm, 7 days per week.

Current operational arrangements do not require a full-time site manager. Site management is undertaken by the truck or other machinery operators whilst onsite and in accordance with current workplace and safety procedures and guidelines.

### 3.6 Machinery Stored and Maintained

Existing machinery will be utilised for the expanded operation, including:

- Frontend Loader
- Water Truck
- Dump (Tipping) Truck
- Bulldozer

The existing onsite machinery is regularly maintained in accordance with previously documented workplace practices. Existing heavy vehicles used for the transport of waste to the site are generally not stored onsite. Those vehicles are either parked at a separate depot or maintained/parked at the responsibility of the respective driver.

### 3.7 Rehabilitation and Final Landform

A rehabilitation plan was approved under the original development consent (see attached). The applicant will ensure that this plan and revegetation proposals will continue to be progressively established under the expanded proposal, in accordance with NSWEPA Guidelines (Managing Urban Stormwater - Mine and quarry rehabilitation).

# 4 EXISTING LANDFILL FACILITY PERFORMANCE

The existing waste disposal facility was approved under DA/2007/083 on 23/6/08 and also ADA on 20/4/10. Whilst there have been some operational issues in relation to waste load content and initial compliance with DA conditions, the existing facility operates well within its environmental capacity.

The above detailed operational overview provides assurance that the facility will continue to operate in a responsible and sustainable manner for the expanded operation.

## 4.1 Monitoring Details

In accordance with the current DA conditions, monitoring procedures are undertaken in relation to:

- Quantity, type and source of waste received, processed and disposed on site;
- Volume of landfill space consumed; and
- Groundwater quality

Examples of monitoring records provided to Council are attached (Waste Disposal Records Sheet). A summary table of Waste Disposal records for 2014-15 is provided below:

**Table 3:** Waste Disposal Records 2014-15

| **Waste Disposal Records 2014-15 (tonnes)** | | | |
|---|---|---|---|
| **Time Period** | **Used Tyres** | **Demolition Waste** | **Total** |
| 2014 - Oct/Nov/Dec | 292 | 1644 | 1936 |
| 2015 - Jan/Feb/Mar | 216 | 1687 | 1903 |
| 2015 - Apr/May/June | 212 | 1994.46 | 2206.46 |
| 2015 - Jul/Aug/Sept | 195 | 62.88 | 257.88 |
| **Totals** | **915** | **5388.34** | **6303.34** |
| Source: C & G Burns - Weighbridge records & Quarterly Returns to BSC. | | | |

The above data relating to Waste Disposal Records indicates the facility is operating well within current DA limitations. Both used tyres and demolition wastes are progressively placed directly into the approved landfill cell areas with daily/intermediate cover applied.

Management of the type of waste accepted to the site has been discussed in sections 3.3 & 3.4 above. Source of waste is discussed below.

## 4.2 Waste Cell Creation and Consumption

The existing DA proposal/approval for the facility was made on the basis of:

> *"..(cells)..will be filled with waste material along the length of previously extracted sand deposit… As the working area moves along the sand deposit, areas of prior extraction that have subsequently been filled in with waste material will be rehabilitated. …"(IMPAX*

The progressive creation of sand quarry cells has occurred in accordance with current DA119/95. As those cells become exhausted from sand extraction operation, active cell areas become available for waste disposal, in accordance with DA/2007/083. Three main cells form the practical and ultimate work area of the existing sand quarry activity based on current knowledge of the available resource, as shown in the Figure below. Figure 2 above indicated the expected extent of cell creation from sand extraction as at 2007, as prepared for the original DA support documentation. Sand extraction continues and is limited in relation to depth of available suitable material.

