

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNTH-55
DA Number	2020/054
LGA	Gunnedah
Proposed Development	Establishment of a Waste Disposal Facility within the void of an existing approved and operating Extractive Industry (Quarry) for disposal of a maximum 200,000 tonnes of waste (non-putrescible waste)
Street Address	334 Pownall Road & 'Beulah' 259 Barer Road, Marys Mount
Applicant/Owner	Outline Planning Consultants Pty Ltd on behalf of Gunnedah Quarry Products
Date of DA lodgement	10 August 2020
Total number of Submissions Number of Unique Objections	• Seven (7), including GTAs from NSW EPA • 5 (20 late submissions received by Council with a further 10 sent to Council but not accepted)
Recommendation	Approval – Subject to Conditions (Annexure A)
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Clause 5 – Private Infrastructure and Community Facilities over \$5million Clause 7 – Particular Designated Development ((c)Waste Management facilities or works)
List of all relevant s4.15(1)(a) matters	• Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 • State Environmental Planning Policy (Koala Habitat Protection) 2020 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • Gunnedah Local Environmental Plan 2012 • Gunnedah Development Control Plan 2012
List all documents submitted with this report for the Panel's consideration	• Environmental Impact Statement • Response to Submissions: EIS Proposed Landfill Marys Mount Quarry; • Response to Council RFI: EIS Proposed Landfill Marys Mount Quarry; • Response to Council's Further Request for Additional Information: Proposed Landfill in Quarry Void at Marys Mount; • Landfill Design and Water Cycle Management Plan: Proposed Landfill Facility, Marys Mount Quarry, Gunnedah, NSW; • Traffic Impact Assessment; • Landfill Remediation Plan; • Air Quality Assessment; • Noise Impact Assessment Report;
Clause 4.6 requests	N/A
Summary of key submissions (Excluding Late Submissions)	▪ <i>Quia Road and Blackjack Road are not approved as B-Double routes</i> ▪ <i>Cumulative impacts on rail infrastructure to be considered</i> ▪ <i>EIS does not entirely conform with minimum requirements of Environmental Guidelines: Solid Waste Landfill (EPA 2016).</i> ▪ <i>Non-Putrescible landfill can generate odour non offensive odour assessment has been conducted</i> ▪ <i>Emissions inventory has not been updated for Air quality assessment to add landfill operations to Quarry</i> ▪ <i>Lack of meaningful consultation with the community</i> ▪ <i>Inadequate visual assessment from North and North East orientation, omitting nearby residences</i> ▪ <i>Incorrect prevailing wind data in noise assessment</i> ▪ <i>Loss of financial property value and adequate compensation</i> ▪ <i>Extension to operations on site and impact on locality</i> ▪ <i>Pollution of ground water system and use of monitoring points</i> ▪ <i>Storage of suspect loads offsite</i> ▪ <i>Appropriate location of site to generated waste source</i> ▪ <i>Assurance of no odour from or toxic waste at facility</i>

	▪ <i>Dust from crushing at quarry</i> ▪ <i>Air quality modelling only based on Non-putrescible wastes</i> ▪ <i>Clarification of operational lifespan and extraction volumes</i> ▪ <i>Ambiguity comments regarding waste types received “including Class 2 (Non-putrescible Waste)”</i> ▪ <i>References to neighbouring locality being Carroll not Mullaley</i> ▪ <i>Release of waste and dust from the site by wind</i> ▪ <i>Development preventing subdivision and residential development potential of adjoining lots</i>
Report prepared by	Wade Hudson (Senior Development Officer)
Report date	16 June 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

No

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes

1. Executive Summary

1.1 Reason for consideration by Regional Planning Panel

The Development Application has been referred to the Northern Regional Planning Panel (NRPP) for determination pursuant to Clause 5 and 7 of *Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011*, as the development is private infrastructure works with a capital investment of more than \$5 million and considered to be Designated Development for the purposes of Waste Management Facilities or Works.

1.2 Discription of Proposed Development

The development application is seeking consent for the operation of a Waste Disposal Facility (Landfill) for disposal of up to 200,000 tones per annum of non-putrescible waste (Class 2 – Environmental Protection Authority Waste Classification Guidelines) to landfill. Waste will be disposed in an existing operating Quarry void, with landfilling to be undertaken into areas of the quarry void where all material has been removed.

