

JRPP No:	Item 1 (2009STH013)
DA No:	10.2009.29846.1
PROPOSED DEVELOPMENT	2009STH013 - Mudge Street, Hamilton Valley - Expansion of Albury Waste Management Centre
APPLICANT:	Andrea Colston (Albury City Council)
REPORT BY:	David Christy (Albury City Council)

Assessment Report and Recommendation

Introduction

Council is in receipt of an application for a staged expansion of the Albury Waste Management Centre, Mudge Street, Hamilton Valley. This application is required to be reported to the Joint Regional Planning Panel (JRPP) for the Southern Region in accordance with *Clause 13B(2) of State Environmental Planning policy (Major Development) 2005* as the proposal is Designated Development as defined under *Schedule 3* of the Environmental Planning and Assessment Regulations 2000. The application is accompanied by plans of the development and an Environmental Impact Statement prepared by URS Consultants on behalf of Albury City dated September 2009. Copies of these documents are included with this report for the information of panel members and are marked as Attachments 1 and 2 respectively.

The Southern Valley is currently licensed by the NSW Department of Environment, Climate Change and Water (DECCW) as a Solid Waste Landfill (Licence No. 6017), and able to landfill in excess of 100,000 tonnes of waste per year. Accordingly, the matter was also referred to DECCW as integrated development under Section 91 of the *Environmental Planning and Assessment Act 1979*.

Site Description

The site consists of Lot 92 DP608683, Lots 694 & 695 DP753326 and Lot 6 DP829926. The site is zoned "Environment Protection" under Albury Local Environmental Plan 2000.

The Albury Waste Management Centre (AWMC) is bordered to the west by bushland. It is bordered to the north, east and south by grazing land and rural residential. The closest residence is approximately 240m south of the Southern Valley boundary. The closest residence to the expansion area that is the subject of this application is 530m to the north-east of the Northern Valley boundary. There is also a residence located in the Northern Valley, which is owned by Council.

Proposal Description

The proposal involves the expansion of the AWMC into the Northern Valley and comprises the following works:

Stage 1 (to be completed within 2-3 years of development approval):

- relocation of existing gatehouse and weighbridge;
- establishment of a green waste storage and mulching area;
- establishment of a construction and demolition waste sorting area; and
- establishment of a general solid waste (non-putrescibles) landfill in the Northern Valley, designed to accept up to 100,000 tonnes per annum of waste.

Stage 2 (to be completed within 3-5 years of development approval):

Establishment of a small vehicle transfer station.

Stage 3 (to be completed within 5-8 years of development approval):

Development of an enclosed green waste composting facility.

A more detailed explanation of the proposed works is contained in Chapter 4 of the submitted EIS and is as follows:

Stage 1 Development:

- *Relocation of gatehouse and weighbridge:* The proposal would involve the relocation of the existing gatehouse and installation of a double weighbridge for vehicles entering and leaving the AWMC. The new location of the gatehouse and weighbridge has been designed to allow direction of incoming waste material to the Southern Valley or Northern Valley, as well as collection of customer waste data and fees.
- *Green waste storage and mulching area:* The proposal includes the development of the green waste mulching area with provision for a future composting facility. The proposed green waste mulching area would be located in the Northern Valley, which would replace the existing Southern Valley green waste facility. The size of the green waste storage and mulching area would be approximately 1ha. The total quantity of green waste delivered to the AWMC is approximately 10,000 tonnes per annum. Shredding and sorting of green waste would be carried out at the entrance of the facility.
- *Construction and Demolition waste sorting area:* The proposed development would include the provision of a C&D waste sorting area within the Northern Valley. The facility would be an open area. The total area for C&D waste would be approximately 5,000m². This facility would receive waste from both large vehicles and small private vehicles. The C&D waste stream mainly consists of concrete, bricks, tiles, timber, metal and soil. The recoverable components such as metals, concrete, brick and timber would be separated out from the waste. The wastes would be collected in separate bays at the proposed facility. The collection bays would be separated by block concrete partitions.
- *General Solid Waste (non-putrescible) Landfill:* The landfill would be constructed in stages by excavating cells progressively from the north west of the site towards the south east, covering a total area of approximately 13ha. An unnamed creek that flows through the site would be diverted around the site. The proposed Northern Valley Landfill would have a volume of approximately 1.5 million cubic metres. Based on waste data from 2003/04 to 2007/08 the average annual amount of nonputrescible waste (Inert, Fill, Aggregate and Concrete) excluding green waste is around 96,500 tonnes. It is expected that with the implementation of the Small Vehicle Transfer Station, Construction and Demolition waste recycling area and other Council

waste minimisation initiatives, the quantity of non-putrescible waste going to landfill would be reduced by approximately 25%, i.e., approximately 72,375 tonnes going to landfill. This would give the proposed Northern Valley landfill a life of around 20 years.

Stage 2 Development

Small Vehicle Transfer Station: The proposed development would include a separate area for a small vehicle transfer station. The key purposes of this facility are to increase resource recovery and to reduce the number of small vehicles approaching the tip face and, therefore, the likelihood of an accident occurring. The transfer station would take up approximately 2,000m² and would be located to the north of the gatehouse. The transfer station would allow for the placement of 7 bulk skip bins on the transfer station platform.

Stage 3 Development:

Green waste composting facility: As a final stage of the proposal, the mulching process would be replaced by a composting facility in the same area which could process a combination of green waste with smaller amounts of other organic waste streams like biosolids and agri-wastes. The proposed composting facility would allow processing of approximately 10,000 tonnes per annum of Category 2 waste. The green waste would be mulched and then piled up in rows to form 28 windrows. The windrows would be approximately 11m long and 5m wide. The composting, shredding, sorting and collection area would be approximately 4,000m² in size. The actual windrow composting process would be carried out within an enclosed building, with ventilation provided to a biofilter. The total area for the green waste facility would be approximately 0.7 ha (with maturation area).

Background

Albury City Council is the responsible authority for the management of the Albury Waste Management Centre. Council administers an area of approximately 103 km² and is the responsible authority for the management of solid waste within the Council boundary. The AWMC is also a regional facility and accepts waste from surrounding Victorian and NSW Local Government Areas including Wodonga, Corowa, Greater Hume, Indigo and Towong. This is administered through formalised contracts.

The Southern Valley has been used for solid waste disposal since 1978 and has an area of 37.7 hectares. Past and present operations are located on Lots 1-3 DP594605, Lot 42 DP608582 and Lot 91 DP608683. The Northern Valley comprising approximately 67.7 hectares was purchased by Council from the Albury Wodonga Corporation in 1993 for future landfill expansion. The land purchased consists of Lot 92 DP608683, Lots 694 & 695 DP753326 and Lot 6 DP829926 and is the land the subject of this application.

Legislation

The application has been assessed in accordance with the *Albury Local Environmental Plan 2000*, relevant chapters of the *Albury Development Control Plan 2000* and section 79C of the *Environmental Planning and Assessment Act 1979*.

Council Plan and Council Policies

The following Council Policies are relevant to the application:

- *Albury Local Environmental Plan 2000 (ALEP 2000),*
- *Albury Development Control Plan 2000 (ADCP 2000), and*
- *Development Notification Policy.*

The town planning assessment of the proposal under section 79C of the *Environmental Planning and Assessment Act 1979* has involved the consideration of the ALEP 2000 & ADCP 2000 and is provided later in this report.