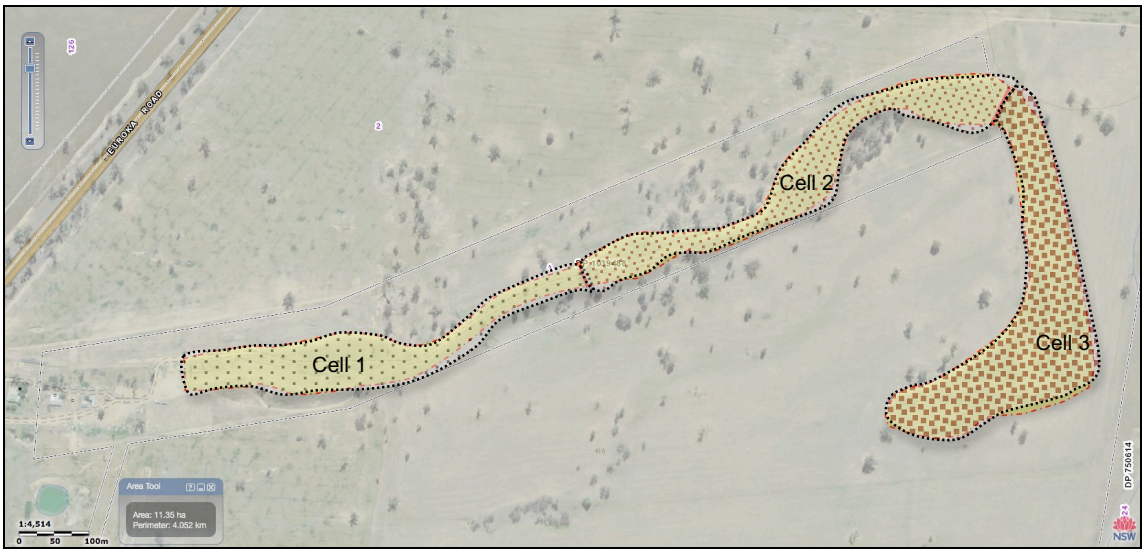



**Figure 3:** Active Cells - 2016 (Source: TTDR & SIX Maps2016)

Clay lining for the waste cells is sourced on site and stock piled during sand pit establishment. Waste cell construction utilising a clay liner was endorsed by Council via the submitted Groundwater Management Plan (IMPAX 2009) (see copy attached). In addition, Council approved a modification to the development application on 23/6/08 (see attached) permitting the lining of pits with 900mm of compacted clay. The applicant's proposal for cell lining using clay was prepared by IMPAX with reference to NSW EPA guidelines for Solid Waste Landfills. The revised Condition C2 now reads:

*C2 Lining of Pits*
*Prior to the deposit of any waste in pits:*

- *The wall and floor of each pit must be lined with 900 millimetres of compacted clay with a permeability of less than 1 x 10-9 metres per second. A geotechnical report confirming this level of permeability must be provided.*
- *Each pit constructed with clay lining must be inspected by Council prior to the disposal of any waste.*

The applicant has complied with the above condition in relation to the current operation, including inspection and approval by Council Officers.

The table below summaries information in relation to cell footprint area and percentage filled.

**Table 4:** Waste Cell Capacity

| Cell | Area (ha) | % Filled |
|---|---|---|
| 1 | 3.0 | 30% |
| 2 | 3.3 | 0% |
| 3 | 4.8 | 0% |

With the pending increased rate of fill, as subject to this modified application, the existing cells have potentially an expected life span of between 40 – 60 years, depending on contractual arrangements. This is also contingent upon a consistent rate/volume of disposal, together with tonnage vs volume measure being consistent (it is noted from weighbridge records, as summarised in the waste disposal sheets attached, that the density of each waste load varies depending on content, eg waste tyres vs building waste, indicating that tonnage and volume figures will vary the rate of cell consumption, therefore resulting in a life span range estimate). In accordance with the current DA conditions, the operator will continue monitoring the volume of landfill consumed.

## 4.3 Groundwater

A Groundwater Management Plan has been prepared and endorsed by Council (see copy attached).

Groundwater Monitoring reports for 2010 and 2014 are also attached. The reports confirm that operation of the facility, in accordance with the approved management plan, poses little risk to groundwater quality. Contamination of groundwater is "non-detected". Groundwater monitoring indicates only common trace elements below estimated qualification limits (EQL) (see reports attached).

Trends analysis of the groundwater monitoring data has been by confirmed by Ground Doctor P/L that, over a 3-year period between 2010 and 2014, contamination of groundwater systems is "non-detected". Further monitoring of the site is due for analysis, with the "non-detect" trends expected to remain the same. Council will be provided with a copy of the latest monitoring data once available, in accordance with the current DA consent conditions.

## 4.4 Existing Waste Sources

Due to the highly regulatory nature of the waste management and disposal industry, sources of waste are only arranged on a contractual basis. Information on waste sources and loads are provided for the purposes of tracking via NSW EPA online Waste Tracking portal.

The content of the waste is highly regulated under specific contract terms to ensure compliance with existing DA conditions. A description of the content is detailed in section 3.3 above with an overview of the current and waste disposal operation discussed in section 3.4 above. A copy of the standard contractual terms for receiving waste loads is included as an attachment to this revised SEE (see Attachment 7).

Currently the facility receives waste under contract from licenced sources in the ACT including ACT Recyclers and Canberra Concrete Recyclers. However, waste sources will inevitably change over the duration of the facilities active operation, with other new sources to be introduced in accordance with the regulated procedures and contract terms described above.

## 4.5 Complaints Details

There were several submissions made during the original and first modification DA exhibition process. The submissions were mainly in relation to potential groundwater contamination. Council conditioned the DA to include base groundwater monitoring, which was prepared and endorsed by Council.

Since the landfill has been actively receiving waste under the current DA, no formal complaints have been made to either Council or EPA in relation to its ongoing operation.

# 5 ENVIRONMENTAL ANALYSIS

## 5.1 Site Analysis

The subject land is as described in the original DA support document (see attached). There are no changes to the existing site arrangements or the interrelationships between the subject site and surrounding lands.


**Figure 4:** Site Analysis Map showing nearest receptors (Source: SP & SIX Maps)

## 5.2 Aboriginal Cultural & Post European Heritage

Aboriginal cultural heritage and post European heritage matters were considered as part of the original DA assessment and approval. There are no known issues in relation to this matter that would restrict the approval of the proposed DA modification.

