

PLANNING ASSESSMENT REPORT – 2016STH003

DA 136/2015: EXPANSION OF SOLID WASTE LANDFILL (NON-PUTRESCIBLE)

APPLICANT: MH Earthmoving Pty Ltd

SUBJECT LAND: Lots 472 & 502 DP751421 and Lot 2 DP111917

LAND OWNER: Paul Manns

CONSENT AUTHORITY: Gundagai Shire Council

ASSESSING OFFICER: Brent Livermore – Acting Planning Officer

DETERMINING AUTHORITY: Southern Region Joint Planning Panel

EXECUTIVE SUMMARY

An application for the expansion of a General Solid Waste Landfill (Non-Putrescible) was lodged with the Gundagai Shire Council on 22 December 2015. The application is for Designated and Integrated Development and on the basis that it is for a Waste Facility and is Designated Development the application was informed to the Southern Region Joint Planning Panel as the determination body for such a development.

The assessment process has followed the requirements as described in Section 79C of the Environmental Planning and Assessment Act 1979 and took account of the information provided in the Environmental Impact Statement (EIS), including addendums, prepared by Salvestro Planning on behalf of the applicant MH Earthmoving Pty Ltd.

The EIS was accompanied by various supporting documents prepared by sub-consultants to address environmental impacts that would be associated with the proposed development. These reports were amended following requests from Council and the EPA to provide further information regarding several of the matters to be considered.

In addition to this information, consideration was given to public submissions received during the public exhibition process as well as information provided at a public briefing meeting held on 16 May 2016.

After due consideration of all relevant matters this planning assessment process has concluded that the proposal should not proceed as a result of a number of issues identified during the assessment and subsequent advice from the NSW Environment Protection Authority that it does not support the proposal and is not able to issue conditions of approval.

The recommendation of this assessment report is therefore that the application should be refused.

SITE DESCRIPTION

The development site contains an existing landfill that has been in operation since July 2013 and consists of the filling of an abandoned gravel quarry pit with ancillary access roads and truck unloading facility at the rim of the pit. The surrounding site area that is the subject of the current application consists of an intermittent creek to the east of the existing pit, a natural ridgeline to the south of the pit and a creek (Sprillbry Creek) running around the western side of the pit. For the

purpose of the proposal the formerly unnamed creek to the east has been described as Burra Pit Creek.

The land is generally cleared with a historical use for grazing, with the exception of the area utilized by the former gravel pit and more recently as the landfill cells 1 & 2. Part of the subject land being Lot 472 DP751421 also contains an existing development that houses a honey extraction operation. More detailed descriptions of site geology are contained within the EIS documentation.

The site is located approximately three kilometers to the west of Gundagai and is in proximity to a number of residential properties (dwellings) not associated with the development.

DESCRIPTION OF DEVELOPMENT PROPOSAL

The proposed development under consideration involves the expansion of an existing landfill operation to provide for an increased capacity from 150,000 tonnes to 750,000 tonnes, total waste volume. In addition to waste material, the construction and ongoing operation of the landfill cells will require approximately 62,000 tonnes of clay material for the construction of leachate barriers. It has been assumed in the EIS documentation that approximately 10% of the required clay material would be sourced on site, with the remaining volumes to be obtained from sources within the local area (approximately 56,000 tonnes).

After clarifications regarding cover materials the application is seeking to obtain as part of the consent an annual receiving volume of wastes of up to 60,000 tonnes.

Materials to be disposed of consist of waste by-products generated from the recycling of cardboard and paper at the Visy Pulp Mill located at Tumut. The waste materials are made up of Paper Machine Rejects, which are the predominant waste stream and consist of materials including paper/pulp residues as well as plastics, metals and glass, being contaminants placed into the cardboard and paper recycling waste streams. Other waste materials consist of dregs and grits, fly ash and boiler sands.

All of the waste materials have been classified as General Solid Waste (Non-Putrescible) within the solid waste guidelines, with the material known as dregs and grits having previously been approved by the EPA for use as daily cover material. While approved as cover material these dregs and grits are still classified as waste and will form part of the waste volumes to be landfilled. Future use of these materials as cover would need to be determined as part of any licencing conditions that may be issued for the proposal.

ASSESSMENT PROCESS

The proposed development will be determined by the Southern Region Joint Planning Panel as it is a Designated Development involving a waste management facility, with this class of development being an automatic referral to a Regional Planning Panel. The application is also Integrated Development requiring approvals from NSW DPI Office of Water and the NSW Environment Protection Authority. The purpose of the facility would be to receive non-putrescible general solid wastes from the Visy pulp and paper mill located at Tumut.

The application along with a supporting Environmental Impact Statement (EIS) was lodged with Council on 22 December 2015. Both Council and the EPA wrote to the applicant seeking further information to enable an appropriate assessment of the proposal to be undertaken. Further to the initial request for further information, additional clarifications had to be obtained. The assessment

has been undertaken taking into account all the documentation received by the applicant and with reference to public submissions received during and following the public exhibition period, in accordance with the matters for consideration as described in Section 79C of the Environmental Planning and Assessment Act 1979.

The report also considers representations made to the Panel at the Community Briefing Meeting held in Gundagai on 16 May 2016.

SECTION 79C CONSIDERATIONS

(a) (i) Environmental Planning Instruments

Gundagai Local Environmental Plan 2011

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy No.55 Remediation of Land

State Environmental Planning Policy No. 33 Hazardous and Offensive Development

Gundagai Local Environmental Plan 2011

Comment: The provisions of the Gundagai Local Environmental Plan 2011 (LEP) apply to this application. The subject site is located within the RU1 Primary Production Zone and the proposed development being a 'waste management facility' as defined in the LEP is a use that is permissible with consent.

RU1 Zone Objectives.

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

Comment: The proposal site is not located on prime agricultural land and as such is not inconsistent with this objective, subject to there being no impacts that affect adjoining land resources.

- To encourage diversity in primary industry enterprises and systems appropriate for the area.

Comment: The proposal is not a primary industry and therefore not directly applicable to this objective. The proposal does provide a diversity in land use.

- To minimise the fragmentation and alienation of resource lands.

Comment: The proposal does not fragment or alienate resource lands. The activity would be undertaken on existing lots and would not compromise any access to other surrounding lands.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Comment: The proposal is not consistent with this objective. The proposed development and adjoining land uses are within the same zone, however the development may create land use conflicts within that zone in cases where there are impacts on the amenity of residential uses, and or impacts on environmental parameters such as water quality. Other potential conflict issues are in relation to dust, odour and noise impacts. In regard to noise impacts in particular, the proposal does not provide any tangible means of mitigating impacts on the worst affected residence and no form of negotiation has been identified. It is noted here that the latest iteration of the noise assessment report has been

modified to re-define the differing noise assessment regimes with regard to operational noise and road traffic noise. More discussion is included on this matter later in the report in the table of impact assessments.