State Policies

The following State Policies are relevant to the application:

- *State Environmental Planning Policy (Infrastructure), and*
- *State Environmental Planning Policy 33 (Hazardous or Offensive development).*

Consultation

The application was notified in accordance with Albury City Council's Public Notification Policy and the requirements of sections 77-81 of the *Environmental Planning and Assessment Regulations 2000*. Public Notices were published in the Border Mail on Saturday 24 October 2009 and Wednesday 18 November 2009. A notice was also placed on site on Friday 23 October 2009.

Two submissions were received during the exhibition period and these were forwarded to the Department of Planning and DECCW as required.

Referral

The matter was referred to DECCW as integrated development under Section 91 of the *Environmental Planning and Assessment Act 1979*. A copy of their response dated 10 December 2009 is included with this report and marked as *Attachment 3*. The response is generally supportive and contains recommended General Terms of Approval (GTA's). The response also recommends that Stage 3 be conditioned as Deferred Commencement due to a desire for more detailed analysis of air quality assessment. This has been discussed with the applicant and agreement has been reached for a deferred commencement consent related to stage 3.

Environmental Assessment

An assessment of the application has been carried out under the provisions of the Environmental Planning and Assessment Act, 1979. Relevant details are outlined below:

Provisions of Environmental Planning Instruments (S79C(1)(a)(i))

State Environmental Planning Policy 33 – Hazardous and Offensive Development

SEPP 33 applies to potentially hazardous or offensive development. An assessment of the proposal in regards to these provisions is contained in Chapter 15 of the accompanying EIS. This assessment concludes that the proposed development is not potentially hazardous and therefore does not require a Preliminary Hazard Analysis. The development is also not an offensive industry as defined by SEPP 33.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development is permitted under the auspices of SEPP (Infrastructure) and is consistent with the provisions of Division 23 in relation to Waste or Resource Management Facilities.

Schedule 3 of SEPP (Infrastructure) identifies development that requires referral to the NSW Roads and Traffic Authority as possible traffic generating developments. “*Landfill, recycling facilities, waste transfer station*” of any size or capacity is identified as being development to which SEPP (Infrastructure) applies. A note on Schedule 3 specifies that this applies to new development or the extension of existing premises. Clause 104 of SEPP (Infrastructure) reads as follows:

104 Traffic-generating development

- 1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
 - a) *new premises of the relevant size or capacity; or*
 - b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- 2) *In this clause, relevant size or capacity means:*
 - a) *in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

- 3) *Before determining a development application for development to which this clause applies, the consent authority must:*
- a) *give written notice of the application to the RTA within 7 days after the application is made; and*
 - b) *take into consideration;*
 - i. *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - ii. *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - iii. *any potential traffic safety, road congestion or parking implications of the development.*
- 4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

In accordance with these provisions, this development was referred to the RTA for comment. At the time of writing this report, no comment had been received from the NSW RTA. Additional written and verbal requests have been made seeking a response but to date no response has been made. Further discussion on traffic and transport is included later in this report and concludes that there will be no significant adverse traffic impacts and that no additional traffic control measures are required to accommodate the expansion.

Albury LEP 2000

The site is zoned “*Environment Protection*” under the provisions of Albury Local Environmental Plan 2000 and is surrounded by land zoned Environment Protection.

Clause 30 of Albury LEP 2000 contains the objectives of the Environment Protection Zone. These objectives are as follows:

30 What are the zone objectives of the Environment Protection Zone?

- 1) *The principal objective of the Environment Protection Zone are to identify, and to protect from inappropriate and excessive development, land within Albury that:*
 - (a) *forms part of the scenic backdrop or rural setting, or*
 - (b) *is located within or adjacent to the River Murray flood plain.*

2) *The particular objectives of the Environment Protection Zone are as follows:*

- (a) to ensure that development improves, and does not spoil, the natural backdrop of hills, valleys and tree lines to the urban area of Albury and Wodonga;*
- (b) to ensure that all development of the River Murray flood plain is compatible with the natural conservation and landscape values of the riverine environment;*
- (c) to ensure that development in the Environment Protection Zone is carried out in a way that is sensitive to the land and environmental characteristics;*
- (d) to ensure the development does not create unreasonable or uneconomic demands for the provision of services, including roads;*
- (e) to provide limited rural living opportunities on land having ready access to the urban area and urban facilities and services, and to ensure that such development does not prejudice the future development of urban land;*
- (f) to provide a development buffer for the flight path of aeroplanes utilising the Albury airport; and*
- (g) to recognise the importance of the Albury Garbage Tip as a regional resource, to provide for its future expansion and to limit development that may be adversely affected by the tip's operation (so as to maintain the operational capacity and viability of the tip).*

The proposed development is consistent with the objectives of the Environment Protection Zone for the reasons outlined in this report. General comments on the objectives are provided below.

Clause 30(1)

The proposal does not represent inappropriate or excessive development. The site is relatively isolated and naturally protected due to surrounding landform.

Clause 30(2)(a)

The proposal does not spoil the natural backdrop of valleys and hills adjacent to the urban areas of Albury. The areas proposed for development are secluded from casual observation, especially with regard to long range views and vistas and does not extend beyond existing vegetation areas.

Clause 30(2)(b)

Not applicable as the site is not within the River Murray flood plain.

Clause 30(2)(c)

The development appropriately responds to the land and environmental characteristics of the site and locality. Development area has been contained within natural boundaries to prevent impact on surrounding environment and locality.

Clause 30(2)(d)

The proposed development will not create an unreasonable or uneconomic demand for services and is suitably serviced by the existing road network.

Clause 30(2)(e)

Not applicable as the proposal is not for rural living.

Clause 30(2)(f)

Not applicable as the land is not adjacent to the Albury Airport and not affected by any flight paths.

Clause 30(2)(g)

The proposal is for the expansion of the AWMC and is appropriate and consistent with the objective.

Clause 31

This clause requires a person to obtain the consent of the consent authority, before undertaking development in the Environment Protection Zone. This application seeks development consent for this purpose.

Clause 34A-F

Amendment 5 to Albury LEP2000 (gazetted 14 September 2001) inserted clauses 34A-F into ALEP2000. Clause 34E reads as follows:

34E Development of land owned by the Council or Crown land

Land within the primary tip buffer area that is owned by the Council or is Crown land may be developed, with the consent of the Council, but only for purposes related to the orderly and efficient operation of the Albury Garbage Tip.

The proposal is for the expansion of the AWMC in accordance with long term management strategy to enable its orderly and efficient functioning and is therefore consistent with this clause.

Clause 34F relates to the assessment of any development application within the Tip Buffer Area and also references that a development control plan may contain further development controls.

34F Development within Albury tip buffer areas generally

- (1) When assessing a development proposal in respect of land within any Albury tip buffer area, the Council may have regard to the requirements of clause 34B (2) (relating to the primary tip buffer area) and to the findings of Albury Waste Facility Surrounds Environmental Study prepared for the Council by Habitat Planning in September 1999.*
- (2) A development control plan may provide more detail in respect of any buffer areas around Albury Garbage Tip.*

The proposed development has been assessed against the provisions of the study by Habitat Planning and is consistent with the findings of this study.

Provisions of any Draft Environmental Planning Instruments (S79C(1)(a)(ii))

Exhibition of draft Albury Local Environmental Plan 2009 commenced on 7 November 2009 and concludes on 29 January 2010. The site is proposed to be zoned "SP2 Waste Management Facility".