## 5.3 Natural Hazards

Analysis of bushfire and flooding threats were assessed under the original DA. There are no known issues in relation to this matter that would restrict the approval of the proposed DA modification.

## 5.4 Site Health

Site health is continually monitored through the existing management arrangements, as discussed above. These procedures are to continue under the proposed DA modification. Any future site certification in relation to potentially contaminated land and other site health issues will be undertaken in accordance with relevant legislative procedures and guidelines.

## 5.5 Air Quality

Air quality matters were considered and assessed with the original DA, including potential impact from odour, dust and other particulate matter. Dust impact sources include heavy vehicle and other machinery movement within internal unsealed roads and activity areas, and the active tipping face of the facility.

The proposed modifications do not involve any other activities that would potentially lead to creating air quality issues, as the nature, operation and management of the activities will be substantially the same.

For the purposes of assessing the proposed modification the following summary of known air quality elements and current operational responses is provided below:

### 5.5.1 Sensitive Receptors

The location of sensitive receptors was considered with the original DA, with the conclusion being that the nearest receptors are located "well away" from the existing site activities. The above site analysis plan indicates the nearest occupied dwelling is located over 900m from the closest predicted source. The abandoned dwelling highlighted in the site analysis plan above is located on the subject land and has been unoccupied for many years. Occupation would require DA consent, which is unlikely to be considered whilst the current approved DA's remain active.

Air quality issues are considered negligible. There are no known official complaints in relation to the existing operation of the facility that would trigger the requirement for any further detailed assessment of potential air quality issues.

### 5.5.2 Operational Practices and Mitigation Measures

The existing and proposed modified operation of the facility will continue to implement management practices aimed at addressing and mitigating, where necessary, any threat of air quality issues impacting on the amenity and local environmental quality of the locality.

In relation to **odour control**, existing and proposed modified practices are unlikely to generate adverse odour impact. Existing operating practices, in accordance with current EPA guidelines, to be continually implemented as part of the modified activity include:

- Daily covering/intermediate cover of waste
- Active tipping face kept to a practical minimum
- Best management practices for screening of waste, detection of landfill gas and monitoring/management of leachate
- Other management and health/safety considerations in accordance with current landfill operational guidelines.

In relation to **dust control**, existing and proposed modified practices are unlikely to generate adverse dust and other particulate matter emissions. Existing operating practices, in accordance with EPA guidelines, to be continually implemented as part of the modified activity where exceedances to acceptable limits are anticipated, include:

- Minimizing areas of exposed soils
- Stabilization of exposed areas and stockpiles as soon as practicable
- Revegetation of completed areas, in accordance with the originally approved rehabilitation plan, as soon as practicable
- Minimizing drop heights, where practicable
- Watering of exposed surfaces, including stockpiles, during periods of high winds
- Use of water trucks on unsealed haul roads and operational activities to reduce the amount of wheel generated dust
- Limiting dust generating activities during adverse wind conditions

- Enforcing speed limits on site to minimise wheel generated dust
- Covering of loads
- Visual inspection and cleaning of trucks, including use of wheel-wash and shaker grids, where necessary
- Where practical and necessary, installation of wind barriers to deflect wind from erodible areas and minimizing exposure of falling dusty materials to winds.

## 5.6 Greenhouse Gas Matters

As the current facility is predominantly transport based, route planning is a low budget means of achieving immediate reductions in fuel consumption and thus GHG emissions. Management measures currently being implemented by the operator include:

- Continually re-evaluating route selection, using available technologies, to minimise delays and uphill/downhill driving with many stops and starts, as well as rolling surface choice to minimise resistance, which may lead to increased fuel consumption
- Ensuring all vehicles are maintained to their optimum performance level for efficient fuel consumption
- Vehicle choice in relation to achieving low wind resistance ratios
- Operation and maintenance procedures onsite to minimise energy consumption.

On site management of waste also to include procedures that monitor/detect any instances of flaring, or any other adverse site conditions that could lead to an increase in GHG emissions.

## 5.7 Noise

A Noise Impact Assessment (NIA) was conducted by NGH Consulting (see attachment 11). The NIA addressed the existing noise environment, operational noise and impact on sensitive receivers. Several safeguards and mitigation measures were proposed, including:

- restriction of working hours
- operation of plant in a conservative manner
- verification of noise and vibration levels in the event of complaints
- education of staff in procedures
- routine maintenance of plant and equipment

In consideration of these mitigation measures and the noise assessment, the NIA made the following conclusions:

> *This noise assessment considers the limited nature of the operation and the substantial distance to identified surrounding sensitive receivers (being 647, 864m 1530m, and 1700m). Activities at the facility include and are generally limited to receiving and depositing of waste, excavation and backfilling of waste and the movement of vehicles on site.*
>
> *This assessment demonstrates that the activities on site are not likely to exceed the Project Noise Trigger Levels at the sensitive receivers.*
>
> *With the implementation of the safeguards and mitigation measures, noise from the activities described above is unlikely to be intrusive or affect the amenity of the area.*

## 5.8 Flora and Fauna

Flora and fauna matters we considered with the original DA assessment and approval (see attached DA support document). The proposed modification will operate within the scope of previous assessment of flora and fauna impact.