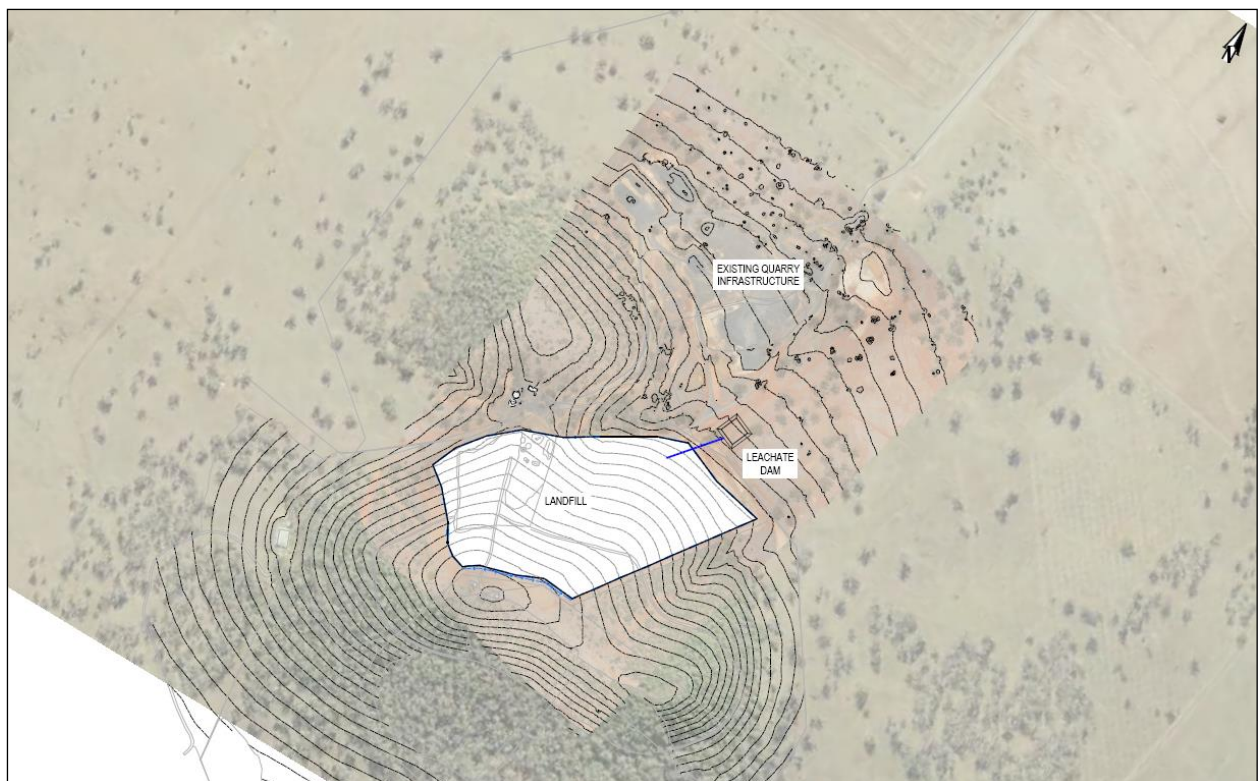


Figure 1. Proposed Site Plan

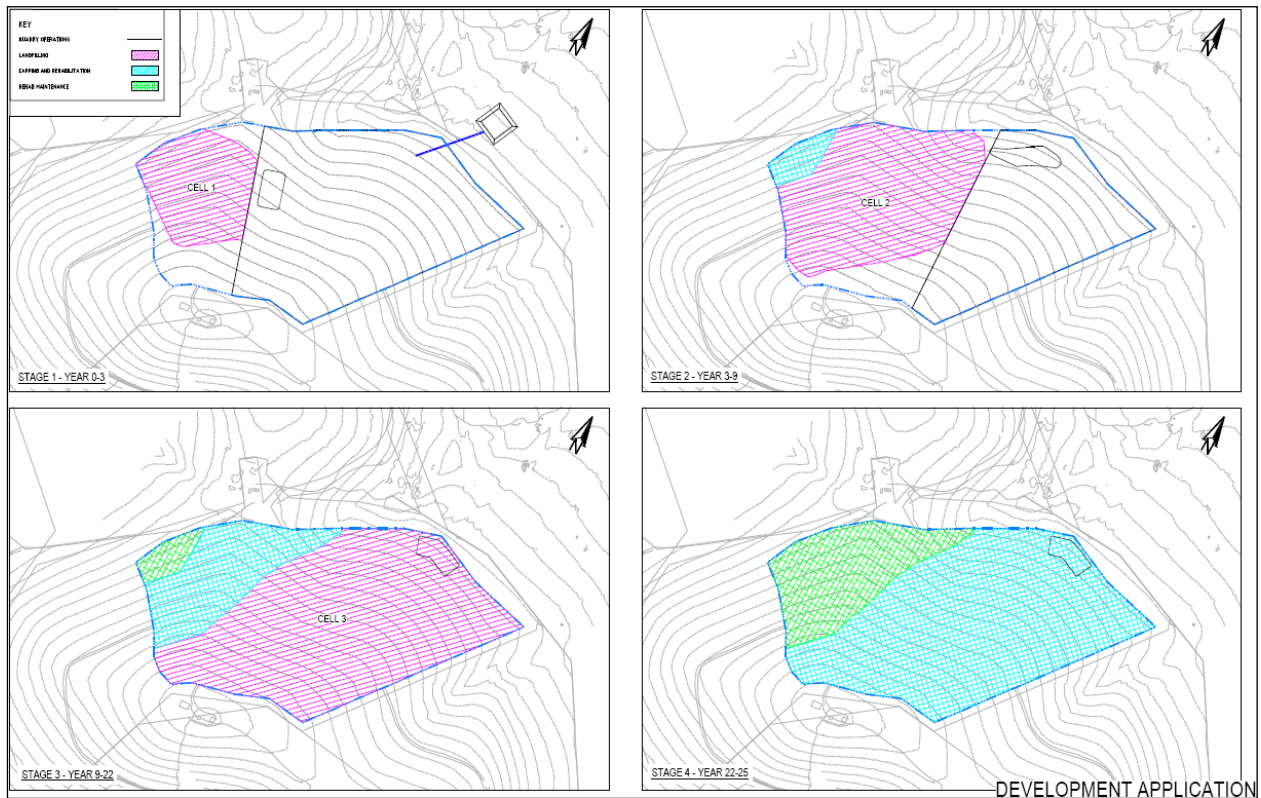


Figure 2. Proposed Staging Plan

1.3 Compliance with Planning Controls

The development is not regarded as being state significant development as per *Schedule 1, Clause 23 of the State Environmental Planning Policy (State and Regional Development) 2011*, with the application not seeking consent for the disposal of putrescible waste.

The development is regarded as being Designated Development as specified within *Schedule 3 of the Environmental Planning and Assessment Regulation 2000*. The development will entail the disposal of a maximum of 200,000 tonnes per annum of non-putrescible waste by landfilling, over approximately 20 years and triggered the need for the preparation of an Environmental Impact Statement (EIS) in accordance with Division 4.7 of the EPA Act 1979. The application were accompanied by an EIS.

1.4 Consultation

The development application was exhibited and notified in accordance with *Division 2 of Schedule 1 of the Environmental Planning and Assessment Act 1979*. The Gunnedah Community Participation Plan required that the application be notified to adjoining and surrounding neighbours and advertised in the local paper for a minimum period of 28 days. Council received seven (7) submissions during the exhibition period and twenty (20) late submissions were received.

1.5 Recommendation

It is recommended that Development Application DA2020/054 be approved, subject to conditions of consent contained in Annexure A.

1.6 *Annexures*

Annexure A	Draft Conditions of Consent
Annexure B	General Terms of Approval (NSW Environment Protection Authority)
Annexure C	Submissions

2. Evaluation of Development Application

2.1 Proposed Development

The development application is seeking consent for the operation of a Waste Disposal Facility for disposal waste to landfill of up to 200,000 tonnes per annum of non-putrescible waste (Class 2 – Environmental Protection Authority Waste Classification Guidelines). The development is seeking consent for the acceptance and disposal of the following waste by landfill:

- General Solid Wastes, Including:
 - Building and demolition waste other than from chemical works, mineral processing works, container reconditioning works or (human) waste treatment facilities;
 - Asphalt waste (including asphalt resulting from road construction and water proofing works);
 - Garden Waste. Vehicle loads are to be limited to no greater than 20% of each load being Green Waste;
 - Glass, plastic, rubber, plasterboard, ceramics, bricks, concrete or metal;
 - Paper or cardboard;
 - Household waste from municipal clean-up that does not contain food waste;
 - Waste collected by, or on behalf of, local council's from street sweepings;
 - Grit, sediment, litter and gross pollutants collected in, and removed from, stormwater treatment devices and/or stormwater management systems, that has been dewatered so that they do not contain free liquids;
 - Grit and screenings from potable water and water reticulation plants that has been dewatered so that it does not contain free liquids;
 - Wood waste;
 - Waste contaminated with lead (including lead paint waste) from residential premises or education or child care institutions;
 - Containers, previously containing dangerous goods, from which residues have been removed by washing or vacuuming;
 - Drained oil filters (mechanically crushed), rags and oil-absorbent materials that only contain non-volatile petroleum hydrocarbons and do not contain free liquids;
 - Drained motor oil containers that do not contain free liquids;
 - Non-putrescible vegetative waste from agriculture, silviculture or horticulture;
 - Building cavity dust waste removed from residential premises or educational or child care institutions, being waste that is packaged securely to prevent dust emissions and direct contact;
 - Synthetic fibre waste (from materials such as fibreglass, polyesters and other plastics) being waste that is packaged securely to prevent dust emissions, but **excluding asbestos waste**;
 - Biosolids categorised as unrestricted use, or restricted use, 1, 2 or 3, in accordance with the criteria set out in the *Biosolids Guidelines*;
 - Cured concrete waste from batch plant;
 - Fully cured and set thermosetting polymers and fibre-reinforcing resins;
 - Fully cured dried residues of resins, glues, paints, coatings and inks;
- Excavated natural material (ENM), certified in accordance with the *Protection of Environment Operations (Waste) Regulations 2014*;
- Virgin excavated natural material (VVENM);

- Materials subject to a Resource Recovery Order under Clause 91 and 92 *Protection of Environment Operations (Waste) Regulations 2014*, including recovered fines and treated drilling mud.