- To encourage the efficient use and conservation of water resources.

Comment: Water use by the proposed development is relatively minimal in terms of volume. The landfill would become a “closed system” whereby water captured on the landfill cell footprint is directed to a leachate storage system. This water may then be used to recycle back over the cell to control dust. This recycling process is also part of the leachate management process by way of increasing the evaporation rate of the liquid. Dust control on areas that are not part of the leachate capture system will need to be carried out with water from a clean source, which may include a farm dam or some other similar uncontaminated source. Any water licencing requirements would be the responsibility of the Office of Water to address in any Controlled Activity Approval that may be issued for the site.

- To protect significant scenic landscapes.

Comment: The proposed development would create a change in the visual appearance of the land, in that the northern wall of the proposed cell 3 would rise to approximately 292m AHD to be relatively consistent with the height of the existing landfill, with the final capping layer to be a curved surface starting at approximately 299m AHD. This north wall is effectively the main part of the development that would be viewed from a public place, being the Burra Road. The visual appearance would consist of an earth wall and when vegetated would in the long term blend into the surrounding area, however it would provide a significantly altered view of the existing creek formation.

- To encourage development that does not adversely impact nearby agricultural activities.

Comment: Many concerns have been raised by adjoining owners of agricultural land regarding adverse impacts that may be created by the development. The assessment of these potential impacts is addressed in other parts of this report.

- To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.

Comment: The proposal may have potential impacts on the natural environment, with the most likely of these being to water quality of both ground and surface water systems. The impacts on these have been addressed in other sections of this report. Impacts on native vegetation and wildlife habitat would be minimal due to the past history of the site being cleared grazing land.

- To ensure development prevents or mitigates land degradation.

Comment: The proposed development is of a type that has a number of potential land degradation issues associated with it. This in itself is not a reason to not proceed with such a development subject to there being a reasonable assurance that the mitigation measures set out in the proposal are sufficient to prevent land degradation. Such a proposal would also be dependent on having an appropriate rehabilitation and monitoring plan accepted as part of any consent and or licencing conditions. A landfill will create contaminated land as defined in the Contaminated Land Management Act.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development is permissible with consent under the provisions of the Infrastructure SEPP. Clause 123 of the SEPP requires that:-

(1) In determining a development application for development for the purpose of the construction, operation or maintenance of a landfill for the disposal of waste, including putrescible waste, the consent authority must take the following matters into consideration:

(a) Treatment or the composting of food and garden waste, so that the amount of waste is minimised before it is placed in the landfill.

Comment: The proposed waste stream does not include putrescible material and as such there may be limited opportunity for alternate waste treatment methods as may be the case with a putrescible landfill. There is a concern that the main body of the proposed waste stream contains materials that may otherwise be recyclable, e.g. plastics, glass and metals. These materials are entering the cardboard and paper recycling system as contaminants and appear to only be separated once into the pulp production process.

This situation raises questions about the efficacy of the recycling process that allows such large volumes of "contaminants" into the system. There is no discussion provided or evidence to support the appropriateness of such volumes of landfill waste being produced.

(b) Whether the development:

(i) Adopts best practice landfill design and operation.

Comment: The proposed construction methods for the landfill appear to be substantially compliant with best practice as outlined in the 1996 version of the NSW EPA Environmental Guidelines: Solid Waste Landfills. The SEARs issued for the EIS preparation issued on 14 September 2015, included requirements from NSW EPA which, identified this guideline as the "key guidance document" for the preparation of the EIS. The EPA response also made reference to the Draft guidelines that were currently on exhibition. The design of the proposed development does not appear to have taken account of the new guideline requirements for construction of leachate barriers. The Draft Guideline has subsequently been adopted and would now be considered best practice for the construction of new landfill facilities. In addition to this information it should also be noted that the 1996 Guidelines indicate a requirement for the installation of a secondary or synthetic leachate barrier in certain circumstances. It is considered that placing a waste cell in a creek would be an obvious situation where additional protection from leachate would be required.

(ii) Reduces the long term impacts of the disposal of waste, such as greenhouse gas emissions or the offsite impact of odours by maximising landfill gas capture and energy recovery.

Comment: The proposal does not include any system for the capture of methane. Additional information provided by Advitech has concluded that the Greenhouse gas modelling indicates that the proposal will not create any significant change from previous estimates of Greenhouse gas production. The volumes of gas production from the waste type is unlikely to be viable to justify a capture and reuse system.

The main issues concerning odour at the current operation appear to be generated from the leachate management systems employed and as such it would be considered that this would remain the potential source of odours with the new proposal. The Advitech report modelling does indicate that the odour units anticipated at the susceptible receptors will be well below accepted values.

(c) If the development relates to a new or expanded landfill:

(i) Whether the land on which the development is located is degraded land such as a disused mine site

Comment: The proposed expansion is not utilising an existing mine site or significantly degraded land, other than the use of an existing haul road to the tipping face and some existing trafficable areas and shed facility and two of the existing ground water monitoring bores. The predominant footprint for waste disposal (Cell 3) is an existing creek formation, which is classified as an environmentally sensitive site. Further discussion on this matter is provided later in the report under the heading of site suitability.

(ii) Whether the development is located so as to avoid land use conflicts, including whether it is consistent with any regional planning strategies or locational principles included in the publication *EIS Guideline: Landfilling* (Department of Planning, 1996), as in force from time to time.

Comment: There are no regional planning strategies that would affect the proposed development. With regard to locational principles contained within the EIS Guideline: Landfilling, this document provides a table of environmentally sensitive areas to be avoided. This list includes three criteria that would be of relevance to this application.

- 1. Sites located in or within 40 metres of a permanent or intermittent waterbody;*
- 2. In an area overlying an aquifer which contains drinking water quality groundwater which is vulnerable to pollution;*
- 3. Sites within a floodway which may be subject to a washout during a major flood event.*

With regard to point 1, the proposal is to construct the waste cell number three directly over an intermittent creek bed and as such that would generally be an area to be avoided and identifies the proposal as being inconsistent with the EIS Guideline.

With regard to point 2, the groundwater in the area is being used by local properties for stock supplies primarily, however the ground water may be utilised for private use, particularly in periods of drought when rain water supplies may be exhausted. It should be noted that the ground water source is not being used for a public drinking water supply, however the EIS Guideline does not specifically indicate that the supply would need to be for public purpose for consideration to be given and as such this parameter may be inconsistent with the EIS Guideline.

Point 3, flooding issues may be possible in extreme storm events. While the catchment for the Burra Pit Creek is not an extremely large area, it consists of water shed areas with substantial slopes and as such water coming down the creek in major flood events will be moving at high velocities and as such embankments placed in the path of the creek for diversion purposes would be vulnerable to scouring. The engineered structures required to prevent this issue would need to be subject to rigorous assessment to ensure this parameter could be consistent with the EIS Guideline, given that this is a red flag issue under the Guideline.