### 5.9 Groundwater

Groundwater matters have been discussed above. The modified proposal will operate within the scope of established management plans and monitoring procedures.

### 5.10 Visual Analysis

Visual analysis was considered and assessed with the original development application. The modified proposal does not change the operational footprint of the subject site. Remediation and revegetation proposals as established with the current approval will ensure visual amenity will be protected and ultimately enhanced by the continued operation of this facility.

### 5.11 Social and Economic Impact

The current landfill operation provides an employment generating service that has wider positive social and economic impacts to the local and regional community. The proposed expansion of operation is expected to continue these positive impacts.

The local community has provided comment in relation to the landfill operation since the original development application was considered and approved. There are no known current issues of concern that are being raised by the local community in relation to this facility.

### 5.12 Community Consultation

Council will undertake necessary community consultation in accordance with relevant DA procedures.

### 5.13 Authority Consultation

The following authorities were consulted during the preparation of this revised SEE. Their respective advice and comments have been incorporated in this assessment document.

- Bland Shire Council
- Environment Protection Authority (NSWEPA)
- Roads and Maritime Services

Specifically, this revised SEE has taken into consideration and has responded to matters contained in correspondence dated 30/9/15 from NSWEPA, in particular:

- Details on site and waste management at the facility, including a demonstration that measures are in place to ensure prohibited waste is not disposed of at the facility – see section 3.4 above.
- Identification of the potential air quality impacts (dust) from the proposal and details of management and mitigation measures for those impacts – see section 5.5 above.
- Identification of the potential noise quality impacts from the proposal and details of management and mitigation measures for those impacts on surrounding receptors – see section 5.7 above.

A copy of the current EPA Licence 13222 is attached to this revised SEE for reference.

### 5.14 Road Access

There are no planned changes to the existing access arrangements. It is considered the current road access arrangements are adequate for the continuation of the modified landfill activities on the site.

### 5.15 Traffic Generation

There was no limitation placed on vehicle movements accessing the site with the original DA/SEE assessment and determination by Council, other than a general acceptance that

there would not be a significant increase to traffic and truck movements to the site considering the existing sand quarry operations and proposed waste disposal facility activity.

It is understood that there have been no issues or complaints registered with Council or the EPA in relation to current vehicle movements accessing the site. Considering this, the total number of waste loads to be delivered to the site over the life of the current approved development will not change. Under this modification proposal, however, there will be a minor increase in the number of traffic movements to and from the site (see table below), with the overall time period that vehicles will be accessing the site for this purpose reducing based on the limited footprint of the subject pits.

The site has existing approved hours of operation (DA condition C9) of 8.00am to 7.00pm, seven days per week. Theoretically, the site may operate all year round with minimal impact on the amenity of the local area in relation to traffic movements. Current practice has proved that the development is operating well within its approved environmental impact capacity, in relation to traffic generation (see table below).

Waste is currently brought to the site in loads of approximately 30 tonnes per heavy vehicle. The proposed size and type of heavy vehicle is not proposed to change in the foreseeable future. Expected changes in the potential traffic generation/movements as a result of this proposed modification are presented in the table below.

**Table 5:** Heavy Vehicles Movements Assessment

| **Heavy Vehicle Movements Assessment** | | | |
|---|---|---|---|
| | | **Theoretical max. movements** | |
| **Period** | **Current av. actuals** | **10000 t/a - approved** | **25000 t/a** |
| Per yr | 450 | 667 | 1667 |
| Per week | 9 | 13 | 32 |
| Per day (av) | 1-2 | 2-4 | 6-8 |
| Note:<br>1 - 1 load = 2 traffic movements on/off site.<br>2 - Traffic movements based on existing approved hours/days of operation & load/disposal limits.<br>3 - Euroka Road is an unclassified road, estimated aadt less than 600 (RMS estimate) | | | |

There are no publicly available traffic volume data for Euroka Road. RMS has advised that Euroka Road is an unclassified rural road that is operating well below its potential capacity. It would be safe to assume that the public road current carries less than 600 vpd at any time. Traffic movements of between 6 – 8 vpd would have negligible impact on the local road system. Based on this analysis, it is considered that the proposed increase in vehicle movements associated with the proposed modification will not have any significant traffic impact on Euroka Road and surrounding public road network.

## 5.16 Stormwater and Drainage

Existing management plans are in operation in relation to stormwater management, leachate control, groundwater monitoring, sediment and erosion control (see attached original DA documentation and management plans).

## 5.17 Site Management, Servicing and Amenities

In accordance with the original development assessment and approval, site management procedures, servicing and access to amenities are to continue in relation to the proposed modification. This includes ensuring that litter and debris control is actively undertaken to avoid any impact on the amenity of the site and surrounding locality.