The documentation provided in support of the proposal indicates that the disposal of the following wastes are prohibited from being disposed at the site:

- Special waste (including clinical waste, asbestos-contaminated Construction & Demolition or Commercial & Industrial waste) but excluding sealed asbestos or waste tyres;
- Anything classified as special waste under an EPA gazettal notice as defined in NSW EPA (2014) Step 1;
- Liquid waste as defined in EPA (2014) Step 2 eg. solvents, oils and greases;
- Waste pre-classified as hazardous waste as defined in EPA (2014) Step 3 eg paints, dyes, pesticides;
- General solid waste (putrescible) as defined in EPA (2014) Step 4;
- Waste that requires chemical assessment to determine its classification as defined in EPA (2014) Step 5.

Waste will be disposed in to an existing operating Quarry void, with landfilling to be undertaken into areas of the quarry void where all material has been removed. The development is considered to be able to operate concurrently with the existing approved and operating quarry as approved extraction rates being 360,000 tonnes per annum exceed the allowable disposal volumes of the landfill. It is further significant volumes have already been won from the identified total quarry resource (DA Consent No. 2012/185.005) to enable the complete undertaking of stage 1 of the landfill works.

Landfill Cell No. and Staging	Leachate/stormwater measures	Volume of landfill material (m ³)	Volume of capping and landscaping material (m ³)
Cell 1	3ML stormwater/leachate basin inside quarry draining to 4ML leachate basin outside quarry void	305,835m ³	0
Cell 2	Relocated 3ML stormwater/leachate basin inside quarry draining to 4ML leachate basin outside quarry void	874,897m ³	6,147m ³
Cell 3	Stormwater/leachate draining to 4ML leachate basin outside quarry void	1,328,402m ³	38,950m ³
TOTAL VOLUME 2,509,134m³		2,509,134m³ Total landfill volume (4,014,000 tonnes)	187,054m³ Total capping and landscaping material volume (299,000 tonnes)

Table 1 – Stages and Volumes for each stage

2.2 Site Description

The development is to be located within the boundaries of Lot 22 DP 1216060, 334 Pownall Road which contains an existing extractive industry that has approval for extraction of up to 360,000 tonnes per annum. The subject land has a lot area of 273ha and is of irregular shape. The lot has frontage to Pownall Road via an access handle. However, the development is to be serviced by an access road over the adjoining Lot 2 DP 865898, 259 Barker Road, for the purpose of a haulage route of material to and from Marys Mount Road.

2.3 Background

The development site currently has development consent (No. 2012/185.005) for and is operated as an Extractive Industry (Quarry). This development was previously presented to the Northern Joint Regional Planning Panel (NJRPP) on 9 December 2015 (JRPP Ref: 2015NTH020) for determination. The NJRPP subsequently resolved to approve this

development subject to conditions. It should be noted that the NJRPP and Council have approved a total of four (4) modifications to this development since its approval.

The quarry approval includes extraction of 360,000 tonnes of material per annum for up to 22 year from commencement date of extraction, a maximum of 120 truck movements per day for transport of material and rehabilitation of the site. A recent modification has approved a time limited increase in extraction volumes from 360,000 tonnes to 499,000 tonner per annum for the sole purpose of use for the Australian Rail Track Corporation (ARTC) Narromine to Narrabri (N2N) and Narrabri to North Star (N2NS) Inland Rail infrastructure projects.

2.4 *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*

Evaluation of the deveopment application has been undertaken in compliance with Section 4.15 of the EPA Act.

S4.15(1)(a)(i) any environmental planning instrument (EPI)

➤ State Environmental Planning Policy (Infrastructure) 2007

Subdivision 2 Development likely to affect an electricity tranmission or distribution network

In addition to the above matters, as part of this assessment, the consent authority is required under Clause 45 of the ISEPP to consider the proximity of the development to electrical dsitribution services and the trigger for referral to an electricity supply authority inviting comments about potential safety risks. The development is not located within 10 metres of an overhead power distribution line or 2 metres of a below-ground distrbution line. The development does not adjoin an easement for electricity purposes or a electricity substation. Hence, the provisions of Clause 45 of the ISEPP did not require referral of the development to the electricity supply authority for the Gunnedah Area (Essential Energy).

Division 23 Waste or resource management facilities

The Waste Management Facilities is proposed to be conducted wihtin the RU1 Primary Production zone, which is a prescribed zone within clause 120 of *State Environmental Planning Policy (Infrastructure) 2007* (the ISEPP). Hence, the site is permissible with consent regardless of the permissibility within the *Gunnedah Local Environmental Plan 2012* as the ISEPP prevails where any inconsistency exists between the SEPP and any local environmental planning instrument pertaining to permissibility of Waste Management Facilities in prescribed zones.

The development is identified within Schedule 3 of the ISEPP as being a Traffic-Generating Development as waste or resource management facilities of any size or capacity require referral to Transport for NSW (TfNSW). Council referred the development to TfNSW as part of corresponding public notification processes. The TfNSW Response is addressed within S4.15(1)(d) of this report.

As part of this assessment the consent authority is also required to take into consideration the following matters listed within clause 123 of the ISEPP:

- (a) *whether there is a suitable level of recovery of waste, such as by using alternative waste treatment or the composting of food and garden waste, so that the amount of waste is minimised before it is placed in the landfill, and*

Initially the development did not include any proposal for waste recovery or recycling prior to disposal to land fill. However, the development application was subsequently amended to include the recovery of materials from waste by the crushing, grinding and separating of concrete, bricks, clay, tiles and pipes, excavated road materials and scrap metals. The recovery of these products will create product which can be used onsite or repurposed by the operator and potentially blended with the existing quarry products produced onsite. The proponent has identified that there is no set amount of recovered waste per load as the volumes and materials will differ, depending on the source of the waste.