(d) Whether transport links to the landfill are optimised to reduce the environmental and social impacts associated with transporting waste to the landfill.

Comment: Transport routes from the Visy mill at Tumut to the landfill site will predominantly utilise State roads and as such these roads are built to standards well within the requirements of the proposed transport vehicles. There would be use of local roads when the vehicles come off the Hume Highway at Gundagai, consisting of West Street and Punch Street (Burra Road). Further discussion is provided by the RMS at point 1 in the table addressing transport issues.

Movement of trucks servicing the landfill has been a source of complaint by residents, particularly those in Punch Street, with most of these complaints being directed at the hours the trucks were leaving the site in the mornings. Matters such as time of movements to and from the facility may be addressed in consent and licensing conditions. Further discussion is also provided later in the report in the response to noise issues.

State Environmental Planning Policy No.55 Remediation of Land

Comment: SEPP 55 is primarily aimed at managing the remediation of contaminated land. It also provides direction for the consideration of development applications in general that involve development being carried out on contaminated land. For the purpose of the proposal under consideration at this time, it is not specifically being carried on contaminated land, although it is associated with a development that has by its use definition created contaminated land.

In order for the intent of the SEPP to be recognized any development to create a waste facility or expansion of such needs to address in detail the proposed remediation activities that will be undertaken during operation and post closure of the facility. The matter of rehabilitation and remediation would be a matter to be addressed in conditions of any consent or licence issued for the proposal.

State Environmental Planning Policy No. 33 Hazardous and Offensive Development

SEPP 33 has provisions that identify development that may be classified as either 'potentially hazardous' or 'potentially offensive'. As a result of the definitions it is considered that the proposed development may be classified as potentially offensive as:-

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

Comment: While the proposal provides reports relating to likely discharges from the facility, the amended noise report in particular has been modified with regard to noise criteria to indicate that noise discharges are within acceptable limits. Further discussion is provided on noise related issues in the table later in this report.

Clause 13 of the SEPP sets out the matters for consideration by consent authorities when determining an application to carry out development to which Part 3 of the SEPP applies. The consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):

(a) Current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.

Comment: The two relevant Guidelines to this application are: "Hazardous and Offensive Development Application Guidelines – Applying SEPP 33", and the Guideline on "Environmental Matters" to be considered when determining development applications. These Guidelines predominantly relate to the consideration of SEPP 33 and SEPP 55 and accordingly, these Planning Policies have been addressed as part of this assessment.

(b) Whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply.

Comment: The proposed development is both Designated and Integrated development and as such other public authorities that have been included in the assessment process are; the NSW EPA and OEHL, NSW DPI – Office of Water, NSW DPI-Mineral Resources and the Roads and Maritime Services. Other public authorities contacted in regard to the proposal include DPI Fisheries and NSW Food Authority.

(c) In the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and

Comment: The proposal is not considered to be a potentially hazardous development.

(d) Any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application).

Comment: The issue of site suitability and alternate site options is discussed more extensively in other sections of this report. See items 29 and 31 in the table addressing potential impacts.

(e) Any likely future use of the land surrounding the development.

Comment: The likely future use on land surrounding the development is considered to remain unaltered in the short to medium term and as such consideration of impacts as outlined in this report is considered to be relevant to the site context with regard to likely future use.

(ii) Any proposed Environmental Planning Instrument

Comment: There are no proposed environmental planning instruments that apply to the land.

(iii) Development Control Plans

Comment: There are no development control plans applying to the land.

(iiia) Planning agreements or draft planning agreement under section 93F

Comment: No planning agreements have been entered into and no draft planning agreement has been offered to be entered into.

(iv) The Regulations

Comment: Schedule 3 of the Environmental Planning and Assessment Regulation 2000 identifies the proposed development as Designated Development and as such the Regulations prescribe the process for public exhibition and advertising the proposal. Schedule 2 of the Regulation also sets out the matters that must be addressed for consideration in the preparation of an EIS.

(v) Coastal Zone Management Plan that apply to the land

Comment: This provision is not applicable to this application.

(b) The likely impacts of the development

Comment: The likely impacts of the development have been identified and discussed under the review of submissions section of this report.

(c) Suitability of the site for the development

Comment: The suitability of the site has been considered later in this report under the review of submissions. Site suitability has been considered in conjunction with the discussion of alternative sites and the Public interest, as well as being assessed against the criteria identified in relevant planning documents such as "EIS Guideline Landfilling" Department of Urban Affairs and Planning September 1996, "Environmental Guidelines Solid Waste Landfills" NSW EPA Second edition 2016 and "Environmental Guidelines Solid Waste Landfills" NSW EPA January 1996.

(d) SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT AND REGULATIONS.

The development proposal was publicly advertised in accordance with s.79 of the Act for a period of forty three (43) days. Notifications were given to owners of land adjacent to the proposed development site and the statutory proposal notice was displayed at the entrance to the subject land.

A total of sixty two (62) submissions were received, with four (4) of those being received following the public exhibition period. All submissions have been considered as part of the assessment process.

Submissions were received from individuals and from groups representing community members, business organisations and local government bodies. One submission was accompanied by two petitions with a total of approximately 645 signatures, including several signatories on the petitions that were not from the local area.

Several submissions were received on a pro-forma document, some with personal comment at the conclusion. The issues of concern set out on the pro-forma document generally reflected the range of issues that were referenced broadly across individual submissions.

The table below sets out the range of issues raised and provides a response to those issues. A number of the submissions received have been based more on complaints about the current operations associated with the existing facility. For the purpose of this assessment these issues will be taken as concerns that any new expanded facility would replicate these issues, however it is important to note that the existing development is not under consideration with regard to this assessment report.

Further to submissions received during the public exhibition period, a public briefing meeting was conducted by the SJRPP on 16 May 2016 at the Gundagai High School at which twenty two (22) members of the public addressed the Panel. Three (3) spoke in favour of the development, with the remaining nineteen (19) speaking against the proposal.

As with written submissions, many of the presentations were focused on the existing operation, however the issues raised were generally a reflection of the issues raised in written submissions and where variation to concerns raised in written submissions has been identified those matters have been included in the discussion in the table of responses.