## 5.18 Biosecurity

The NSW Biosecurity Strategy and biosecurity issues in general, in particular pest animals and weeds management, have been considered in relation to the proposed modified development. With the continued management of the existing and modified facility, workplace policies will be introduced to recognise the importance of biosecurity risk management, including:

- Educating staff about their roles and obligations to improve biosecurity skills
- Identifying, reporting and managing biosecurity risks in relation to local ecosystems and the natural environment
- Complying with regulations where applicable, especially in relation to record-keeping and reporting biosecurity incidents/incursions
- Being vigilant by keeping a watchful eye out for unfamiliar pests, diseases and weeds.

## 5.19 Cumulative Impacts

Cumulative impacts of the waste disposal facility operation were considered with the original DA assessment and determination. It is considered that the position reached is still relevant when considering the proposed modified activity. This is particularly relevant considering that the activity area of the facility is not changing and that rehabilitation of the site will occur in accordance with the previously approved plans, however, at a potentially earlier date.

# 6 ENVIRONMENTAL PLANNING INSTRUMENTS AND POLICIES

The proposed DA modification is to be assessed under the provisions of clause 96(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

Relevant legislation and local policy are discussed below.

## 6.1 Defining the Landuse

Under the definitions of Bland LEP 2011, the existing land use of the site is defined as a "*waste disposal facility"*. The definition of this land use is as follows:

> *"A building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal."*

## 6.2 Environmental Planning and Assessment Regulation (EP&A) 2000 – Schedule 3 - Designated Development

The existing landuse, by incorporating the proposed modification, does not fall within the definition of designated development under the provisions of Schedule 3 of the Environmental Planning and Assessment Regulation 2000, as the site is not intended to handle more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material.

## 6.3 State Environmental Planning Policies

The relevant SEPPs are listed in the Table below.

**Table 6:** Consideration of State Environmental Planning Policies

| State Environmental Planning Policies | Comment |
|---|---|
| ***SEPP No. 33 – Hazardous and Offensive Development*** | The SEPP is relevant to this proposal as there are potential impacts to the surrounding local environment by the nature of the broad landuse definition. SEPP 33 guidelines list Waste Management Facilities as potentially offensive development. Assessing the potential for this proposal to be offensive, relevant steps from the SEPP 33 guide indicate that the proposal will not fall within the category of being "offensive". Relevant points under this SEPP are:<br>▪ Supporting information including actual performance data and EPA licensing reports suggest that the current operation is operating within design limits that would not classify the activity as offensive;<br>▪ Sufficient safeguards are in place to ensure that the activity does not become offensive;<br>▪ EPA and other authority licensing are adequate to demonstrate that the activity will not be offensive. |
| ***SEPP No. 55 - Remediation of Land*** | Because of the nature of activity and waste involve, a landfill site is identified as being potentially contaminated. For the purposes of SEPP55 no further action is required whilst the site is licensed to operate as a landfill site. No remediation work is required at this stage as the current operations are meeting their licensing requirements and there is no change of use involved that would trigger remediation. |
| ***SEPP (Infrastructure) 2007*** | Under the provisions of SEPP (Infrastructure), the proposed facility is permissible with consent as it is located within a prescribed zone, being RU1. All other provisions of this SEPP are satisfied by this |

| | |
|---|---|
| | modified proposal. In determining this modified proposal under Division 23-Clause 123 of the SEPP, the consent authority will take into account the follow points:<br>▪ The modified proposal is continuing best practice to ensure that waste amount is minimised before being placed in landfill, the design and operation meets industry standards and addresses any long-term impacts of the waste disposal including air quality and groundwater contamination;<br>▪ The modified proposal relates to an existing landfill operation that utilises previously degraded land and is located and operated in a manner to minimise land use conflict;<br>▪ The proposal is consistent with regional planning strategies, local principles and guidelines;<br>▪ The proposal makes best use and optimizes transport linkages to reduce environmental and social impact when considering all associated opportunities and constraints. |

The proposed modification is supported by the above relevant SEPPs.

## 6.4 Bland LEP 2011

The subject site is zoned RU1 – Primary Production land, as shown in the LEP map extract below.