All crushing and processing will be undertaken using existing quarry infrastructure located on site. This will ensure that no additional equipment will be required to undertake this process due to use of existing suitable equipment being located onsite. The operation of crushing and screening of material is already granted within the existing Environmental Protection Licence (EPL). Hence, as the activity is already undertaken, the development will not increase the noise impacts from this activity and no further consideration or justification of noise impacts from this activity is therefore required. The introduction of this resource recovery element to the development proposal is not considered to substantially change the works undertaken onsite as part of this development. Furthermore, its introduction is also expected to improve the environmental impacts of the development with the recovery of wastes delivered to site and subsequent diversion from landfill.

b)(i) whether the development adopts best practice landfill design and operation

The developer has committed to operating the land fill in accordance with NSW Environmental Protection Agency's Landfill Design Guidelines (2016). Any development consent should be subject to a condition which commits the developer to ensuring ongoing compliance with these guidelines.

b)(ii) whether the development 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

The development proposal does not propose any specific actions or activities within the development that may reduce the long term impacts of the waste disposal by reducing greenhouse gas emissions or odour impacts. The development does not propose any such actions for energy capture and recovery, such as Gasification, Anaerobic Digestion, Mechanical heat treatment or Pyrolysis, which can be utilised for collection of gases and other by products for use as fuel sources. The site will only receive and dispose of non-putrescible wastes, which typically do not readily decay under standard conditions, emit offensive odours or attract vermin or other vectors. Despite this some methods of minimal gas generation may be possible. However, this will be progressively monitored by the NSW EPA to ensure compliance with appropriate environmental standards.

(c)(i) if the development relates to a new or expanded landfill whether the land on which the development is located is degraded land such as a disused mine site, and

The development proposes to progressively backfill an extracted quarry void, noting that the quarry is still operating and extracting material in accordance with Development Consent No. 2012/185.005. The quarry footprint is regarded as being degraded land as it is similar in nature to a mine site void, containing minimal to no ecological value.

- (c)(ii) *if the development relates to a new or expanded landfill 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, and*

The development proposes to be located within the footprint of the existing quarry operating within the site, utilising quarry infrastructure and machinery. These two activities will operate concurrently for the life span of the quarry, which is conditioned to be concluded by the year 2038. It is expected that the waste facility will operate for approximately 20 years, a minimum of 3 years past the closure of quarry, if waste burial commence immediately. Mitigation measures are proposed to be imposed to the development to limit dust, noise and traffic impacts. These elements have been addressed throughout this assessment report.

The development will not require any further vegetation removal as the development occurs within the quarry void created from the extraction of blue metal from the hillside and utilities the existing quarry internal haul routes and infrastructure. The final land form upon completion of the landfill will be similar to the natural land formation apposed to the stepped platforms that have been approved within the rehabilitation plan for the quarry. Council expects that a modification will be required to the quarry consent to effect the changed final rehabilitation formation. However, this is not a matter of consideration for this assessment.

It is considered that the development does not contradict Directions contained within the *New England North West Regional Plan 2036* or established priorities for the Gunnedah LGA within the corresponding Local Government Narratives. Direction 16, Action 16.2 of the Plan identifies that new development should be co-located to maximise the cost-effective use of infrastructure. The development will achieve this through the use of existing service infrastructure and quarry resources to undertake development. However, it is acknowledged that the *New England North West Regional Plan 2036* does not specifically identify this development type as being a priority for the Gunnedah LGA, with the set priorities being focused around housing availability, improving education and health-services industries, developing employment land, diversification of agriculture, infrastructure access, tourism and renewable energies. Hence, the development is not identified within the plan as a priority but does not controvert nor does it support these priorities as set.

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

The development proposes to utilise existing quarry haulage trucks for transportation of material to landfill, as the haulage route for the Waste Management Facility is the same as that of the approved Quarry with the intention of backfilling quarry haul trucks that return to the site, where possible, to limit the amount of additional vehicle movements within the surrounding road network. The submitted Traffic Impact Assessment (TIA) has concluded that complete back loading of material could be achieved through back loading of approximately 1/3 of vehicle utilised for quarry activities. The existing quarry currently has consent for 496 vehicle movements per week. The development of the Waste Management Facility is expected to result in the generation of an additional 20 vehicle movements per week where back loading of vehicles is not possible. This is required to transport the

maximum capacity of 200,000 tonnes of waste to the site post closure of the quarry development.

The existing quarry includes a Voluntary Planning Agreement (VPA) which includes contributions for the impacts on Council's road network. The VPA also incorporates required works for the upgrade of the quarry haulage route to a bitumen constructed road for the full extent of the route. At the time of preparation of this assessment report the majority of these works have been satisfactorily completed with a final seal to be applied to a small portion of the haulage route these works are scheduled to be completed in accordance with the staging contained within the VPA. The previous upgrade of the road network reduces the potential impacts from dust generation along the haulage route resultant from this development.

➤ State Environmental Planning Policy (Koala Habitat Protection) 2020

State Environmental Planning Policy (Koala Habitat Protection) 2019 (Koala SEPP 2019) was the legislative policy in force at the time of the lodgement of the development application. however, there are no transitional provisions within *State Environmental Planning Policy (Koala Habitat Protection) 2020*, meaning that despite the DA being lodged during the time Koala SEPP 2019 was in force, the assessment of this development must to be undertaken in accordance with *State Environmental Planning Policy (Koala Habitat Protection) 2020*.

The development is required to be considered in accordance with the provisions of *State Environmental Planning Policy (Koala Habitat Protection) 2020* as the Gunnedah Shire is listed within Schedule 1 of this SEPP and the development site has an area greater than 1 hectare. Through historical assessment under *State Environmental Planning Policy No. 44 (Koala Habitat)* of Development Application 2012/185, the development site was determined to be both Potential and Core Koala Habitat. Hence, the determination of the previous development included the preparation of a Koala Plan of Management (KPoM) and endorsement of this plan by Gunnedah Shire Council and the Department of Planning and Environment (now Department of Planning, Industry and Environment). Consequently, the site is considered to be Core Koala Habitat relying on this assessment document.

It is the developer's intention to continue to undertake operations on the site in accordance with the existing KPoM and not develop a new site specific Koala Plan of Management in response to this development proposal. The development will operate within the same footprint as the existing quarry and the listed works and actions will either have been conducted in conjunction with the quarry development, during or prior to the landfill operation occurring. It is not considered that the proposed landfill will inhibit actions that have not yet occurred from occurring, nor will the proposed landfill result in additional habitat removal.

➤ State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The developers report has indicated that they believe the nature of the activity does not trigger SEPP No. 33 as the development is not regarded as being 'Potentially Hazardous Industry' or 'Potentially Offensive Industry' on the account that the development is not considered to be an 'Industry' in accordance with the definition of Industry within the *Gunnedah Local Environmental Plan 2012* (GLEP 2012).

The Hazardous and *Offensive Development Application Guidelines: Applying SEPP (NSW Planning, 2011)* identify that waste landfilling may be possibly offensive industry, with the potential for Air and Water impacts. As addressed in detail further through this report, the

development included a air quality assessment which determined that air quality impacts and odour are not expected to be a significant impact on the surrounding locality. The separation of the development site to nearby receivers ensure that the potential impacts on the surrounding area are minimised.

NSW EPA GTAs require the preparation of Air Quality and Site Water Management Plans and Construction Quality Assurance Plan. These and the design of the project are considered to ensure that the development has minimal environmental impact on the locality.