Table of Submissions

Issue	Response
<p>1. Heavy vehicle use on Burra Road (Punch Street)</p>	<p>The Burra Road (Punch Street) is a Council Local Road and is of a design consistent with use by heavy vehicles, other than B Double configurations as this road is not a gazetted B Double route. Trucks involved with the proposed waste facility are not the only heavy vehicles that use this road. There are other heavy vehicles associated with Council's waste disposal centre, Livestock transporters and other quarry operation vehicles and general freight that may use this road. The new development would be liable to pay contributions to Council under its Section 94 Plan for <i>Development Generating Heavy Vehicle Movements on Local Roads</i>.</p> <p>Issues concerning noise from heavy vehicles associated with the existing development have been encountered and if approved the new development would have more specifically designed conditions of consent to ensure heavy vehicles are only entering and leaving the site at acceptable times as a potential mitigation measure.</p> <p>It is noted that the updated noise assessment report by Advitech has considered noise impacts on residences in Punch Street and indicates that the predicted noise levels in this location are in accordance with the NSW Road Noise Policy.</p> <p>Other safety concerns have been raised with regard to Punch Street being a School Bus route. The previous consent had required trucks not to use the road during School Bus times, however this seems to be an unnecessary requirement when no other vehicles are restricted in this time.</p> <p>Comments from RMS have been received and RMS do not object to the proposal on traffic grounds, however have provided the following comments and recommendations to be incorporated in conditions of consent if the application was approved.</p> <p>"It is noted that vehicle activated lights are currently installed on Burra Road on the southern approach to its intersection with the access road to the landfill site. As a result of the increased traffic volumes proposed it would be appropriate to review of the current operation of the warning lights, particularly the activation mechanism, to ensure that the lights are activated by all vehicles exiting the site. Further to this a maintenance regime should be developed to ensure that the warning lights and activation mechanism is checked on a frequent basis by the operator of the landfill site with proof of this provided to the consent authority on request.</p> <p>Further to the above, consideration should be given to a requirement for the development of a Transport Management Plan in consultation with the relevant road authority, to outline measures to manage traffic related issues associated with the operation of the development and haulage of material. This plan should focus on the management of traffic generated by the development, the potential</p>

	<p>impacts, the measures to be implemented, and the procedures to monitor and ensure compliance".</p> <p>RMS have provided a suite of issues that should be addressed in such a plan.</p>
2. Noise & Vibration	<p>Noise & vibration impacts would generally be associated with two aspects of the operation. Firstly construction, followed by ongoing operation.</p> <p>The EIS and additional information have provided reports on these criteria. With regard to noise the modelling provided generally indicates that noise impacts will be within acceptable limits as prescribed by the EPA Industrial Noise Policy.</p> <p>The EIS accompanying the application provided noise assessments that were essentially a reproduction of the 2013 application. Subsequently, further information was provided, which indicated some exceedance of noise criteria. A further update was required so that the noise report addressed the impacts of the actual yearly waste tonnage disposal being sought (60,000t).</p> <p>This updated information was based on different criteria for the assessment of noise impacts, in particular road traffic noise. The original report had identified the haul road adjacent to R1 as an internal road and as such the noise exceedance at that point (53dB(A)) was based on the PSNL (35dB(A)). The updated report has been based on criteria under the Road Traffic Noise Policy, which sets an acceptance value of 60dB(A) for a sub-arterial road. It is considered that this road category is not the correct category for the access road adjacent to R1, which should be considered under a local road category and therefore the assessment criteria should be based on 55dB(A) for daytime use.</p> <p>The implication of this change means that issues in relation to this road use do not fall under the licencing regime of the EPA, but instead fall back under the matters for Council consideration in assessing impacts. The modelling for road traffic noise (worst case scenario) indicates levels up to 57dB(A) as the predicted/modelled LAeq 15 hour daytime road traffic noise on Burra Road, and as such it would be assumed that the noise levels at R1 by trucks using the adjacent access road would be in excess of this level and well above the normal amenity noise level of 50dB(A) under the INP for operational noise.</p> <p>The EIS has not identified any mitigating measures with regard to noise impacts nor any attempt by the developer to enter into any negotiated agreements with the resident/s of the most affected property (R1). On this basis the predicted noise impacts would be considered to be unreasonable at R1.</p> <p>Vibration impacts would primarily be associated with construction activities. The most significant of these is likely to be blasting. The first addendum to the EIS stated that the revised drawings do not</p>

	<p>envisage the need for blasting. However, given the extent of excavation that will be required, in particular regard to the creek diversion, it would be reasonable to assume that a significant amount of blasting may be required and as such further additional information was requested.</p> <p>Subsequently a further report has been submitted to update the EIS with regard to potential blasting impacts. This information was forwarded to the EPA for review.</p> <p>The report sets out limits on blast intensities that could be used to prevent exceedance of accepted criteria in relation to human comfort, for both residential and factories/commercial sites.</p> <p>The report addresses potential blasting impacts on existing clay liners, however due to a lack of site data the report appears to take a trial and error approach. This may be an acceptable method based on first principles, however given that it is proposed to conduct blasting within 5 metres of the existing cell 1&2 lining system, this approach would appear to have a high level of risk associated with it. There are further comments provided by the EPA response with regard to noise impacts.</p>
<p>3. Dust & Odour</p>	<p>The generation of dust would be more prevalent during the construction phases. The operational activities of waste placement should produce less dust nuisance by wetting the working surfaces of the waste cell (it is also noted that the waste material contains significant moisture when delivered) and applying water to any unsealed traffic areas during the operational hours.</p> <p>Consent conditions would specifically indicate that leachate may not be used for dust control on any areas that do not drain directly into the leachate catchment dam. Dust generation and control has been discussed in the Air Quality Report by Advitech</p> <p>The Advitech report also deals with potential odours from the proposed development. While there would be some odour generation from the waste cell and the leachate pond, the only site identified as being impacted by odours in excess of guideline limits is the site of the Gundagai Bee Farms. The applicant has provided updated information to the Advitech report as it has been based on the assumption of 40,000 t/a waste received, instead of the proposed 60,000t/a.</p> <p>Odours have been detected by Council officers while visiting the site, However these have not been identified at locations near other residential properties at the time of inspections.</p> <p>Council will work closely with the EPA to determine if odours are within acceptable limits and conditions would be imposed with regard to the minimisation and control of offensive odours.</p> <p>The Advitech air quality report does indicate exceedance levels of particulates at the Gundagai Bee Farms building. As the owner of this operation has given consent for the proposed development, this</p>