The application was submitted prior to the exhibition of draft ALEP2009 and therefore is not required to be formally assessed against the draft ALEP2009. The objectives for SP2 in draft ALEP2009 are:

"Zone SP2 Infrastructure

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

Roads

4 Prohibited

Any other development not otherwise specified in item 2 or 3"

An assessment has been undertaken and has concluded that the proposal is consistent with the provisions and requirements of draft ALEP2009. The proposed expansion is consistent with the purpose shown on the Land Zoning Map.

Provisions of Development Control Plans (S79C(1)(a)(iii))

The application has been assessed against the provisions of Albury Development Control Plan 2000 (ADCP).

- Chapter G of the Albury DCP 2000 relates to the Environment Protection Zone and contains requirements for the Albury Tip Buffer Zone.

Section 2 of Chapter G outlines various matters for consideration and reiterates the objectives of the zone from the Albury LEP 2000. The following "Matters for Consideration (when assessing development)" are provided:

- a) the impact of the development on the natural scenic backdrops of the City area or the rural character of the land;

- b) the effect of the development on the River Murray floodplain and other natural drainage systems and any measures to control storm water run-off, soil sedimentation and erosion;
- c) the availability of an adequate water supply and, where a reticulated supply is unavailable, the source and capacity of any alternate water supply intended to service the needs of the development;
- d) the availability of facilities for the removal or disposal of sewage effluent and wastes, including, where appropriate, the ability of the land to accommodate on-site disposal;
- e) the availability of other public utility services and social facilities having regard to the likely demand for those services or facilities and the cost of their provision.
- f) the standard and capacity of public roads serving the land;
- g) the need for all-weather vehicular access to the development;
- h) the impact of any proposed land clearing or surface modification on the physical and visual environment and any measures proposed for protection of the environment, site rehabilitation or reforestation;
- i) the need for the retention or reinstatement of vegetation to protect the physical and visual environment and to reduce the risk of soil erosion;
- j) the risk from flooding, bushfire or other natural hazard, and the adequacy of any measures proposed for the prevention or mitigation of risk;
- k) the physical characteristics of the land, including slope, aspect, topography and land capability attributes as relate to the intensity of development;
- l) the siting and design of any building, structures or works proposed;
- m) whether any environmental resources, including riparian and floodplain ecosystems, will be jeopardised by the development; and
- n) the nature of other land in the locality;
- o) whether proposed development is likely to adversely restrict the operation and expansion of the Albury garbage tip, or whether that development will be adversely affected by the operation of the tip.

Matters a, f, g, h, i, k, l, n & o are relevant to the application. The matters for consideration closely reflect the objectives for the zone. An assessment of the proposal against the matters has concluded that the proposal satisfies the matters for consideration. Comment against the relevant matters for consideration follows:

- (a) As discussed in relation to clauses 30(2)(a) and 30(2)(c) of ALEP2000, the proposed development appropriately responds to the rural character and setting.
- (f) Traffic and access is considered in more detail elsewhere in this report. It is concluded that the standard and capacity of public roads is suitable to accommodate the proposed expansion.
- (g) All weather access is provided to the development.
- (h) There will be disturbance to the natural features of the land, however an assessment of the information provided concludes that any adverse impacts will be minimised and appropriately managed. This will be suitably reinforced and managed through both the Construction Environmental Management Plan and the Operational Environmental Management Plan, both of which are recommendations of the EIS. Appropriate conditions in relation to these plans are included in the draft conditions attached to this report and recommended for inclusion should it be resolved that consent be granted.

- (i) The amount of vegetation to be removed has been minimised. Numerous construction and operational mitigation measures are proposed in Section 9 of the EIS. An assessment has concluded that these measures (in conjunction with the abovementioned environmental management plans) should ensure that there are no significant impacts upon water quality and soil erosion.
- (k) The physical characteristics have been suitably considered and addressed in the EIS (as discussed elsewhere in this report) and it is concluded that the intensity of the development proposed is suitable for the site with consideration given to its characteristics such as geology and soils, water and hydrology, hazards and risks, topography and land capability.
- (l) The proposed structures are minor and are suitably located in relation to context, visual impact, noise and other relevant aspects.
- (n) Other land in the locality is generally used for agricultural or rural lifestyle purposes and they will not be adversely affected the proposed expansion.
- (o) The proposed development is for the expansion of the AWMC and will ensure the future functionality and viability of this facility.

Section 3.8.2 of Chapter G relates to the Albury Tip Buffer Area (as referenced in Clause 34F of ALEP2000). The contents of this section generally relate to development within the Tip Buffer Area for non-tip related purposes. However it is noted that this section includes the following statement on page G-8

“The future tip expansion buffer acknowledges that the tip face will expand toward the north of its existing face. The expansion buffer also acknowledges that the Council has purchased land in the northern part of the tip valley for the future purposes of inert waste landfill.”

It also includes the following section on page G-12 :

“e) Council owned and Crown Land

The final clause of the LEP (cl 34E) notes that land owned by the Council, and Crown Land, is to be used for purposes related to the orderly and efficient operation of the Albury tip.”

The proposed expansion of the AWMC the subject of this application is consistent with the provisions of Section 3.8.2 of Chapter G of ADCP2000. This has included an assessment of the impact of the development on the viability and future operations of the AWMC.

- Chapter P of the Albury DCP 2000 sets out Council's Public Notification Policy which has been complied with during the assessment process. Two submissions were received during the submission period and the relevant issues raised in these submissions are discussed later in this report.

Any Planning Agreement (S79C(1)(a)(iii)(a))

There are no planning agreements in place that affect the evaluation of the subject development application.

Provisions of Regulations (S79C(1)(a)(iv))

Beyond routine procedural and administrative matters the *Environmental Planning and Assessment Regulation 2000* defines the application as Designated Development. All relevant requirements of the Regulations in relation to the contents of the EIS, public participation and government agency referral have been complied with.

Impact of the Development (S79C(1)(b))

- Traffic

The construction phase of the development will be staged over a period of time (estimated in the EIS to be approximately 8 years) and will not generate any significant heavy vehicle traffic over and above that already experienced by the AWMC. As the proposed expansion is related to diversion and relocation of waste rather than significantly increasing the capacity of the facility, it is not anticipated there would be any significant traffic increases as a result of this development. Council's Traffic Engineer has considered the proposal and contents of the associated EIS and endorses the finding on page 4-15 that there will be no significant or adverse traffic implications either during construction or operation of the proposed Northern Valley expansion.

As discussed earlier in this report, the matter has been referred to the NSW RTA as required under Schedule 3 of SEPP (Infrastructure). No comment has been received from the NSW RTA in relation to the matter.

- Waste

Waste Management is addressed in Chapter 4 & 16 of the accompanying EIS. The need and justification for the proposed development and its consistency with the NSW Waste Avoidance and Resource Recovery Strategy 2007 (WARRS), published by DECCW, has been substantiated in the document. The proposed expansion of the AWMC is consistent with the approach in this strategy of recycling and reprocessing where possible as an alternative to disposal. The WARRS also contains the following key comment:

"Establishment of innovative collection systems and benchmarking of existing systems to improve performance is needed across a range of sectors. Consistent with the data from recent C&I landfill audits the main focus area will be paper, glass, plastics and timber".

The EIS on page 2-6 indicates that a substantial portion of the waste delivered to AWMC falls into these categories and the proposed expansion, which includes the provision of facilities to enable the separation and collection of these products, will assist in satisfying this objective.

The proposed expansion is an integral part of the management of waste for the entire region.