The greatest environmental risk for the development in the event that no mitigation measures were put in place would be the potential discharge of leachate from the stormwater leachate sump and leachate dam. Appropriate conditions for ongoing management of these storages and the leachate and silt build up is anticipated to reduce the potential for any environmental impacts.

The development identifies a number of dangerous goods that are stored onsite as part of existing and ongoing quarry activities such as, diesel and petrol fuel, degreaser, coolant, cleaning agents, pesticides and acetylene. The highest of these volumes would be above ground diesel storage in the capacity of 20,000L. The quantities of these goods are not considered to be hazardous and does not require the preparation of a Preliminary Hazard Analysis (PHA).

➤ State Environmental Planning Policy No. 55 – Remediation or Land

The development is currently operated for the purpose of an extractive industry. Council in the assessment of this development, has considered the potential for the development site to be contaminated as a consequence of this particular activity and other historical land use activities. It has been concluded that as the proposed land use does not require significant interaction with the existing soil profile and the nature of the development proposing to dispose of waste to landfill, the site would be suitable in its contaminated state for the use as intended and no remediation works are required to the site prior to this land use activity occurring.

➤ State Environmental Planning Policy No. 64 – Advertising and Signage

The development does not propose any signage or advertising structures that require specific consideration under SEPP 64.

➤ State Environmental Planning Policy (State and Regional Development) 2011

The proposed Waste Management Facility is a development for the purpose of disposal of non-putrescible wastes by landfill, is not located within metropolitan Sydney, does not propose incineration of waste, does not handle more than 1,000 tonnes of solid or liquid waste classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste or aqueous or non-aqueous liquid industrial waste, and not more than 10,000 tonnes per year of liquid food or grease trap waste. Hence, the proposed landfill is not considered to be State Significant Development for the purposes of the *EPA Act 1979*.

The development is considered to be Regional Development as the development is identified as being Designated Development under the provisions of Clause 32 of Schedule 3(1) of the *Environmental Planning and Assessment Regulation 2000*. As the development triggers Designated Development the development is regarded as being Regional Development and

the Northern Joint Regional Planning Panel (NRPP) is the determining body for this application.

➤ State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Waste will be disposed in to the quarry void of the existing operating Extractive Industry, with landfilling to be undertaken into areas of the quarry void where all material has been removed. The development is considered to be able to operate concurrently with the existing approved and operating quarry as the approved extraction rates (360,000 tonnes per annum) exceed the allowable disposal volumes of the land fill and considering that a significant volume has already been won from the identified total quarry resource (DA Consent No. 2012/185.005) to enable the complete undertaking of stage 1 of the landfill works. Hence, it is considered that as the development is able to operate concurrently and the waste deposition will occur to areas of the site without future extraction need the proposed development is not expected to limit future extraction from the total identified quarry resource. The two land uses are considered to be compatible with each other.

➤ Regional Environmental Plans (REP)

There are no Regional Environmental Plans (REP) which apply to the development site.

➤ Gunnedah Local Environmental Plan 2012 (GLEP 2012)

Clauses of the GLEP 2012 applicable to the development are addressed as follows.

2.3 – Zone Objectives and Land Use Table

The proposed land use is defined as being Waste Disposal Facility in accordance with the definition contained below. This land use is not listed within items 2 or 4 of the land use table of the RU1 Primary Production Zone of the GLEP 2012. Hence, the land use is considered to be permissible with consent.

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

Note—Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

(Gunnedah Local Environmental Plan 2012)

The RU1 Primary Production Zone Objectives are outlines as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.

- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

The development is considered consistent with the land use objective: *'to minimise the fragmentation and alienation of resource lands'* of the RU1 land zone with the development to occur within the footprint of an existing quarry void, whilst still enabling the ongoing winning of extracted material for ongoing extraction activities.

The waste disposal facility is not expected to alienate or fragment the resource land within the immediate vicinity of the site by limiting the ability for current and historical land uses to continue to be undertaken. The significant management and mitigation measures which accompanied the development proposal are considered adequate to protect agricultural resources (soil, water and vegetation) within the immediate vicinity of the site through protection of ground water resources, control of stormwater runoff and leachate and the positioning of the facility within a highly disturbed area of the site, within an existing quarry void.

5.10 – Heritage Conservation

The development is not listed within the *Gunnedah Local Environmental Plan 2012*, Schedule 5 as containing a item of local, state or federal heritage significance and there are no draft heritage items or building/structures that could be considered to have any European heritage value.

Previous site investigations conducted in October 2012 for the approved quarry revealed one (1) Aboriginal scar tree approximately 43 metres outside of the resulting quarry footprint. As the Waste Disposal Facility development is expected to operate the same internal haul roads within the quarry footprint, and will use the same infrastructure onsite, this development is not considered to have any more significant impact on this heritage site than the current activity operated onsite. Notwithstanding, in the event any items or artefacts of Aboriginal or European heritage significance are located onsite, operations are to cease immediately and a representative of the NSW Department of Environment, Energy and Science (DEES) be contacted. Operations may continue once the item has been relocated or suitably protected and marked, or upon completion of specific actions to be undertaken at the instruction of DEES.

6.5 – Essential Services

The development is required to have provision of necessary services or arrangements must be made to make these services available when required. The development is located within a rural locality and does not have provisions of any Council, reticulated water supply, sewerage or stormwater network.

Water services are provided to the development through existing onsite water storage capacities within an existing 250,000L water storage tank and onsite detention dams available for onsite storage in addition to an existing bore licence (90WA832181) which has an annual extraction capacity of 20ML. A Water Balance Assessment has determined that the availability of water supply within the site is adequate to accommodate the resultant water demand. Water supply is addressed in detail in a latter section of this report.

The development does not have provision of mains grid power and does not include the operation of an onsite solar array for the generation of power. The developer proposes to continue to operate an existing diesel generator which currently services the quarry to provide for electrical service needs at the facility.

The development does not have access to Council's sewer infrastructure and it is unfeasible to extend Council's mains to service the effluent discharge of the development. It is considered that onsite management of effluent is appropriate for the development and can satisfactorily manage effluent generated by the development. The development site has existing onsite sewerage provisions that were developed as part of the quarry development. These services will be utilised for the operation of the Waste Disposal Facility and any commensurate upgrades will be subject to an approval pursuant to section 68 of the *Local Government Act 1993*.

There is no Council stormwater infrastructure within the vicinity of the development site. It is considered that the development site has adequate area to enable the management and detention of stormwater within the confines of the site. Stormwater will be managed via the use of existing and proposed diversion banks and swales directing surface water away from the waste disposal area within the landfill into stormwater detention dams. Leachate from within the landfill area will be captured within a leachate sump and dam for retention onsite. The water within these systems are not to be discharged from site, with the dam capacity determined to ensure that maximum annual rainfall events can be retained within the constructed system. Water will be removed from the system through transpiration of water or reuse within the landfill for dust suppression and material moisture conditioning. Management of stormwater onsite is considered to be appropriate for the proposed development.