	<p>exceedance is not of a particular concern with regard to amenity, however the honey extraction business is by definition a food processing business, which raises issues regarding the protection of food from contamination. This matter falls under the jurisdiction of the NSW Food Authority and as such the matter has been referred to that authority, however initial indications are that the Food Authority has no particular concerns other than the operator observing the appropriate food safety processes.</p>
<p>4. Inadequate testing for heavy metals</p>	<p>This claim is general in its nature and has not been supported by any factual information. The wastes to be deposited will be subject to classification and testing methodologies as required by the EPA. In order for the waste to be suitable it will have to fall within the waste classifications that confirm its acceptance as General Solid Waste (Non-Putrescible).</p> <p>The presence of heavy metals will be an issue subject to the EPA classification criteria. Any Environment Protection Licence issued would clearly define the acceptable limits for any heavy metal contamination. The regularity for testing of these compounds would also be identified in any licence conditions.</p>
<p>5. Clay liner integrity – contamination of groundwater</p>	<p>The EIS and additional information has provided fairly extensive reports based on monitoring of ground water bores on site. The information provided refutes the claims that the existing cell leachate barrier has failed and is allowing contamination of ground water. There has been a number of further test samples taken by the EPA for further analysis and examination by the EPA specialist hydrology staff. The outcome of these further tests and examination are principally in relation to activities at the existing site and do not directly affect the considerations of the proposed development.</p> <p>As outlined earlier in this report it is considered that the proposed leachate barrier system for the expanded landfill would not now meet best practice and as such if it were to proceed the design would have to be upgraded to meet those standards, regardless of the current testing regime.</p> <p>This matter has been addressed more fully in the EPA response.</p>
<p>6. Source of clay lining material</p>	<p>Following review of the EIS the applicant was requested to provide further advice in relation to the source of clay for lining purposes. Information was received as part of the Addendum 2 to the EIS. Three sites have been identified as having material potentially suitable for the project. These sites are located at:</p> <ul style="list-style-type: none"> • Bethungra Road, Nangus. The report states that the applicant is currently preparing an application to obtain consent for this site as it will be a new extractive Industry; • Tumblong Reserve Road, Brangus. This site is a Council controlled quarry, which may have materials suitable for lining subject to testing; and • Glenella Quarry, Cowra. This is an existing approved and licenced quarry and subject to testing of material may be a valid source. <p>The applicant would be required to provide Council with all details of the final source/s and consideration would be then given to the application of Council's section 94 contributions plan for payment of</p>

	contributions to road maintenance.
7. Health impacts	<p>Some submitters have raised the issue of health impacts, such as aggravation of certain respiratory conditions etc. Most of these claims were very general and offered no specific medical evidence that medical conditions have been affected by either the operation of the landfill or the movement of the waste materials on local roads. In the absence of any specific medical evidence as to health impacts these claims could not be supported.</p> <p>Another health associated concern that has been raised is the food safety matter associated with the proximity to the Gundagai Bee Farms operation. See 3 above for further comment on this matter. Part of this aspect is also considered at 15 below under bio security risks.</p>
8. Impacts on roads	This matter has been addressed above in 1 & 6.
9. Impacts on waterways and ecosystems	<p>The potential for these impacts forms a substantial part of the overall development assessment process. The application has been accompanied by a number of monitoring and test results of ground water bores located within the subject site area as well there has been additional testing carried out both by the applicant and the EPA. As previously indicated this testing is primarily in relation to the performance of the existing site with regard to the integrity of leachate barriers.</p> <p>Other impacts on waterways may be the result of uncontrolled stormwater run-off and these impacts would need to be controlled by well managed systems, which the provision of would be a matter for consent and licencing conditions.</p> <p>Other waterway related impacts have been addressed also in the above discussion in relation to consideration of the Infrastructure SEPP. This matter is addressed further in the EPA response.</p>
10. Diversion of Burra Pit creek	This matter is addressed in 31 below in regards to the suitability of the site. Other impacts of this diversion relate to the potential for blasting or other forms of excavation that may compromise the existing clay liner, as well as issues relating to erosion and sediment control in the proposed re-located drainage line.
11. Potential impacts on Aboriginal sites	<p>Any development that involves some form of land disturbance by excavation or other activities may potentially have an impact on Aboriginal sites. The site under assessment is a highly modified site due to its previous history of extensive clearing for grazing purposes followed by its part use as a gravel quarry.</p> <p>The EIS has provided documentation from the local aboriginal land council following their representatives carrying out a site inspection to determine if any Aboriginal sites could be identified. Although no sites were identified it would still be a condition of consent that any works being undertaken are done so with a view that if any artefact or site was uncovered then work would cease to allow an assessment.</p>
12. Potential for seismic actions	This issue has been addressed largely above at 2. Seismic actions may be the result of natural actions or may be caused by such things as blasting. One submission has raised the issue of fault lines running in a north south direction on either side of the proposed development

	<p>site.</p> <p>The main impacts of these would be in relation to the integrity of the clay lining of the cell base. While there may be some likelihood of seismic actions, the design of clay barriers would have to be based on best practice engineering solutions and as such seismic actions will be a consideration in this type of design. The design as proposed does not fully meet the requirements of relevant guidelines.</p>
13. Lack of information and community consultation	<p>The proposed development has been notified, advertised and exhibited in accordance with the Environmental Planning and Assessment Act 1979 and Regulations. The exhibition period was extended beyond the statutory period of 30 days. The EIS and all documentation has been publicly available.</p> <p>In addition, being a JRPP determination, submitters written to and advised of a public briefing meeting where they and any other person may attend and present issues to the panel. During the exhibition and assessment period Council's planning officer has had extensive conversations with those members of the public that have sought information.</p> <p>The statement that there has been a lack of information and or consultation is unfounded.</p>
14. Privacy concerns	<p>Privacy concerns have been identified in particular from residents of the most affected dwelling (R1), with regard to the close proximity of the site access road. The proponent's EIS has not offered any evidence of how such concerns may be minimised. The concerns of this particular resident are also largely in relation to noise and dust issues created by heavy haulage vehicles accessing the site in such close proximity to the dwelling.</p>
15. Biosecurity risks	<p>The biosecurity risks appeared to be in relation to the potential for discharges from the activity to affect nearby water supplies and or pastures.</p> <p>The potential for any discharges is a matter for the overall assessment as these parameters are not simply related to biosecurity issues but rather to the total potential environmental impacts of the proposal.</p> <p>Another issue raised was the proximity of the honey extraction business operating on the land. Two submitters provided information relating to an AgFact published by NSW DPI that sets out guidelines for bee keeping in proximity to landfill developments. This information appears to be more in regard to the location of working bee hives for the production of honey as opposed to the activity or siting of honey extraction premises. More information on this aspect is provided at 3 & 7 above.</p>
16. Presence of harmful chemicals OPs	<p>There is no specific evidence available to support the claim of the presence of harmful chemicals in the waste, particularly with regard to levels of any compounds being in exceedance of accepted environmental or human health criteria. Testing of the waste typical of that to be disposed is conducted across a wide range of parameters. While specific testing is carried out for most Organic Compounds, test results indicate that values are generally below detectable limits.</p>