Page 2-7 of the EIS contains the following statement:

In summary, the proposed development is in line with the objectives and key areas for further action outlined in the WARR Strategy 2007 and are designed to maximise the ability of the AWMC to recover resources from the waste stream and maximise the life of Council's existing landfill by reducing the volume of waste requiring disposal

This statement is supported by both Council's Waste Management Team Leader and Environmental Health Officer.

- Air and Microclimate

Chapter 12 of the EIS relates to Meteorology and Air Quality. Appendix D of volume 2 of the EIS contains an Air Quality Impact Assessment. Overall it is considered that there will be no significant adverse impact upon air quality from the proposed development with the exception of the proposed open composting proposed as part of Stage 3 of the development. DECCW raised concerns with the level of documentation and consideration of odour in relation to Stage 3. They have requested that this Stage be issued with a deferred commencement condition requiring the "submission of a revised air quality assessment demonstrating adequate odour capture and control". The justification for this requirement is contained in Appendix B of the letter from DECCW dated 10 December 2009. This has been discussed with the applicant and they have agreed to a deferred commencement for Stage 3 should consent be granted.

- Context and Setting

The proposal is for extension of the existing AWMC into the northern valley. The land surrounding the site is zoned "Environment Protection" and generally in a rural setting. The development appropriately responds to the landform and environmental characteristics of the site and locality. The northern valley is generally well screened from adjoining properties. The areas proposed for development are secluded from casual observation, especially with regard to long range views and vistas and does not extend beyond existing vegetation areas

- Flora and Fauna

Chapter 17 of the EIS contains an assessment of potential impacts upon flora and fauna. A seven-part test (see Appendix F of Volume 2 of the EIS) has been undertaken in accordance with the requirements of Part 5A of the *Environmental Planning and Assessment Act, 1979*. This has concluded that there will be no significant impact upon any protected flora and fauna.

- Heritage and Archaeology

The site does not contain any formally listed heritage items. A field survey (see Appendix E of Volume 2 of the EIS) was conducted on site by Biosis Research Pty Ltd which identified one previously unidentified Aboriginal site, one previously unidentified area of Aboriginal archaeological sensitivity and one previously unidentified historical site and associated potential archaeological deposit. The overall site is considered to be of low archaeological sensitivity for historical sites. DECCW, in Attachment C of their letter of 10 December 2009, stated the following:

“DECCW supports the findings of Section 13.4 of the EIS and endorses the recommendation to conduct further archaeological investigation of the area.”

DECCW indicated they would support a Section 87 application to allow for further research and investigation.

- Socio-Economic

The proposal will have a positive social and economic impact upon the locality. Additional employment will be created during construction and may lead to additional employment during operation (see page 14-5 of the submitted EIS). The expansion will also extend the current life of the landfill and assist in recovery of resources and waste materials. The WARRS indicated that regional NSW faces significant waste avoidance and resource recovery challenges due to a combination of factors such as population, distribution, and distances to recovery markets. The proposed expansion will assist in providing a framework and opportunity for this area of regional NSW to satisfy the requirements of the WARRS as previously discussed in this report.

Overall the proposed expansion of the AWMC will assist in the sustainable management of the continued economic and population growth of the region.

- Visual Impact

Chapter 10 of the EIS considers the issue of visual impact. The site of the AWMC is already developed within the southern valley and contains visible evidence of the operations of the AWMC. The northern valley is isolated from the surrounding land and is only visible from the immediate valley and the encompassing ridgeline. The northern valley is not visible from the developed areas of nearby Hamilton Valley and any potential visual impact is generally minimised to only one dwelling located on the northern ridge of the valley. This dwelling is located approximately 500 metres from the boundary of the works within the northern valley. This impact was raised in the submission received from this landowner, who requested that a landscaping screen planting plan be prepared to address their concerns. This has been discussed with the applicant and it has been agreed that a condition could be imposed in relation to the preparation and implementation of a screen planting plan should it be resolved that consent be granted. This is a reasonable outcome that will satisfy the concerns of adjoining owner.

- Geology and Soils

Chapter 8 of the EIS relates to an assessment of geology, soils and hydrogeology. Groundwater is generally at a minimum depth of 10 metres below ground surface in the Northern Valley (see page 8-2 of EIS). The EIS has concluded that any potential impact upon groundwater is minimal due to a combination of geology, soil profile, type of waste and management. An assessment of the information provided concurs with this conclusion. Appropriate mitigation and management measures are proposed for inclusion in the previously discussed Construction Environmental Management and Operational Environmental Management Plans, should consent be granted.

- Water and Hydrology

Chapter 9 of the EIS considers any impact on hydrology and surface water. There are no permanent natural watercourses on site, however there is an unnamed natural creek. The EIS contains several recommended mitigation measures and the implementation of these measures (enforced by way of recommended conditions of consent) will ensure that there is minimal significant impact upon local surface water flows or quality.

- Hazards and Risks

The site is not affected by bushfire or flooding. Suitable measures are identified for the Construction Environmental Management Plan and Operational Environmental Management Plan to address any ongoing risks in relation to the AWMC and associated risks such as bushfire, fire, landfill gas and general health and safety hazards.

- Safety, Security and crime Prevention

Adequate security measures are in place with security fencing and a site management plan, including full-time attendance during operating hours and security patrols out of hours. The development does not create or encourage future opportunities for crime and vandalism.

- Noise

The most significant source of noise is from operation of plant and machinery during construction and operation. Other major potential noise sources are from traffic utilising the facility and disposal of waste. Chapter 11 of the EIS contains a comprehensive consideration of noise and associated issues from the AWMC. This is supplemented by Appendix C in volume 2 of the EIS, which contains a Noise Impact Assessment

The DECCW considered the issue of noise in its assessment and raised no objection on the basis of noise. The General Terms of Approval in its letter dated 10 December 2009 contain conditions in relation to noise generation. The results of the noise impact assessment indicate that implementation of recommended noise mitigation measures will ensure that the project specific noise criteria are met. This could be enforced by recommended conditions of consent, should the JRPP resolve to grant consent.

Suitability of the Site (S79C(1)(c))

The site is appropriately zoned and fully serviced to allow the development to proceed. There are no major physical constraints or exceptional circumstances that would hinder the development as proposed. The site has been identified in long term strategic plans for this purpose and the ALEP2000 identified protective measures that seek to protect the long term viability of the site for this purpose & minimise encroachment from conflicting landuses.

The proposed development was advertised from 24 October until 24 November 2009, in accordance with the requirements for Designated Development. During this period, 2 submissions were received, with one raising concerns with the proposal and one indicating support.

The submission (objecting to the development) raised the following concerns/issues with the proposed demolition.

1. Visual Impact

Concern is raised in relation to the visual impacts and the lack of landscaping

Planning Response

This has been considered previously in this report under visual impact. It is proposed that a condition be imposed (should the JRPP resolve to grant consent) requiring the preparation and approval & subsequent implementation of a Landscaping Screen Planting Plan. Except for this requirement, the visual impact is minor and not significant.

2. Odour Generation

Concern is raised in relation to the potential for odour generation from non-putrescibles.

Planning Response

The issue of odour generation has been previously considered in this report and has been assessed by DECCW. The use of the northern valley is generally for non-putrescibles only, except for the proposed composting facility in Stage 3. It has been agreed between the DECCW and the applicant that Stage 3 should be subject to a deferred development condition requiring the submission and approval of a revised air quality assessment demonstrating adequate odour capture and control. In regards to preliminary stages 1 & 2, no significant concerns or issues relating to odour were identified.

3. Buffer

Concern is raised that no buffer has been created along adjoining property boundaries.