The development allotment (Lot 22 DP 1216060) has frontage to Pownall Road. However, the development does not utilise this access and no internal road is constructed to this access point. The development in turn utilises a haulage route over the adjoining allotment (Lot 2 DP 865898) which provides access to Barker Road and Marys Mount Road. Marys Mount Road is the designated haulage route for the existing quarry and the proposed haulage route for the waste management facility.

S4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no draft environmental planning instruments applicable to the proposed development or the development site.

S4.15(1)(a)(iii) any development control plan

Gunnedah Development Control Plan 2012

➤ 6. General Development Specifications

- *6.2 – Parking Requirements*

The development requires provision of 1 parking space per 2 employees to accommodate parking demand generated by the development. The developer has indicated that the development will provide 11 full and part time jobs. Based on the potential for the maximum number of employees being located onsite, the development is to provide a minimum of 6 parking spaces onsite. There is adequate area onsite to accommodate provision of parking spaces to dimensions consistent with AS 2809.1. A condition to this effect will satisfy the need for parking provision onsite.

- *6.3 – Landscaping*

The development does not warrant more than 10 onsite parking spaces. The development site is not located within the Business or Industrial zones of the Gunnedah Local Government area. Hence, under the provisions of Council's Development Control Plan, there is no obligation for landscaping of parking areas for shading or to reduce the visual impact of large expansive hardstand areas. Any parking area is not expected to be visible from outside of the site, or if visible parking areas will be of low visual impact due to distance to nearby receivers and in comparison to the visual impact of the quarry development, infrastructure and the proposed landfill.

Landscaping is to be developed as part of landfill cell rehabilitation and revegetation. Revegetation will aim to restore previously existing vegetation communities present onsite prior to extractive works commencing, being White Box Shrubby Forest and Semi-Evergreen Vine Thicket. Details of revegetation landscaping is addressed further through this report. No landscaping is proposed onsite to reduce the visual impact to receivers or public reserves with a view of the landfill. Based on the position of the quarry void and waste landfill and its elevation within the landscape, it would be impractical to visually screen the development footprint from view.

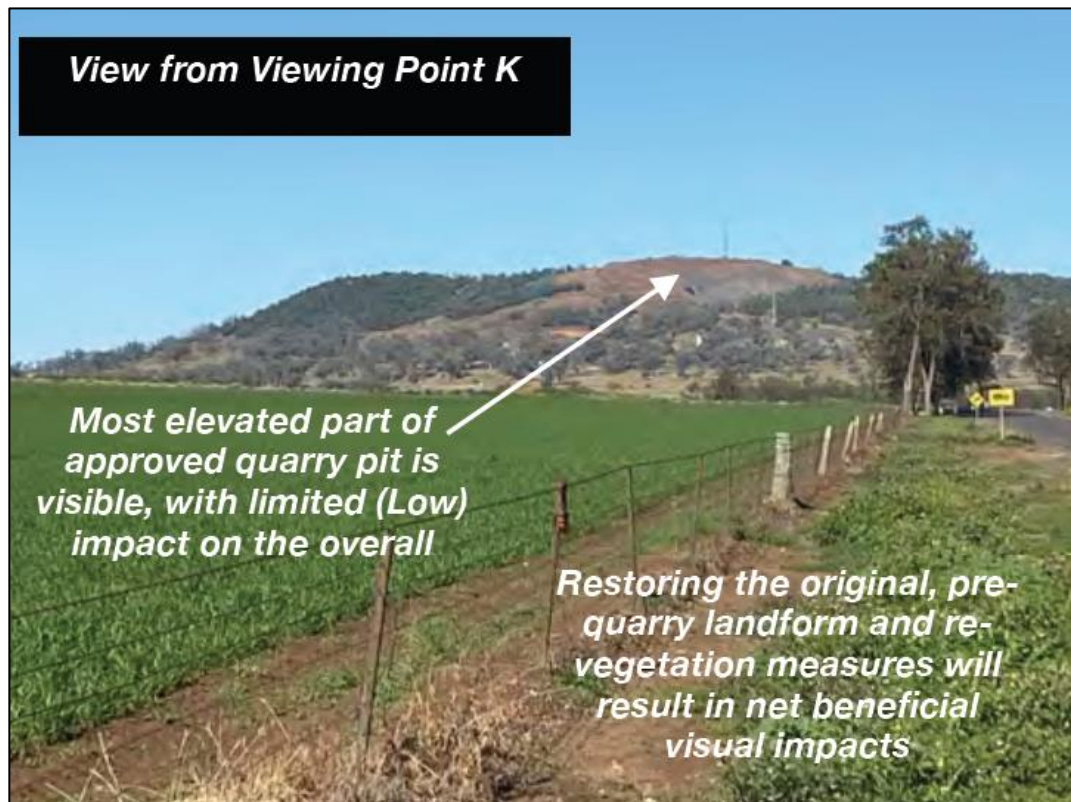


Figure 3 – View Point K from Marys Mount Road to North of Site (Visual Impact of EIS)

- **6.4 – Outdoor Lighting**

The submitted EIS states that outdoor lighting within the quarry/landfill area is to comply with *AS4282 Control of Obtrusive Effects of Outdoor Lighting*. A condition has been recommended to this effect.

- **6.5 – Outdoor Advertising/Signage**

The development does not propose any new advertising signage or structures. New internal directional signage is proposed at the entry to the landfill which indicates to persons entering the site of speed limits, hours of operation, charges, types of waste accepted at the facility and any other relevant information. It is expected that this signage will not be illuminated and that the size and scale of such signage would not interfere with the surrounding landscape and would not be visible within the locality skyline.

- **6.6.1 – Environmental Effects**

Environmental Effects such as Traffic, Solid and Liquid Waste, Air quality, Noise and Water quality are addressed further through this report under headings within S4.5(1)(d).

The development will continue to implement existing quarry management plans, which are to be updated prior to operation of this development and will be supplemented by a Landfill Environmental Management Plan (LEMP) to address construction and ongoing operational matters pertaining to the Waste Disposal Facility. The LEMP is to be prepared in accordance with the Benchmark Techniques specified in the Environment

Protection Authority's *Environmental Guidelines: Solid Waste Landfills* (2016). The addressed matters will include landfilling and leachate management, site security, ground and surface water management, incident management, odour, noise and dust management, closure and rehabilitation works.

- **6.6.2 Erosion and Sediment Control**

The development proposes to implement appropriate sediment and erosion controls for the life of the development. Existing sediment and erosion controls for the operation of the quarry will be retained with diversion banks and swales to direct water to two (2) storage dams identified on development plans as Dam 'A' and Dam 'B'. These dams will be responsible for the capture of sediments from the site. The Leachate Dam and Stormwater sump, constructed in each stage of the landfill, will capture water runoff from within the landfill area.

Council's standard conditions will be imposed for sediment and erosion control measures to be implemented during construction and ongoing for the life of the Waste Disposal Facility.

- **6.6.3 Conflicting Land uses**

The development has the potential for conflicting land uses between the proposed activity and the surrounding agricultural landscape. The positioning of the development within an existing disturbed area, currently the location of an Extractive Industry (Quarry), and its location on the Marys Mount hillside, which has low agricultural value, will limit the proximity of the development from surrounding agricultural land.