	There may be some confusion by people when reading certain test results as it is accepted practice to not show test results as nil, but rather to show results as being less than certain values, even where a test has not detected any trace of a particular substance.
17. Impacts on livestock using adjacent waterways	This concern relates to 15 above and 18 below. One of the overall purposes of environmental controls is to protect water, both ground and surface, from contamination. If a landowner suspected that there was contamination in a water supply they were using then they would also have a duty of care to investigate and assure themselves that the water supply they were using was safe. This would be the case regardless of what the cause of contamination was. Rural lands and surface water supplies can also be subject to contamination from the use of agricultural chemicals and fertilisers. There had been some concerns raised regarding cattle drinking from dams on the site, however this situation appears to have been addressed.
18. Impact on farm businesses	While this issue was raised by NSW Farmers, it was relatively general in nature and while it identified issues of noise, odour, dust and visual impact it did not specifically identify the impact these issues would actually have with regard to the operation of farm businesses. Again these particular issues raised make up part of the matrix of issues being considered in the broader context of environmental impacts. This item is also related to the responses at 15 and 17 above.
19. Impact on property values	Some submissions have raised the issue of impact or devaluation of property values. This is a relatively subjective statement and it is difficult to provide informed comment without some form of actual evidence, either by a qualified valuation or some direct example of a property sale not realising a fair market price directly as a result of the lands proximity to the proposed development. In summary this issue is difficult to quantify, however it was raised by a number of submissions and as such should be given consideration in that there would be a perception that proximity to such a development may have an impact on the desirability of a property.
20. Salt scalding – Sprillbry Creek	Sprillbry Creek has been the subject of extensive water sampling and analysis by both the applicant's hydrology consultant and the EPA. Some of this testing has demonstrated that the creek has elevated salt levels at locations close to its source and well upstream of the current landfill. The predominant issue with regard to this current testing is whether or not the existing activity is affecting salt levels in the creek. If this was to be the case, then further weight would need to be given to the design of the leachate barrier systems if the proposal was to proceed.
21. Current Licence breaches	Any breaches of the current EPA licence are a matter for that agency and do not necessarily form part of the proposed development assessment. Certain of the alleged breaches of licence and /or consent conditions for the existing development have been to some extent the result of lack of clarity in certain of the operating requirements. These matters would be clarified more fully and completely in any new consent. It is important to note here that the existing development is not the matter being determined at this time. This assessment relates to the determination of the proposed

	development.
22. Lack of funds for rehabilitation	<p>The submission from NSW Farmers has raised concerns over there not being a proposal to set up a trust fund to remedy any potential future impacts including damage to neighbours property and water or downstream impacts on water quality. The purpose of requiring the EIS process and subsequent assessment and licencing conditions is to reach an appropriate level of surety that any proposed development will not create the types of impacts referred to.</p> <p>While a specific trust fund may not be required, it is a normal practice with such a class of development that any pollution control licence that was issued would have a requirement for the payment of a financial assurance. This money would normally be for the purpose of addressing any unforeseen impacts that may arise by way of inappropriate management of the facility or any forfeiture by the operator. The level of this assurance would be determined by the EPA with regard to the type and scale of activity when considering the issue of a pollution licence and as such would form part of the conditions of consent.</p> <p>NSW Farmers also raised the issue of requiring an independent audit regime to be applied in any conditions of consent and this may be a valid matter to be considered if a consent was to be issued.</p>
23. Leachate management	<p>Some of the concerns about leachate management will be addressed in 5 above with particular regard to the leachate barrier (clay liner). Further to that, the leachate management system is based on a typical engineered clay barrier with collection sump. Leachate is then piped to a leachate catch dam where disposal consists of evaporation from the dam and also evaporation as leachate is pumped over the waste cell.</p> <p>As detailed earlier in the report, it is considered that the proposed leachate barrier system would not meet the newly adopted standards and as such the design for the facility would need to be upgraded to take account of this. Ongoing operation and maintenance of any leachate management system would be subject to consent and licence conditions to ensure best practice operation. The EPA response has provided further comment on this issue.</p>
24. Waste classifications, cover material	<p>Waste materials covered by the proposal have been classified in accordance with EPA requirements as specified in the document <i>"Waste Classification Guidelines, Part1: Classifying Waste"</i> (DECCW 2009). The subject wastes are Class 2 Inert wastes and suitable for landfill disposal.</p> <p>Cover material has been previously dealt with in the existing landfill development. The material known as dregs and grits had been approved for daily cover material following a trial. There had been some confusion as to whether or not the cover material still figured in the waste volume tally. This has been resolved and the dregs and grits are defined as waste and must be accounted for in the total waste figures.</p> <p>While this material was approved as cover for the existing development, its approval for cover in the expanded development now proposed will be a matter to be considered by the EPA if they</p>

	were issuing an Environment Protection Licence for the proposal.
25. Compliance and enforcement	<p>Concerns were raised over compliance and enforcement issues. Some of these have been addressed in 20 above. While there have been a number of alleged breaches with regard to the existing development many of these have been unfounded and others have been the result of lack of clarity in some consent and licencing conditions. Where appropriate the NSW EPA have intervened to correct breaches.</p> <p>As noted in 20 above, the existing development is not under consideration at this time and any new consent issued would be covered by extensive conditions of consent that will clearly set out all matters to be observed in the operation of the facility. Compliance and enforcement will then be the responsibility of Council, with regard to consent conditions and the EPA with regard to the administration of any Environment Protection Licence issued.</p>
26. Total waste tonnages to be clarified	<p>Total waste tonnages have been clarified in the additional information to the EIS. With the clarification of the waste classifications it is proposed that the annual maximum tonnage would be 60,000t of waste material. The total volume of all the proposed cells would extend the existing approved waste volume from 150,000t to 750,000t. It should be noted however that with a development of this nature the completed volume of the facility may have some variations due to compaction rates of waste etc. The final landform of the cells is the more critical measure rather than tonnages meeting an exact figure.</p>
27. Impacts on tourism	<p>A number of submitters raised concerns about the impact the proposal may have on tourism. These concerns seemed to be related more to the potential for significant impacts on waterways that might be affected should the landfill cause deleterious leaching into the nearby creeks and eventually into the Murrumbidgee River.</p> <p>The concerns about tourism impacts were therefore fairly non-specific in terms of how the development would have a direct effect on tourism.</p> <p>There is no evidence to suggest that the existing landfill operation or the Council managed landfill in close proximity have had any measurable effect on tourism. The other issues dealing with impact on waterways would be more appropriately dealt with under any construction, operational conditions that would be imposed on such a development to ensure best practice and protection of the environment.</p>
28. Potential for wastes to come from other sources i.e.	<p>Any consent that may be given would be very specific in what wastes could be disposed of at the facility and from where they were sourced.</p> <p>The proposal as submitted is for the above described waste materials to be sourced solely from the Visy Pulp Mill at Tumut.</p> <p>EPA Licencing conditions would also be very prescriptive in the type of waste and source of that waste.</p> <p>This issue was raised again at the community briefing meeting with one speaker stating that materials such as dregs and grits and fly ash were coming from other sources and not from the Tumut mill. No evidence has been identified that would support this claim.</p>