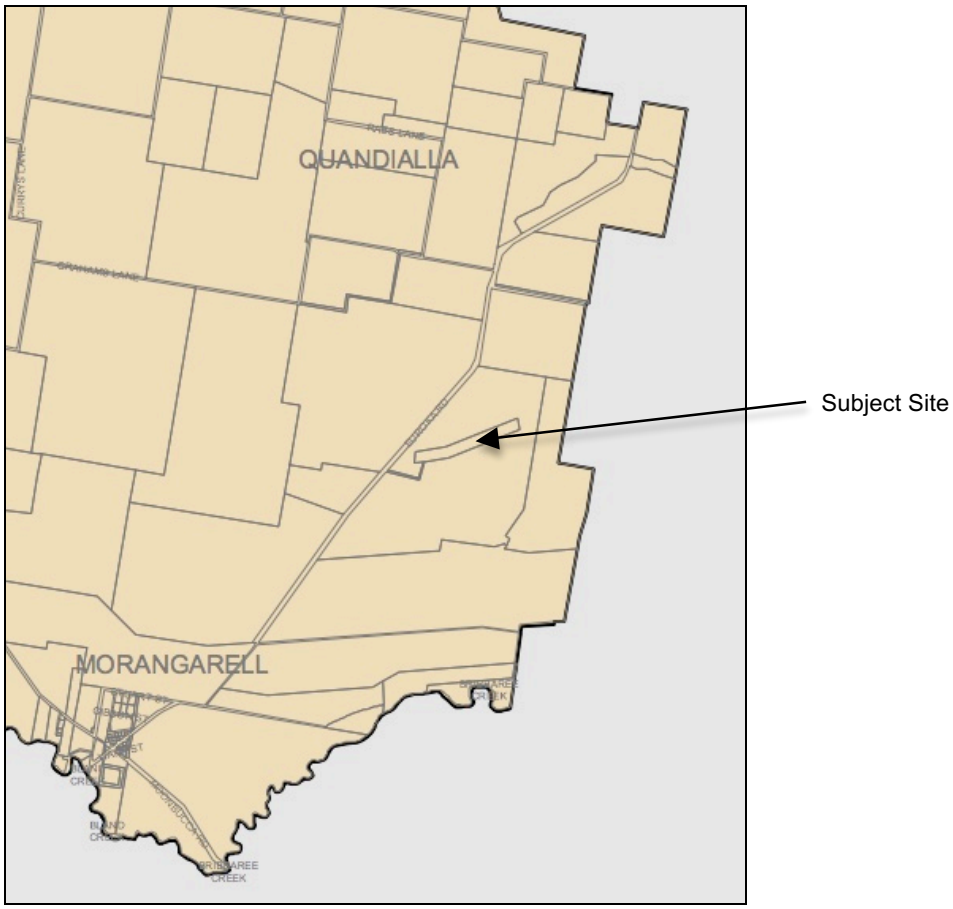



**Figure 5:** LEP Zone Map (Source: NSW Legislation, Bland Shire LEP 2011 Maps)

The Bland LEP2011 landuse table is provided below for reference.

***Zone RU1 Primary Production***

***1 Objectives of zone***

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that development on land within this zone does not unreasonably increase the demand for public services or public facilities.*

***2 Permitted without consent***

*Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads*

***3 Permitted with consent***

*Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers' dwellings; Veterinary hospitals; Water recreation structures*

***4 Prohibited***

*Any development not specified in item 2 or 3*

The Table below lists and addresses the objectives of the RU1 Primary Production zone.

**Table 7:** Zone Objectives

| Zone objective | Comment |
|---|---|
| - *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.* | The proposed modification will not negatively impact on the natural resource base of the area as the activity is located within existing decommissioned sand quarry cells. The site activity areas are adequately separated from active rural activities to ensure compatibility and sustainability. |
| - *To encourage diversity in primary industry enterprises and systems appropriate for the area.* | Objective supported by encouraging landuse activity in an appropriate area that can be successfully managed whilst co-existing with other rural enterprises. |
| - *To minimise the fragmentation and alienation of resource lands.* | The proposed modificaiton will not fragmentize resource lands, as it is in relation to an existing approved activity. Objective supported as the subject land is already fragmented and this proposal consolidates a permissible activity within a small footprint to minimise any further impact that could lead to fragmentation. |
| - *To minimise conflict between land uses within this zone and land uses within adjoining zones.* | The existing operation has been managed to minimise conflict between land uses. The proposed modification will continue with the proper management of onsite activities to minimise conflict. Objective supported by ensuring that mitigation measures including all established management practices are successfully employed by the activity to minimise conflict. Current monitoring activities also support this position. |
| - *To ensure that development on land within this zone does not unreasonably increase the demand for public services or public facilities.* | The modified proposal will ensure more efficient use of an existing facility. Minimal additional demand will be made on public services or facilities. Objective supported by ensuring operational levels are continued with the scope of the existing development footprint. |

Based on the above assessment, the proposed modification meets the objectives of the RU1 zone.

Permissibility is discussed below.

## 6.5 Permissibility

The original DA was approved under the former Bland LEP1993 where a "*waste disposal facility*" was permitted with consent in the former 1(a) General Rural Zone. Under the current Bland LEP2011 the subject land is now zoned RU1 Primary Production where a "*waste disposal facility*" is identified as an innominate prohibited landuse. The existing sand quarry, being an extractive industry, continues to be a permissible use within the RU1 zone.

The continued operation of the waste disposal facility, under LEP2011, then becomes an "existing use" under the EP&A Act 1979 and is permissible. Enlargement or expansion or intensification of an existing use is also permissible within the scope of applicable provisions of the EP&A Regulations 2000. The proposed modification, when viewed as an intensification, is not considered as being significant when taking into consideration matters discussion within this revised SEE.

Notwithstanding the specific zoning provisions of the LEP2011 landuse table, under SEPP (Infrastructure) 2007 the landuse is permissible. Together with the "existing use" provisions under the EP&A Act & Regs, the proposed modification may be assessed and determined by Council as a permissible landuse.