Planning Response

No additional buffer is required as there are substantial existing setbacks (discussed previously in this report) and the land formation ensures that any impact upon adjoining properties is minimised. Provisions in ALEP2000 were previously inserted to ensure the creation of a suitable and natural buffer around the AWMC. Finally an assessment of the impacts (as discussed in this report) does not substantiate the need for any additional buffer to be created.

4. Rubbish

Concern is raised about windblown rubbish and a request made for a 2.2 metre fence along the boundary.

Planning Response

The applicant has advised that the EIS considers a 1.8 metre cyclone fence to be acceptable. It is considered reasonable for security purposes and management of windblown rubbish to require the erection of a 1.8 metre high cyclone mesh fence. This is consistent with the management of other waste management centres. There is no evidence to suggest that the provision of a 2.2 metre high fence will capture any additional windblown rubbish. It is also pertinent to note that it is a requirement of the EPA licence to provide a 1.8 metre high fence. This will be enforced by recommended conditions of consent, should the JRPP resolve to grant consent.

5. Dust

The submitter has requested that watercarts be regularly used to minimise dust.

Planning Response

The applicant has advised that suitable dust suppression techniques, including watercarts, will be utilised. This will be enforced by recommended conditions of consent, should the JRPP resolve to grant consent. The recommended Operational Environmental Management Plan (see pp 4-10 & 4-11 of EIS and Chapter 21 of the EIS) identifies a number of issues that will be controlled including dust suppression. This is satisfactory to minimise impacts

6. Noise/Hours of Operation

The submitter has requested that hours of operation remain the same as current.

Planning Response

The applicant has confirmed that hours of operation will remain the same as those the facility currently operates under. This can be enforced by recommended conditions of consent, should the JRPP resolve to grant consent. The current hours of operation of the facility are 7:30am-5pm, Monday to Friday, and 9am-4pm Saturday and Sunday and generally reflect daylight hours. This assists with waste management and reduction in illegal dumping in the region. Minimal complaints or concerns have been submitted to Council in relation to the current operation.

7. Access

The submitters wish to ensure that their current access from Mudge Street is maintained.

Planning Response

The applicant has confirmed that the current situation in regards to access from Mudge Street will not be changed.

The other submission was from the NSW Department of Lands. They advised no objection to the proposed development subject to the following:

1. No development drainage, overflow or contaminated waste (contaminated runoff or septic) enters or impacts negatively on Crown land.

Planning Response

This issue of drainage and overflow has been considered elsewhere in this report and it is anticipated that all drainage, overflow and contaminated waste will be contained on-site. This is reiterated in the EPA licence and the General Terms of Approval from the DECCW.

2. No materials are dumped or stored on Crown land.

Planning Response

The proposal is only for the expansion of the existing AWMC and there is no intent or proposal to store or dump material on adjoining land.

3. There are no negative impacts on the use, function and environmental features on any of the identified adjoining Crown land

Planning Response

An assessment of the application concludes that there will be no negative impacts upon adjoining land owned by the Crown.

4. Albury City Council is responsible for any required remediation caused by the proposed development;

Planning Response

Albury City Council, as the landowner, is responsible for any contamination on-site.

5. All Asset Protection Zones to be constructed within the proposed development area are not on Crown land.

Planning Response

No Asset Protection Zones are formally required, however the OEMP discusses the incorporation of APZ's on the subject site. This will not affect any crown land.

These matters have been suitably addressed in the EIS and accompanying information and therefore no further discussion is warranted.

The matter was also referred to DECCW under the auspices of Integrated Development in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979*. The DECCW issued General Terms of Approval by way of letter dated 10 December 2009 and it is required that these form part of the conditions of consent should the JRPP resolve to grant consent.

Public Interest (S79C(1)(e))

The impacts of the proposed development on the environment in general has been considered and addressed. The proposal serves the public interest by provision of an expanded and improved waste management facility that will meet the objectives and requirements of Waste Avoidance and Resource Recovery Strategy 2007.

The proposal is not known to contravene any State or Federal Government Legislation, Regulation or Policy.

Options

The Southern Region JRPP has the following options in relation to this report:

- a. Approve the application, subject to conditions;
- b. Defer the application for further information or redesign; or
- c. Refuse the application.

Conclusions:

The proposed development has been assessed against the requirements of *Section 79C* of the *Environmental Planning and Assessment Act, 1979*. This has involved consideration of the requirements of the State Environmental Planning Policy 33 (Hazardous or Offensive Development), State Environmental Planning Policy (Infrastructure) 2007, Albury Local Environmental Plan 2000 and Albury Development Control Plan 2000. It is considered that the proposed development is satisfactory as a result of this assessment.

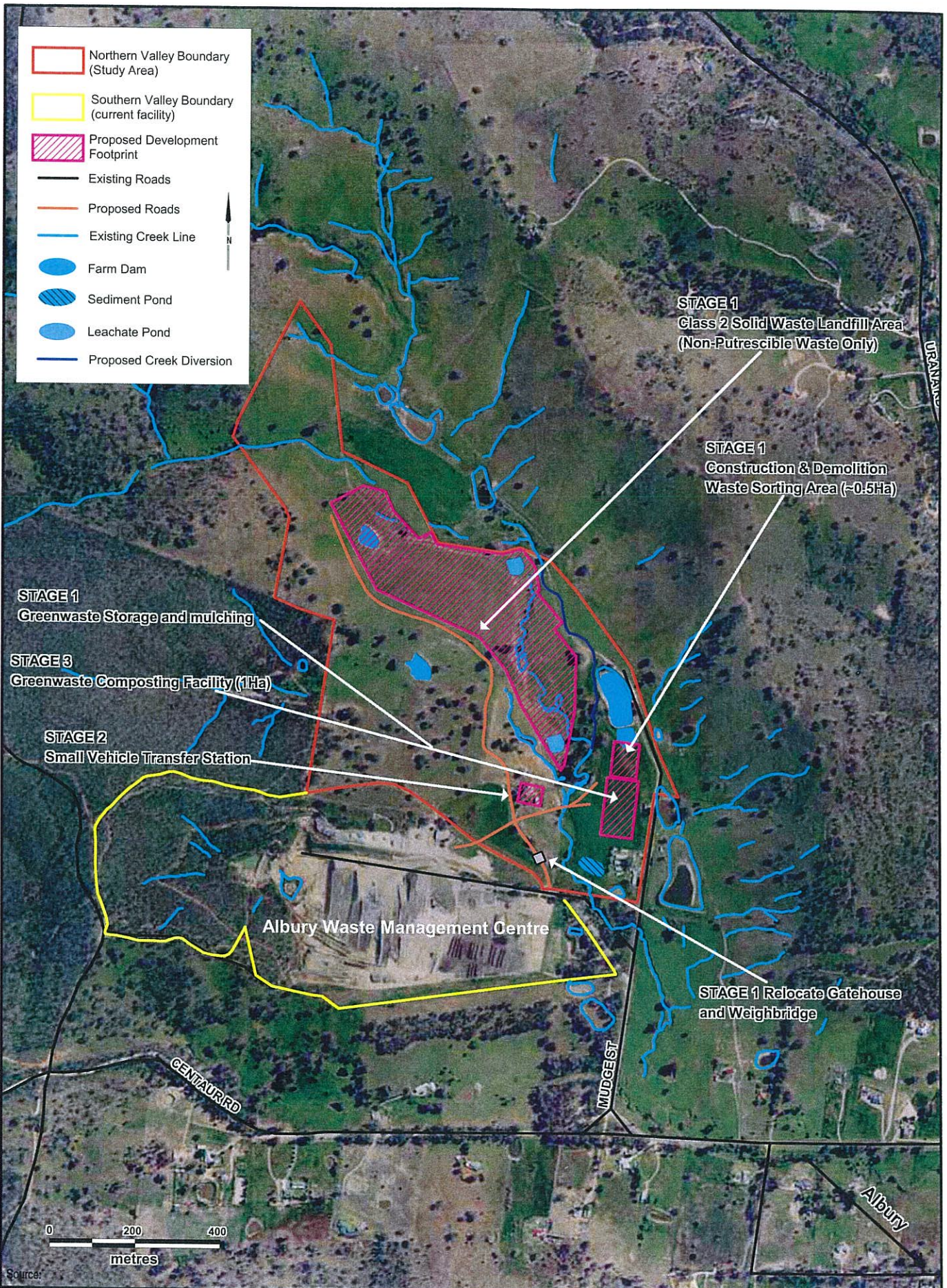
Accordingly, Development Application 10.2009.29846.1 is recommended for APPROVAL subject to the imposition of suitable conditions of consent.