<p>29. Consideration of Alternate sites</p>	<p>The original EIS and Addendum 1 documentation was lacking in appropriate evaluation of alternate sites for the proposal. Schedule 2 of the Environmental Planning and Assessment Regulation sets out the matters that must be addressed in the preparation of an EIS. One of those matters is the consideration of alternate sites as follows:</p> <ul style="list-style-type: none"> • <i>“an analysis of any feasible alternatives to the carrying out of the development, activity or infrastructure, having regard to its objectives, including the consequences of not carrying out the development, activity or infrastructure,”</i> <p>There is a presumption then, that in investigating alternate sites, the sites chosen would potentially have the capacity/criteria to support the development. It is not considered adequate to merely nominate a site that does not have the required attributes, so that it can be easily excluded from the consideration.</p> <p>Addendum 2 to the EIS has provided somewhat more evaluation of sites along with a matrix (point score) that determines that the proposed site is the most appropriate.</p> <p>In reviewing this information the alternate site assessment is not supported. The reasons for this are provided in the following commentary on the sites examined:</p> <p>1. Do Nothing – this was rejected as VISY must dispose of the by-product waste stream as solid waste. Reuse of the by-product as a soil amendment product was ceased due to changes in legislation that now prohibits that activity. The applicant has an existing contract to find a suitable site for the disposal of the subject waste product. The consequences of not carrying out the development include the necessity for Visy to find alternative waste disposal sites outside of the local/regional area that would potentially be unviable and, in turn, potentially threaten the ongoing operation of the plant. The economic implications for the local region would be significant and unacceptable. In addition, the consequences for the applicant would be the loss of a significant contract and potential closure of a local business with flow on effects of job loss and impact on the economic and social well-being of those persons directly and indirectly involved.</p> <p><i>Comment: The fact that Visy may have to find alternative waste disposal sites outside of the local/regional area is not a valid argument. This statement implies that the preferred site is the only site within the local region capable of supporting the proposal. They are already utilising a site outside of their local area and given that the bulk of the waste is generated from outside of the local/regional area, to find disposal sites in other areas would not represent any equity issues. It is considered that a more comprehensive analysis of alternative sites could be conducted in areas closer to the Visy plant.</i></p> <p><i>The closure of a local business is not a valid argument, as the existing landfill was only approved to have a life of 3-5 years and as such there</i></p>
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	<p><i>was never any indication that jobs involved with the development would extend beyond that period, with the exception of site monitoring and maintenance activities. In addition, if the activity was conducted at another site within the region it is reasonable to assume that it would create the same number of jobs and economic spin off.</i></p> <p>2. Develop a disused quarry at Cootamundra – this was rejected as the site has significant issues with groundwater. Major infrastructure would be required to be installed to make the site operational, including establishing suitable access arrangements and connection to essential services.</p> <p><i>Comment: The information provided on this site is relatively minimal, however one of the rejection criteria being issues with ground water would be equally applicable to the preferred site.</i></p> <p><i>There is no information as to the issues with access and as the existing site is not connected to any essential services this parameter does not appear to be substantiated. There is no identification of the major infrastructure that would be required, however it is noted that major infrastructure at the existing site would consist of the haul road, unloading ramp and leachate dam with associated pumping facilities and monitoring bores. This infrastructure development was considered commercially viable for a facility with a 3 – 5 year life and total capacity 150,000t and as such establishment of similar infrastructure at another site for a 5 times larger development would not be seen as an impediment to the establishment at another site.</i></p> <p>3. Develop a disused quarry at Coolac - this site was also rejected as the site has similar issues with groundwater. Major infrastructure would also be required to be installed to make the site operational, including establishing suitable access arrangements and connection to essential services.</p> <p><i>Comment: As for 2 above, the rejection criteria are not considered to be substantive for the scope of the proposed development. However this site potentially has issues other than those mentioned that would prevent it from development as a waste facility and as such could never have been considered a feasible alternative.</i></p> <p>4. Access to and expansion of Bellettes Landfill, Tumut – this alternative was rejected due to the limitations of the existing acceptance of waste (3000tpa) and restrictions to enabling expansion to the existing operation.</p> <p><i>Comment: This site could not have been considered to be a feasible alternative in its own right as discussed above and as such did not have the appropriate pre-requisite qualities to have been included in alternate site assessment other than a part solution.</i></p> <p>5. Access to and expansion of Bald Hill Landfill, Jugiong - this alternative was rejected due to the limitations of the existing</p>
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	<p>acceptance of waste (15000tpa) and restrictions to enabling expansion to the existing operation.</p> <p><i>Comment: As for 4 above this site obviously never had the capacity to be considered as an alternate site in its own right, however it may have potential to provide part of the disposal solution for the waste stream as it is currently being used to accept the waste up to its annual tonnage limits.</i></p> <p>6. Access to Woodlawn Landfill, Tarago – this alternative was rejected due to access restrictions by rail only and potential excessive costs in establishing an efficient and cost effective waste transfer system from source to landfill.</p> <p><i>Comment: This site could be considered as a feasible alternative given the site capacity to receive the waste. However, the criteria for rejection of this site would be considered valid in the overall context of the proposal.</i></p> <p>7. Expansion of existing Burra Road Landfill site, Gundagai – this alternative provided the best opportunities to establish a sustainable landfill operation to meet the projected needs of both VISY and the applicant (see attached letter of support from VISY). The opportunities offered by the current site, particularly in terms of current infrastructure investment, established environmental monitoring facilities and natural features of site far outweigh the attributes of any other alternative site.</p> <p><i>Comment: While this site is the obvious preferred site by the applicant not all the beneficial attributes as described would be supported. There would be obvious benefits to the applicant with regard to utilisation of the existing infrastructure, however part of this, such as established environmental monitoring facilities (two of the monitoring bores) have to be de-commissioned and new bores re-instated elsewhere on the site. There are some issues in relation to the adequacy of the existing leachate dam to cope with additional loads (this matter has been investigated further by the EPA and comments regarding this are contained in the EPA response). The justification also refers to “the natural features of the site far outweigh the attributes of any other alternative site”. The predominant natural feature of the proposed site is an existing creek that is proposed to be used to form the major waste cell. This identifies the site as being an environmentally sensitive site and as such is a site not considered suitable for a solid waste landfill. For these reasons the justifications given for the preference of this site could not be supported. Also this site is in close proximity to a number of residential properties, with one in particular being adversely affected by the proposal.</i></p>
30. Alleged breaches of current licence	<p>While there have been a number of alleged breaches of the current licence and consent, particularly since the exhibition of the current</p>