## 6.6 Bland Shire Development Control Plan 2012

The content of Bland DCP 2012 has been taken into consideration for the purposes of the proposed modification application, in particular car parking and vehicular access guidelines. The proposed modification relates to an existing facility and where car parking and access has been previously assessed. Traffic impact matters have been discussed in section above. It is considered the proposed modification is consistent with the DCP guidelines.

DCP guidelines in relation to the DA process are noted.

There are no other specific DCP matters to be addressed in relation to this matter.

## 6.7 Other Relevant 79C Matters for Consideration

The Table below, lists relevant 79C (now S4.15) matters for consideration:

**Table 8**: Matters for consideration under section 79C

| Relevant Matter | Comment |
|---|---|
| ▪ *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority……:* | There are no known proposed instruments applicable to the development proposal. |
| ▪ *Any planning agreement* | There are no known planning agreements applicable to the development proposal. |
| ▪ *the suitability of the site for the development…:* | The site is considered suitable for the development based on the assessment discussed in this revised SEE. |
| ▪ *any submissions ……:* | Council will undertake appropriate public consultation and consider any submissions accordingly. |
| ▪ *the public interest …:* | The public interest is supported with this application as the proposed modification is in accordance with publicly endorsed legislation, planning policies and guidelines to ensure |

| | |
|---|---|
| | compatible and sustainable development on this site and within the future desired character of the locality, as described in the zoning objectives and landuse table. The public interest is also supported by the application of EPA licensing to ensure compliance with best practice performance criteria. |

## 6.8 ESD Principles

The proposed modification to the existing landfill activity at the subject site has been considered in respect of ESD principles.

***a) The precautionary principle — namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.***

The modified proposal has the benefit of accurate data sourced from the operation, monitoring and reporting of the current landfill activity. It is the opinion of environmental experts engaged in this assessment that there are no imminent threats of serious or irreversible environmental damage that would eventuate as a result of the approval, establishment and operation of the proposal.

***b) Inter-generational equity — namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.***

The modified proposal has considered inter-generational equity issues and concludes that the expansion of the existing facility is the most sustainable option in relation to addressing a waste management need, protecting the integrity and productivity of the local environment, and ensuring that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

***c) Conservation of biological diversity and ecological integrity.***

The content of this revised SEE, together with original DA support documentation and technical reports, including real-time monitoring results of the current landfill operation, provide confidence that the modified proposal will, where practically and physically possible, conserve biological diversity and ecological integrity of the natural environment.

***d) Improved valuation and pricing of environmental resources.***

The modified proposal has considered and is implementing the principles of ensuring that environmental factors are included in the valuation of assets and services in relation to the existing and expanded activity. The principles of "polluter pays", full life-cycle costs and pursuing sustainable environmental goals are an integral part of both the current and ongoing landfill activities for this site. The development and approval/licensing systems that oversee the subject landuse activity ensure continuing respect and achievement of this ESD principle.

## 6.9 Modification of Existing Licenses

An Environmental Protection License is current for the existing facility (see attached). Further consultation with NSW EPA will be required to reflect the new arrangements, subject to Council approval.

# 7 STATEMENT OF ENVIRONMENTAL EFFECTS SUMMARY

**Table 9**: Statement of Environmental Effects Summary

| **Proposed DA Modification – Yeronga Pit Landfill - Burns** | | | |
|---|---|---|---|
| **Subject Area** | **The potential environmental impacts of the development** | **How the environmental impacts of the development have been identified** | **The steps taken to protect the environment or to lessen the expected harm to the environment** |
| **Context & Setting** | Minimal | Visual observation, interpretation of existing and surrounding land uses. Previous assessment. | Development plans, operation management and rehabilitation plan, approvals/licensing system. |
| **Access & Traffic** | Moderate | Existing and projected traffic volumes in the locality, current experience from existing operation, site analysis. Previous assessment. | Operation with set limits and adherence to safety protocols. |
| **Infrastructure** | Negligible | Previous assessment. Analysis of existing infrastructure provision. | Sustainable use of resources. |
| **Heritage** | Nil | Previous assessment. | Not Applicable. |
| **Archaeology** | Nil | Previous assessment. | Not Applicable. |
| **Land Resources** | Minimal | Previous assessment. Local knowledge and site inspection. | Implementation of sustainable work practices, monitoring/licensing systems, rehabilitation plans. |
| **Soils** | Moderate | Previous assessment. Local records and available history, expert reports. | Appropriate mitigation measures as necessary, inc leachate management & rehabilitation plans. |
| **Air & Microclimate** | Minimal | Previous assessment. Site & development assessment, local records. | Appropriate mitigation measures implemented as necessary, monitoring/licensing systems. |
| **Flora & Fauna** | Minimal | Previous assessment. Site inspection & local knowledge. | Appropriate mitigation measures implemented as necessary, monitoring/licensing systems. |
| **Waste** | Minimal | Development assessment and usage details, expert reports. | Appropriate mitigation measures implemented as necessary, monitoring/licensing systems. |
| **Noise** | Minimal | Usage details. Local conditions. Previous assessment. | Appropriate mitigation measures implemented as necessary, monitoring/licensing systems. |
| **Natural Hazards** | Minimal | Local records and available history, analysis of future site form and use, hazards analysis. | Hazards action/response plans where appropriate |
| **Social Impact** | Moderate | Local policy & knowledge. Future use of site. Previous assessment. | Acknowledge relevant areas of concern, monitoring/licensing systems. |
| **Economic Development** | Positive | Local records and available history. Future use of site. Regional contribution to employment and business activity. | Ensure ESD principles are also adhered to. |
| **Design** | Minimal | Visual assessment. Local policy & knowledge. Best practice expert opinion and design. Previous assessment. | Implement best practice sustainable design options. |
| **Construction** | Moderate | Visual Assessment. Local knowledge. Design solutions. | Best practice sustainable construction options. |