Recommendation


- a. JRPP note the contents of this report; and
- b. That Southern Region Joint Regional Planning Panel grant development consent for 10.2009.29846.1 for Expansion of the Albury Waste Management Centre, Mudge Street, Hamilton Valley subject to the *Draft* Conditions attached.

- **Attachments**

- 1. Plans of the Development.
 - 2. Environmental Impact Statement by URS dated September 2009 (separately provided to JRPP members).
 - 3. Referral response from DECCW dated 10 December 2009.
 - 4. Public Submissions.
 - 5. *Draft* Consent conditions.



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Client ALBURY CITY COUNCIL	Project EIS NORTHERN VALLEY ALBURY WASTE MANAGEMENT CENTRE	Title PROPOSED NORTHERN VALLEY DEVELOPMENT
	Drawn: AO Approved: CL Date: 25/09/2009 Job No: 43177566 File No: 43177566-015.wor	Figure: 4-1

SEARCHED



Notice No: 1108696

The General Manager
Albury City Council
PO Box 323
ALBURY NSW 2640

Attention: Mr Michael Keys

Dear Mr Tomich

Albury City				
DEPT	A/O	FILE No.	ACT	COP
EXEC		10.2009.29846.1		
CR				
AP				
SERV				
ENV		16 DEC 2009		
PLN	ML			
IS				
FIN				
GEN				
		CORRESPONDENCE No.		
		SCN09105397		

FOR YOUR ACTION!
COPY GIVEN BECAUSE
FILE UNAVAILABLE

RE: Development Application 10.2009.29846.1 Lot 92 DP608683, Lots 694 & 695 DP753326 and Lot 6 DP829826 Mudge Street, Hamilton Valley - Expansion of Albury Waste Management Centre

I refer to the development application and accompanying information provided for the Expansion of Albury Waste Management Centre received by the EPA on 22 October 2009.

The EPA has reviewed the information provided and has determined that it is able to issue a licence for Stages 1 and 2 of the proposal, subject to a number of conditions. The general terms of approval for Stages 1 and 2 are provided at attachment A. If Albury City Council grants development consent for this proposal these conditions should be incorporated into the consent.

Based on the information provided the stages are as follows:

Stage 1 (to be completed within 2-3 years of development approval):

- relocation of existing gatehouse and weighbridge;
- establishment of a green waste storage and mulching area;
- establishment of a construction and demolition waste sorting area; and
- establishment of a general solid waste (non-putrescible) landfill in the Northern Valley, designed to accept up to 100,000 tonnes per annum of waste.

Stage 2 (to be completed within 3-5 years of development approval):

- establishment of a small vehicle transfer station.

The EPA recommends that deferred development consent be issued for Stage 3 of the project (development of an enclosed green waste composting facility to be completed within 5-8 years of development approval) subject to submission of a revised air quality assessment demonstrating adequate odour capture and control to the satisfaction of the EPA. The odour assessment should be undertaken in consultation with the EPA. Justification for this recommendation and more detailed comments are provided in attachment B.

These general terms relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

In assessing the proposal the EPA has also identified a number of environmental issues that Albury City Council may wish to consider in its overall assessment of the application. These issues are discussed in attachment C and include the following issues:

1. Threatened Species Considerations
2. Aboriginal Cultural Heritage Considerations

If you have any questions, or wish to discuss this matter further please contact Chris Burton on 02 6022 0609.



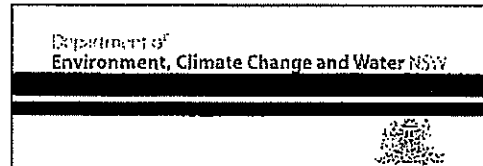
Yours sincerely



Unit Head, Albury
for Director-General

10 December 2009

General Terms of Approval



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ADMINISTRATIVE CONDITIONS

Note: Mandatory conditions for all general terms of approval

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application 10.2009.29846.1 submitted to Albury City Council on 19/10/2009;
- The environmental impact statement titled Albury Waste Management Centre Northern Valley Development (Volumes 1 and 2) dated September 2009 (43177566) relating to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

Note: Condition L5.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

L6. Noise limits

L6.1 Noise generated at the premises must not exceed the noise limits presented in Table 6.1 below. The locations referred to in the table below are indicated by the property identification in Table 2-1 Noise Sensitive Receptors (Receiver A to I) in the Report "Noise Impact Assessment for Proposed Northern Valley Development of the Albury Waste Management Centre" prepared by URS for Albury City Council dated 3 September 2009.

Location	LAeq,15 minute Daytime noise limit
A	35 dB(A)
B	35 dB(A)

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C	35 dB(A)
D	35 dB(A)
E	35 dB(A)
F	38 dB(A)
G	39 dB(A)
H	35 dB(A)
I	36 dB(A)

L6.2 Noise generated from the premises in excess of the limits set out in condition L6.1, whether on one or more occasions, constitutes a breach of this Environment Protection Licence regardless of Chapter 11 or the Definition of Terms in the NSW Industrial Noise Policy.

L6.3 For the purpose of condition L6.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holiday's.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holiday's.

L6.4 The noise limits set out in condition L6.1 apply under all meteorological conditions except for any one of the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

L6.5 For the purposes of condition L6.4:

- a) The meteorological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station identified as Albury Airport Automatic Weather Station (AWS); and
- b) Stability category temperature inversion conditions are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L6.6 For the purposes of determining the noise generated at the premises:

- a) Class 1 or 2 noise monitoring equipment as defined by AS IEC61672.1-2004 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing, must be used;

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Department of
Environment, Climate Change and Water NSW



b) The noise monitoring equipment used at a location must be placed in a position:

i. that is, where applicable:

- approximately on a location's property boundary that is closest to the premises, where any dwelling at the location is within 30 metres of the location's property boundary that is closest to the premises; or
- within 30 metre of a dwelling façade where any dwelling at a location is situated more than 30 metres from the location's property boundary that is closest to the premises; or
- within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

- to determine compliance with the $L_{eq(15\text{ minute})}$ noise limits in condition L6.1; or

ii. that is:

- at the most affected point at a location where there is no dwelling at the location; or
- at the most affected point within an area at a location prescribed by conditions L6.6(b)(i) or L6.6(b)(ii).