The protection of ground water will occur through the installation of a cell liner which will be reviewed, determined and inspected by the NSW EPA to ensure its effectiveness to achieve environmental outcomes and compliance with Environmental Protection Licencing (EPL) requirements. to address construction and ongoing operational matters pertaining to the Waste Disposal Facility. The LEMP is to be prepared in accordance with the Benchmark Techniques specified in the Environment Protection Authority's *Environmental Guidelines: Solid Waste Landfills* (2016). The addressed matters will include landfilling and leachate management, site security, ground and surface water management, incident management, odour, noise and dust management, closure and rehabilitation works.

The site is located within close proximity to nearby receivers. Specialist reports have been prepared to address the noise, odour and dust impacts on nearby receivers, which have resulted in amendment to development proposal, introduction of specific mitigation measures, and proposed conditions of consent to ensure that the impacts on surrounding receivers are mitigated. A complaints register will be required to ensure that any nearby receivers are able to contact the operator regarding any potential exceedances or non-conformances.



Figure 4 – Site and Receiver location Plan

- 6.6.4 Waste Management

The development proposal is a Waste Disposal Facility ('Landfill'), which is defined as being 'a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal, noting that Waste disposal facilities are a type of waste or resource management facility'. This definition is from the Gunnedah Local Environmental Plan 2012. As per this definition and the particulars of the development the Development Application specifically manages the disposal of non-putrescible waste to landfill. For the purposes of this development it will be limited to non-putrescible waste.

Waste will be transported to the site via haulage vehicles. Once vehicles enter the site, they will pass over the onsite weighbridge where load assessment shall occur and details recorded for reporting purposes of all accepted loads, prior to being directed to the active landfilling disposal area for deposition and subsequent burial. Loads that are suspected of containing waste which is not approved for disposal within the facility shall not be permitted to be deposited at the site. These loads are to be removed from site until test results confirm that wastes are within the listed wastes accepted at the facility. Any test results that determine the material to be unauthorised waste will result in the loads being directed to a suitably licenced facility for disposal.

It should be noted that The Protection of the Environment Operations Act 1997 (POEO Act) requires certain licenced waste facilities in NSW to pay a contribution for each tonne of waste received at the facility. Referred to as the 'waste levy', the contribution

aims to reduce the amount of waste being landfilled and promote recycling and resource recovery.

Waste Levy related regulatory obligations, being to recover, report and remit to the State, any waste levy amount that applies to waste emanating from within the 'Metropolitan Levy Area' (MLA) OR 'Regional Levy Area' (RLA) of NSW, regardless of whether the receiving facility is located within the MLA / RLA or not. The proposed facility would be subject to the Waste Levy regulatory obligations for any waste received from the MLA OR RLA.

Additionally, the proponent has signalled the intent to direct unauthorised waste to a suitably licenced landfill for disposal. Dependant on the actual 'classification' of the unauthorised waste load, the operators of the Gunnedah Landfill for instance, being the closest licenced landfill to the proposed facility, are not necessarily 'obligated' to receive any particular waste load regardless of whether the waste is permitted under the site Environmental Protection Licence.

This may be particularly so for waste generated within the Waste Levy areas - because of the additional administrative burden the receipt would trigger for the operator of a disposal site within the Non-levied Area. Thus, the proponent should be prepared to safely transport such unauthorised loads much further afield - potentially back to the point of origin within the MLA or RLA, in a search for suitably licenced facility that is prepared to accept the waste loads.

- **6.6.5 Noise**
Noise impacts are addressed further through this report.
- **6.6.6 Geology**
The slope and soil conditions of the development site have been addressed further through this report.

S4.15(1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement or draft planning agreement entered into between the development applicant, relevant body or Council, under Section 7.11 of the Act for this development. The applicant has an existing Voluntary Planning Agreement (VPA) with Council for the ongoing operation of the Extractive Industry operating onsite. This VPA relates to the ongoing payment of a monetary contribution for road maintenance as well as required works in kind for the upgrade of the vehicle haulage network. These monetary contributions do not translate to this development as these were provided instead of contributions required in accordance with the Gunnedah S94 Contribution Plan for Extractive Industries.

The developer has identified that they do not intend to modify the VPA to include the works associated with this development.

S4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)

Joint Regional Planning Panels Order 2009

Gunnedah Shire Council is identified as being located within the Northern Region Joint Planning Panel.

Environmental Planning & Assessment Regulations 2000

The development is identified as Designated Development under the provisions of Schedule 3, See Part 1.3 of this report.

S4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

○ *Context & setting*

The development site is located within a rural locality, being located on the side of the Marys Mount hillside. Marys Mount is a dominate landscape feature within the surrounding locality with views of the Marys Mount available from public reserves and private holdings across the wider plains. The surrounding locality is predominately agricultural production, mainly consisting of *extensive agriculture*, through cropping or grazing of livestock. The proposed landfill component of the development is located within an existing quarry void that is located on the top portion of the hillside. All infrastructure stockpiles and the majority of service infrastructure for the existing quarry are located on the slopes of the hill at the foot of the landform with, little visibility offsite.

The development site is operated as an existing Blue Metal Quarry, which has approval for the extraction of 360,000 tonnes, and temporary increase to 499,000 tonnes for the purposes of extracting for specific sections of the inland rail project. The quarry includes stock piles of won materials and associated infrastructure that will also be operated as part of the proposed Waste Disposal Facility.

The Waste Disposal Facility will occur within the existing quarry void identified onsite with the proposed disposal of waste to create a final land form which is consistent with the predevelopment terrain of the hillside. The current development consent (DA no. 2012/185) permits the extraction of a large volume of material from the Marys Mount hillside with the creation of a final void which will rehabilitated to establish final land from the Highwall into vegetated terraces. The proposed final landform of the development will have a more favourable final appearance with the creation of a landform which is consistent with the pre-quarry landform, including the reintroduction of vegetation in to the rehabilitated hillside. The visual impact of this development once final land form, rehabilitation and vegetation has been conducted, is expected to be less than that of the quarry activities that has approval to operate for approximately 16 more years (based on the commencement date of June 2015). The development assessment provided commentary to the development indicating that the development will not block viewing rights of private land holders. As previously stated it is the assessing officer opinion that the quarry rehabilitation plan will need to be amended to reflect the terms of this development final landform.

The development included a visual assessment which investigated the significance of views and the visual impact of the Waste Disposal Facility from public space. The proposed Waste Disposal Facility will be visible from various viewing points located to the North and North West of the site, with no visibility determined from the South of the site, with views screened by the remaining hillside and topography of the site.

Portions of the landfill will be located in position that the natural land form of the hillside will screen the operations from view, meaning that lower sections of the quarry and landfill will not be visible at a distance from the site. It was indicated that progressive restoration of the landform will be evident during Stage 2 and through Stage 3 of the development.