	<p>proposal, these are not necessarily planning issues with regard to the assessment of the current proposal.</p> <p>Certain of the alleged breaches have not been founded in fact when investigated, while some have been of a vexatious manner.</p> <p>As detailed at 24 above it is of vital importance that any consent or licence that may be issued for such a development is very precise and fully detailed in its conditions of consent so that there can be no confusion with regard to the responsibilities of the applicant/operator of the development. This is also important for the community to understand what is acceptable in relation to a development.</p>
31. Site suitability	<p>There are many issues to consider in relation to the suitability of the site for the proposed development. The points raised here should be read in conjunction with 29 above, consideration of alternative sites.</p> <p>The existing development was undertaken on the basis that it was an acceptable way to rehabilitate an abandoned gravel quarry. The circumstances being that there was a large pit already partially excavated and the site was largely modified due to that previous use.</p> <p>While there was significant opposition to the proposal due to the potential impacts, the development was to only have a life of approximately three to five years and as such, although the site was likely to cause some unacceptable impacts on nearby residents, it was only for a relatively short duration and considering all of those facts it could have been reasonably considered that the site was suitable.</p> <p>The current proposal though is for an extended life up to a further ten to fifteen years, which would then have a resultant impact time of thirteen to eighteen years with regard to impacts on neighbours and the local environment.</p> <p>Another issue to consider under the suitability criteria is that of the proximity to the established honey extraction (food processing) business on the same lot and in close proximity to the landfill cells. This matter has been addressed at 7 and 15 above.</p> <p>A major issue with the site suitability is that unlike the existing development on the site, which was in part rehabilitating an abandoned quarry, this proposal requires the diversion of an intermittent creek, which will require significant earthworks to cut through an existing ridge formation as well as using the previous creek formation as the location of waste cells (cells 3.1, 3.2, 3.3, 3.4).</p> <p>While it is a common occurrence to utilise voids left by previous quarry type activities for use as landfill facilities, the forming of landfill cells in natural drainage depressions, considered to be an environmentally sensitive area is much less desirable and is inconsistent with all published guidelines referred to above for the establishment of landfills.</p> <p>For such a site to be deemed suitable there would need to be extensive evidence that demonstrated that the site was in fact a more suitable site than any other identified. The physical suitability of</p>

	the site would then need to be weighed against the likely impacts on the surrounding environment and the likely benefits the development would bring to the area. More discussion on this issue is contained in 29 above. However on the face of the information provided and due consideration on planning and environmental grounds, the site is not considered to be suitable for the proposed development.
32. Site geology	<p>The basis of the concerns about site geology appear to be primarily stating that the geology of the site is not suitable for a waste disposal facility. There is significant discussion on the geology in the accompanying reports. It would be fair to say however that no site would really suit a landfill on its own merits. Any site would need significant modification by means of leachate barriers and other engineered solutions to “enhance” site capabilities of effectively containing wastes and protecting the ground and surrounding environments.</p> <p>Another concern regarding site geology is in relation to the ridge formation at the south of the existing landfill. The proposal is to cut through this ridge to form the new creek diversion. While there is little site exploration information regarding this area it would be reasonable to assume that this ridge is a continuation of the ridge containing the existing landfill cell and therefore likely to be similar material, that will require significant blasting to carry out the required excavation.</p> <p>The EPA have requested additional information in relation to this issue following statements in the EIS that blasting would not be required.</p> <p>Other discussion relating to this issue is contained in 5, 12, 23 & 31 above. The EPA response has also provided extensive comment in relation to this matter with regard to the blasting impacts.</p>

(e) The Public interest

The public interest in relation to a development application can cover a broad range of issues, some beneficial, some detrimental. The proponent’s EIS provides comment on this issue and states:-

“The public interest is supported with this application as the proposal is in accordance with the 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 land use table. The public interest is also supported by application of EPA licencing to ensure compliance with best practice performance criteria”.

Comment: This overall statement would not be supported for the following reasons:

- *As detailed above in this report the proposal does not meet all provisions of planning policies and guidelines;*
- *The proposal does not necessarily coincide with any future desired character of the locality; and*
- *The proposal is inconsistent with several of the zoning objectives contained in the Gundagai LEP.*

The precedent set by the existing development demonstrates that there is little public acceptance of such a facility in the chosen location and while not all complaints made in relation to this are valid a significant number are, particularly in relation to concerns of environmental risk and loss of amenity for adjacent properties. These issues have been considered previously in this report.

With regard to beneficial components of such a development it must be acknowledged that the wider community generally indicates support for waste recycling and this proposed development is primarily committed to deal with waste streams predominantly attributed to the recycling of cardboard and paper and as such it may be considered that the principle of recycling should be supported and it should be recognized that there will be aspects of this that are not readily accepted at all times, however there is an established ethos within society that at times some activities may have to be accepted for the greater good.

The main acceptance issue with this particular proposal from the immediate local area is that the impacts of development for the greater good are being borne by a relatively small number of people and not by a proportionate representation of the population receiving the benefit of the activity. That is to say, if the waste stream for disposal was generated within the Gundagai locality or even within a more localized regional regional context, there may be some better acceptance of the proposal, however when the waste is being generated by larger population centres including metropolitan areas, then there will obviously be a much lesser acceptance by the local community having to be responsible for the disposal of the waste.

The Parameter of public interest in relation to the impacts of development is therefore very much an issue of equity and weighing up the balance of the positive and negative impacts.

The public interest may also be benefitted or burdened by way of economic impacts from developments such as this proposal. The EIS indicates benefits in the form of jobs being approximately five full time positions. While this is a positive outcome in a small rural centre (given the employees were local) it has to be weighed against negative economic affects, which may include such things as impacts on adjacent farming activities, land values etc. although some of these can be very subjective as discussed in the body of the report and difficult to quantify.

It is considered that the predominant public interest issue in relation to this development proposal is the equity issue regarding the disparity between the population with the main benefit from the proposal and the population with the main burden in the form of environmental risk and loss of amenity.

In conclusion it is considered with regard to public interest that while the proposal provides a net positive outcome to the broader population of the state, with particular emphasis on metropolitan areas, it provides an unacceptable negative outcome to the local population of Gundagai, when considering all of the aspects and impacts of the proposed development.

CONCLUSION

After consideration of all planning criteria and potential impacts of the proposed development this planning assessment would conclude that the unsuitability of the site and the ensuing risks to the natural environment and loss of amenity to adjacent properties outweigh the benefits the proposal presents to the local community and as such is not a development that should proceed.

In addition, the formal response provided by the NSW Environment Protection Authority has indicated that it is unable to support the proposal or provide conditions of approval.

RECOMMENDATION

It is recommended that the Southern Joint Region Planning Panel refuse the application for the expansion of a General Solid Waste Landfill (Non-Putrescible) on land described as Lots 472 & 502 DP 751421 and Lot 2 DP 111917, located at 303 Burra Road, Gundagai, for the following reasons:

- 1) The proposal will cause unacceptable loss of amenity to an adjacent residential property located at Lot 1 DP 1122409;
- 2) The proposal will create an unacceptable risk to the integrity of installed clay leachate barriers as a result of blasting activities;
- 3) The landfill cells comprising cells 3.1, 3.2, 3.3 & 3.4 are proposed to be placed in an environmentally sensitive location without adequate justification of the resultant environmental risks;
- 4) The application has not properly considered the possibilities of placing the development in a more environmentally suitable location;
- 5) The proposal does not adequately provide for an equitable outcome with regard to the overall public interest; and
- 6) The formal response from the EPA does not support the proposal or provide any conditions of approval.

Attachment: EPA Response – Dated 20 May 2016