L6.7 A breach of this Environment Protection Licence will still occur where noise generated from the premises in excess of the appropriate limit specified in the condition L6.1 is detected:

in an area at a location other than an area prescribed by conditions L6.6(b)(i) or L6.6(b)(ii); and/or

at a point other than the most affected point at a location. **L6.8** For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L6.9 The licensee shall implement all feasible and reasonable noise mitigation that was identified in Section 6 "Recommended Noise Mitigation Measures" as providing up to 3 to 5 dB noise reduction at receivers D, E, F, G, H and I.

L6.10 Hours of construction are limited to 7:00am to 6:00pm Monday to Friday, and 8:00am to 1:00pm Saturdays with no construction activity to occur on Sundays or Public Holidays.

Hours of operation

L6.4 All construction work at the premises must only be conducted between 7am and 6.00 pm Monday to Saturday. No construction work is to occur on Sundays or Public Holidays.

L6.5 Activities at the premises, other than construction work, may only be carried on between 7am and 6.00 pm Monday to Saturday and 8.00 am – 6.00 pm on Sundays excluding Public Holidays

L6.6 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4 or L6.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

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L6.7 The hours of operation specified in conditions L6.4 and L6.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

01. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

02. Dust

02.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

02.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Note: For activities that are likely to have major dust impacts (for example, coal mines and extractive industries), additional, more detailed general terms of approval may be appropriate. These may require dust control measures for traffic areas, open stockpiles, processing and loading areas, including ceasing dust generating activities during certain meteorological conditions.)

03. Stormwater/sediment control - Construction Phase

03.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

04. Stormwater/sediment control - Operation Phase

04.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

Note: This condition would normally only be used where a SWMP is required and stormwater management would be incorporated into EPA's licence. For other proposals the EPA may suggest that the consent authority include a similar condition where appropriate. Information relating to structural and non-structural options for managing site stormwater is provided in the "Managing Urban Stormwater: Source Control" and "Managing Urban Stormwater: Treatment Techniques" documents respectively.

05 Processes and Management

05.1 The licensee must ensure that any general solid waste (non-putrescible) and/or general solid waste (putrescible) for processing, storage or resource recovery at the premises is assessed and classified in accordance with the DECC Waste Classification Guidelines as in force from time to time.

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05.2 The licensee must ensure that each waste for recovery/recycling is stockpiled separately.

06 Tyre Storage

06.1 The licensee must ensure that stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) are located in a clearly defined area.

06.2 The licensee must ensure that stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) are managed so as not to cause or to be likely to cause the spread of disease by vermin.

06.3 The licensee must ensure that measures are taken to prevent stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) from catching on fire.

06.4 Without limiting 05.1 to 05.4, any area(s) used for the storage of used rejected or unwanted tyres (including shredded tyres and tyre pieces) at the facility must:

- (a) be surrounded by a fire break of at least six (6) metres width that is kept clear of all combustible material; and
- (b) be fenced or otherwise secured to prevent any unauthorised access to the tyres and the fire break.

07 Garden Waste

07.1 The licensee must remove processed garden waste on a first shredded/first remove basis.

07.2 The licensee must remove the processed garden waste from the premises within two weeks of the completion of the shredding process.

07.3 All shredding of garden waste must be undertaken behind the noise attenuation barrier

08 Waste Recycling

08.1 The licensee must ensure that recycling facilities are provided as much as practicable for the following materials:

- (a) glass – clear, brown and green;
- (b) paper and cardboard;
- (c) plastic – all types;
- (d) batteries;
- (e) sump engine oil;
- (f) aluminium and steel cans; and
- (g) reusable timber, firewood and garden waste.

08.2 Recycling facilities at the premises must be clearly marked and be available for access by the public.

09 Household chemical collection program

09.1 Chemicals which have been collected in conjunction with a "Household Chemical Collection Program" must be stored in a secure and bunded location within the premises pending lawful disposal or recycling of these chemicals.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

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M1.2 All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Not applicable

M3. Requirement to monitor volume or mass

M3.1 For each discharge point or utilisation area specified below, the applicant must monitor:

- the volume of liquids discharged to water or applied to the area;
- the mass of solids applied to the area;
- the mass of pollutants emitted to the air,
- over the interval, at the frequency and using the method and units of measure, specified below.

M4. Testing methods - concentration limits

M4.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

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M4.2 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M3** must be done in accordance with:

the Approved Methods Publication; or

if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,

unless otherwise expressly provided in the licence.

Note: Testing methods - load limit

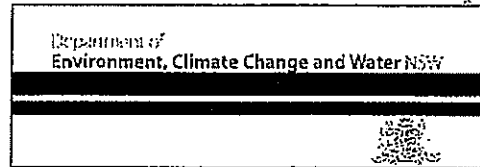
Clause 17(1) and (2) of the Protection of the Environment Operations (General) Regulation 1998 requires that monitoring of actual loads of assessable pollutants listed in **L2.1** must be carried out in accordance with the testing method set out in the relevant load calculation protocol for the fee-based activity classification.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

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ATTACHMENT – MANDATORY CONDITIONS FOR ALL EPA LICENCES

ADMINISTRATIVE CONDITIONS

Other activities

This licence applies to all other activities carried on at the premises, including:

Composting Facility (Deferred Consent) subject to additional assessment

OPERATING CONDITIONS

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

- This includes:
 - the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
 - must be maintained in a proper and efficient condition; and
 - must be operated in a proper and efficient manner.

MONITORING AND RECORDING CONDITIONS

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

- The record must include details of the following:
 - the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;
 - the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

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Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a Statement of Compliance; and
 - a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- Where this licence is transferred from the licensee to a new licensee,
 - the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
 - in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - in relation to the revocation of the licence - the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

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Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

- The notification must specify:
 - the assessable pollutants for which the actual load could not be calculated; and
 - the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

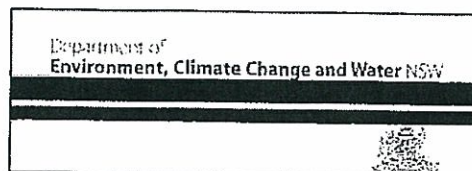
- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

- The request may require a report which includes any or all of the following information:
 1. the cause, time and duration of the event;

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2. the type, volume and concentration of every pollutant discharged as a result of the event;
3. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
4. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
5. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
6. (details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
7. (any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

GENERAL CONDITIONS

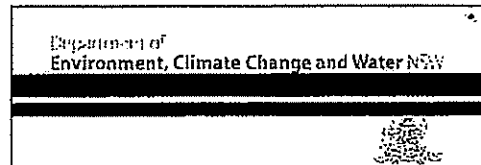
Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

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Attachment B

Stage 3 – Composting

Emissions from the proposed composting process is potentially the most odorous activity at the site and a detailed air quality assessment has been included as part of the Environmental Assessment.

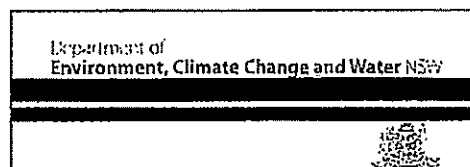
The Department of Environment, Climate Change and Water (DECCW) has reviewed the air quality impact assessment (the assessment) and concludes that without significant mitigation, there is a strong likelihood of adverse odour impacts at the nearest residences. Development of the proposal will be staggered in three stages, with Stage 3 presenting the greatest likelihood of adverse odour impacts. DECCW considers that based on the information presented in the assessment, there is considerable uncertainty regarding predicted impacts and no stated commitment to implement recommended options.