# 8 CONCLUSION

The applicant seeks to modify DA condition C1 (Limits of Approval) of DA/2007/083 by:

i. Increasing the maximum amount of waste to be accepted at the subject site from 10,000 tonnes to 18,000 tonnes per annum; and

ii. Modifying the wording contained in condition C1 to more accurately describe the types of non-putrescible waste acceptable at the site, based on current work practices, site conditions and waste source arrangements.

The suggested rewording of Condition C1 to achieve the intensions of the modification application is provided below:

*C1 Limits of Approval*

*A maximum of 18,000 tonnes of waste per annum shall be accepted at the site, of this, the disposal of tyres is limited to 5,000 tonnes. Further development consent shall be required should the amount of waste material exceed this limit.*

*The type of solid waste to be received and disposed on the site to only include the following:*

- *General solid waste (non-putrescible):*
  - *Virgin excavated natural material (clay, gravel, sand, soil and rock);*
  - *Building and demolition waste; and*
- *Special Waste - Used, rejected and unwanted tyres (including shredded tyres and tyre pieces).*

*No other waste products are permitted to be received and disposed of as part of this consent.*

*Waste products not permitted to be received or disposed on the site as part of this consent include the following:*

- *Single bulk loads of plastics, glass, paper & paper products and metal; and*
- *Treated timbers and products containing asbestos.*

The revised SEE, together with the original DA support documentation, earlier modified DA application and other technical reports, demonstrate that the proposed modification to the approved development:

- Involves minimal environmental impact;
- Will accelerate the rate of cell consumption and, in turn, the earlier completion of rehabilitation works (cell creation, establishment and filling procedures being in accordance with the original DA consent);
- Is permissible under relevant planning legislation;
- Complies with State Environmental Planning Policy provisions relevant to the proposal;
- Meets the objectives of the RU1 zone under Bland Local Environmental Plan 2011;

- Meets the relevant design guidelines and assessment criteria contained within relevant NSWEPA Guidelines; and

- Will continue to have manageable environmental impact on the local and surrounding lands, as well as groundwater systems and associated aquifers.

The application is submitted to Council for consideration and determination.

**List of Attachments:**

| No. | Description | Prepared By |
|---|---|---|
| 1 | Original DA/SEE Support Information - Dec2007 | IMPAX Group |
| 2 | Original DA-2007-083 Consent - 23Jun2008 | Bland Shire Council |
| 3 | ADA Support Information - Jan2010 | IMPAX Group |
| 4 | ADA Consent - 20Apr2010 | Bland Shire Council |
| 5 | EPA L13222 - current 2016 | NSW EPA |
| 6 | EPA Annual Returns - 2013-2014 Combined | TTDR - Burns |
| 7 | Letters of Engagement - Terms of Waste Content | TTDR - Burns |
| 8 | Waste Disposal Record Sheet - Demolition Waste 2014-15 | TTDR - Burns |
| 9 | Groundwater Management Plan - 2009 | IMPAX Group |
| 10 | Groundwater Monitoring Data 2010 & 2014 | IMPAX Group & Ground Doctor |
| 11 | Noise Impact Assessment – February 2020 | NGH Consulting |
| 12 | Waste Management Plan – November 2019 | NGH Consulting |

**ATTACHMENT 1: ORIGINAL DA/SEE SUPPORT INFORMATION - DEC2007**

**ATTACHMENT 2: ORIGINAL DA-2007-083 CONSENT - 23JUN2008**

## ATTACHMENT 3: ADA SUPPORT INFORMATION - JAN2010

**ATTACHMENT 4: ADA CONSENT - 20APR2010**

## ATTACHMENT 5: EPA L13222 - CURRENT 2016

## ATTACHMENT 6: EPA ANNUAL RETURNS - 2013-2014 COMBINED

## ATTACHMENT 7: LETTERS OF ENGAGEMENT - TERMS OF WASTE CONTENT

## ATTACHMENT 8: WASTE DISPOSAL RECORD SHEET - DEMOLITION WASTE 2014-15

## ATTACHMENT 9: GROUNDWATER MANAGEMENT PLAN - 2009

## ATTACHMENT 10: GROUNDWATER MONITORING DATA 2010 & 2014

## ATTACHMENT 11: NOISE IMPACT ASSESSMENT – AUGUST 2019

## ATTACHMENT 12: WASTE MANAGEMENT PLAN – NOVEMBER 2019