Prior to the implementation of Stage 3, which DECCW understands is not planned to proceed for up to 5 to 8 years, the proponent must submit a revised air quality assessment. The revised assessment must address the following matters to the satisfaction of the Environment Protection Authority (EPA):

- *Selected odour criteria and inclusion of all receptors in the odour modelling and assessment* – consideration of additional residences located south of the Albury Waste Management Centre (AWMC) that appear not to have been included as discrete receptors for the assessment. Additionally, new dwellings may be built in close proximity to the proposal. It is likely that the population density south of the AWMC site is greater than 10 people/km² resulting in a more stringent odour criterion.
- *Odour impact on the urban area of Hamilton Valley* - the odour impact on the urban area has not specifically been assessed. The expected impact at the urban boundary can be inferred from the isopleth plots in the assessment. The applicable assessment criterion for the urban area is 2 OU. It is likely that without significant mitigation measures, adverse odour impacts would occur at Hamilton Valley urban area. Remodelling of Stage 3 assuming an 80 percent reduction in odour emissions from the majority of the composting operation resulted in compliance with the adopted odour criteria; however, the assessment does not describe or commit to implementing the measures (e.g. enclosed with ventilation provided to a biofilter) necessary to achieve the modelled 80 percent reduction in odour emissions.
- *The variability of emissions from composting activities over time* – the assessment does not predict impacts that could result from multiple batches of young compost material at the same time. The only peaking effect that the variable emissions have comes from times when turning or moving the compost occurs. Additionally, the assessment does not demonstrate that compost turning was modelled during hours of poor atmospheric dispersion. Based on the information presented on emissions modelled, there is considerable uncertainty as to whether the model is over or under predicting the likely impact.
- *The measures to be implemented to control odour emissions* - the current assessment includes a discussion of recommended odour emission measures but does not commit to implement any of the recommended options. A revised air quality assessment must therefore evaluate control measures and include the selected operating scenario, location of the odour sources, engineering controls or some combination that adequately controls odour emissions and reduces the risk of adverse odour impacts from the proposal.

The proponent must specify and commit to the implementation of odour controls prior to the implementation of Stage 3 of the Albury Waste Management Centre Northern Valley Development. The odour controls must prevent adverse odour impacts upon residential receivers. It is recommended that the proponent consults with DECCW's air technical specialists in preparing a revised air quality impact assessment for Stage 3 of the proposed development.

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Attachment C

Threatened Species Considerations

1. It is important that connectivity between the vegetation communities be maintained across the site. As a minimum, a wildlife corridor should be provided in the south. This would link vegetated ridges to the east with remnant vegetation to the west. It could be created by linking retained Box-Gum Woodland in the south-east of the site to retained Box-Gum Woodland in the south-west of the site. An extension of this corridor should be established by planting between the proposed construction/demolition and green waste facilities to link to a narrow corridor off-site that runs up into the ranges to the east (shown in the Albury Ranges Threatened Species Conservation Strategy). It is recognised that this corridor extension may require slight relocation of the proposed construction/demolition and green waste facilities and careful design of access roads.
2. Revegetation of the undeveloped parts of the site should be undertaken. Plantings should be focused on areas mapped in the EIS as exotic grassland, with the proposed creek alignment and southern areas a priority. Planting within Box-Gum Woodland has the potential to degrade these communities, in particular areas of native grassland, if not appropriately planned. Planting in areas mapped as Grassy Box-Gum Woodland and Native Grassland must be guided by a detailed revegetation plan.
3. Retained vegetation should be managed for conservation in perpetuity by Albury City Council. A Plan of Management should be prepared to guide the long term management of areas of retained vegetation (this could include any revegetation plan). Future management should be guaranteed by the placement of appropriate positive and restrictive covenants on the title of the land. These areas should be incorporated into the Albury Local Environment Plan (currently on exhibition) as Environmental Management (E2) zone.
4. All retained vegetation should be fenced to prevent vehicle access and accidental damage during construction and for the life of the landfill. Retention of existing fences, as recommended in the EIS, may be sufficient, but there is no map showing their location. Access roads should be fenced out of these areas.
5. The EIS highlights the high density of foxes in the area, thought to be associated with the existing landfill. A feral predator control plan must be developed and implemented for the life of the landfill.

Aboriginal and Cultural Heritage Considerations

DECCW supports findings of Section 13.4 of the EIS and endorses the recommendation to conduct further archaeological investigation of the area.

Upon receipt of a completed application from the applicant, the Department of Environment Climate Change and Water will issue a section 87 Aboriginal Heritage Impact Permit (AHIP) under the *National Parks and Wildlife Act 1974* provided the applicant demonstrates that thorough consultation and information sharing is conducted with the Albury Aboriginal community in line with DECCW Interim Community Consultation Requirements

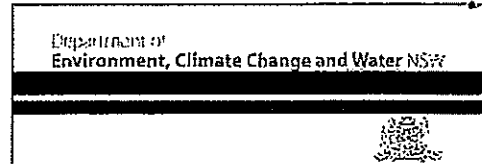
The section 87 AHIP will contain various conditions including the following:

1. The section 87 AHIP will not cover Aboriginal human skeletal remains. If any human bones are located within the development area all works shall cease at that location and DECCW must be notified immediately.
2. No actions will be authorised under the section 87 AHIP until written approval of the application is received from DECCW.

Following receipt of a report on the works conducted under the s87 AHIP (as referred to above) DECCW will consider any subsequent application for a s90 AHIP that may arise where the report can demonstrate that

- the Albury Aboriginal community have been fully informed about the impacts of the activity on any Aboriginal heritage that may be present on the proposed development area,

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- The significance of any Aboriginal heritage in the area is of a low level, and
- the loss or destruction of that heritage would not result in any long term loss of significant Aboriginal heritage that is not represented elsewhere in the region, and
- the activity will not compromise issues of intergenerational equity and can be demonstrated to be ecologically sustainable.
- The section 90 AHIP will not cover Aboriginal human skeletal remains. If any human bones are located within the development area all works shall cease at that location and DECCW must be notified immediately.

SCANNED

General Manager
Albury City Council
PO Box 323
ALBURY NSW 2640

17/04/2008

Dear Sir,

ALBURY CITY		FILE No.	ACT
DEPT	A/D		
REC		10-2009-29846	
CR			
AP			
SERV			
ENV		16 NOV 2009	
LEGAL			
PED	MIC		✓
KEY		CORRESPONDENCE No.	
HR		SCN2009/04060	
CCS			
RISK			

Land and Property
Management Authority

Crown Lands Division

Shona Cowley, Team Leader West
Land Management
South Region
Ph: 02-6937 2713 Fax: 02-69211851
Email: shona.cowley@lpm.nsw.gov.au

Our Ref: 09/00441

RE: Notification of Development Application 10.2009.29846.1

Reference is made to your letter of 21st October 2009 (Your Ref: 25668) concerning the expansion of the Albury Waste Management Centre.

It has been identified from our investigations that Lot 92 DP 608683 adjoins of the following Crown land;

1. Lot 43 DP 608682 being Reserve 220025 for Environmental Protection, currently managed by the Department of Lands.

On the information provided the Department has no objections provided:

1. No development drainage, overflow or contaminated waste (contaminated runoff or septic) entered or impacts negatively on the Crown land.
2. No materials are dumped or stored on the Crown Land.
3. There are no negative impacts on the use, function and environmental features on any of the identified adjoining Crown land.
4. Albury City Council is responsible for any required remediation caused by the proposed development.
5. All Asset Protection Zones to be constructed within the proposed development area and not on the Crown land.

Yours faithfully



Shona Cowley
Team Leader - West
Land Management
South Region