Council acknowledges that the development will be visible to the North of the site and that the natural land formation screens the views from the South and East of the site. However, the visual impact from the site at the completion of rehabilitation for the proposed development is expected to be more favourable than that of the current quarry operation and expected final land form (void). Despite the developer drawing attention to Council not receiving any submissions from the land holders immediately to the North of the site, this does not discount the visual impact that is imposed on land holders on North and North East aspects of the site where viewing lines are available into the quarry void and proposed Waste Disposal area, regardless of their distance from the receiver. The absence of submissions in this regard does not determine support for the development, nor support of the visual impact.

In response to submissions an additional assessment was undertaken by the developer for private land holders located to the north of the site to ensure adequate consideration was made to impacted receivers, as detailed in Figure 5. Following this additional review, the development was considered not to impact on the existing outline of the hillside and would not diminish the visual prominence of Mary Mount within the surrounding locality.



Figure 5 – View Point K from Marys Mount Road to North of Site (Response to Submissions Report)

Based on the position of the quarry void and waste landfill and its elevation within the landscape, it would be impractical to visually screen the development footprint from view. Council considers that landscaping may be more appropriate at a receiver to reduce the visual impact if the visual impact was determined to be detrimental to the liveability of the occupants.

- Access, transport and traffic

The development site is located within a rural locality with road access to the site provided by both Pownall Road (off Oxley Highway) as well as via a right of carriageway to Marys Mount Road. The access point to the site from Pownall Road is unconstructed and is not utilised or designated for the haulage route of traffic to and from the current quarry operation or the proposed Waste Disposal Facility. No vehicle movements are permitted via this frontage as the suitability of the construction of Pownall Road and the safety of the Pownall Road and Oxley Highway intersection has not been considered as part of this assessment. Legal access is to be provided via the existing right of carriage way over Lot 2 DP 865898, 259 Barker Road and the internal haul route.

The development creates demand for haulage of material to the site via the developer for the purposes of disposing material to landfill. On its own this development would generate loaded vehicle movements to the site with limited or no loaded movements from the site. However, the site operates an existing Quarry which allows for the extraction of up to 360,000 tonnes per annum. The developer intends to utilise existing haulage vehicles which currently return empty to the site, via backloading, to transport material to the site for disposal. Existing Quarry haul routes are via Barker Road – Marys Mount Road – Goolhi Road – Kamilaroi Highway (at Emerald Hill), and Via Barker Road – Marys Mount Road – Goolhi Road – Quia Road – Blackjack Road – Oxley Highway (west of Gunnedah), shown in Figure 6. The intention by the developer is to reduce the overall impact on Council's road network with loaded vehicle movements in each direction.

Council considers that the development may have minimal community attendance at the site. These volumes are expected to be minimal and consistent with existing movements within the site. As the road network is suitable for the larger haulage vehicles, it is considered that the road network should also be suitable for these customer movements.



Figure 6 – Existing approved Quarry Haul Route

The existing quarry has approval for a maximum of 120 vehicle movements per day based on the extraction of 360,000 tonnes per annum, as the volumes and movements of the waste disposal are far less than that of the quarry it is reasonable to expect that the development can accommodate the movement of material to the site within the

existing traffic volumes. The developer has set an expectation that as a worst case of 70% of return vehicle not being backloaded, the development will generate an increase of 14 heavy vehicles along the haulage route per day. However, as the development is expected to exceed the lifespan of the quarry Council has considered the maximum number of vehicle movements expected to be 20 movements per day required for the development to operate independently of the Quarry, once the quarry resource has been exhausted. Council has considered the development based on the maximum vehicle numbers and it has been determined that the current road formation along the extent of the haulage route network is able to accommodate the anticipated additional 20 vehicle movements per day.

The current road formation of the haul route is 9m wide, with a 7m wide bitumen seal. The pavement thickness has been designed to accommodate the heavy vehicle loading attributable to the quarry operation. Road intersections have been designed to accommodate the vehicle movements with upgrades occurring as part of Quarry works in accordance with a Voluntary Planning Agreement between Council and the developer. The resulting upgrades resulted in intersections being suitable for haulage vehicles. The remaining final seal to a section of Marys Mount Road, as previously referenced, which forms part of the quarry VPA, is to be undertaken in accordance with this VPA by the operator of the quarry.

The nature of the quarry operation, where material is generated on the Marys Mount site and then transported offsite results in a notable difference in the pavement loading of the outbound lane against the inbound lane. Trucks travelling away from the quarry site are loaded to a maximum 42.5 tonnes (depending on the combination). Trucks travelling towards the quarry site are unloaded and have a mass of approximately 12 tonnes (depending on combination). As a result the loading on the outbound lane is significantly more than that of the inbound lane. It should be noted that both inbound and outbound lanes along quarry haul routes are of equivalent thickness. The inbound lane has sufficient capacity in terms of its pavement design to accommodate the proposed increased loading attributable to the Waste Disposal Facility.

The nature and location of the development does not allow for public transport, cycling or pedestrian access to the site. Hence, no pedestrian pathways, cycleway or consideration for public transport are determined to be required as a result of the development.

The existing quarry includes within its approved Quarry Plan of Management a Driver Code of Conduct. As a reflection of the proposed development the developer is to provide an updated Driver Code of Conduct which operates for the Waste Disposal Facility.

- *Public domain*

The development does not propose to include any public reserves. This is due in part to the location of the development, the nature of surrounding areas and the distance of the development site from key active public spaces within the Gunnedah Township and closest settlement being the village of Mullaley. The development does not require any pedestrian linkages between the development and public spaces based on the rural nature of the development.

The visual impact of the development from public spaces has been considered previously throughout this report. The development will be visible from public road reserves. However, the visual impacts are not expected to be distracting to motorists within the road network.

- *Utilities*

The development site does not have, nor is there capability to provide Council utility services to the site. Water services are provided via onsite detention or underground bore water. Effluent management is to be accommodated by onsite sewerage management were required for staff amenities. Suitability and service demand for water, stormwater and sewer are addressed in detail throughout this report.

The developer currently operates a diesel generator onsite for the provision of electricity to the development and no gas usage is indicated. The diesel generator is an onsite electrical generation that provides the minimal electrical power requirements created by the existing and proposed development operations.

- *Heritage*

The development site does not contain any items of heritage significance as listed within the Schedule 5 of the *Gunnedah Local Environmental Plan 2012*, nor are there any on the surrounding allotments which may be impacted by the development.

The Archaeological survey undertaken in October 2012 by representatives of the Gunida Gunyah Aboriginal Corporation Inc. and the Red Chief Local Aboriginal Council for the preparation of documentation for the operation of an extractive industry onsite identified one item of Aboriginal heritage (White Box Scar Tree) within the site. The tree is located approximately 20 metres to the North of the existing quarry pit and approximately 43 metres north of the limits of extraction and the proposed Waste Disposal Facility footprint. The scare tree is preserved in place and is currently fenced off and sign posted to ensure operator and staff awareness of the item to ensure that it is preserved and impacts abated.

The proposed development is to be undertaken within the quarry void and utilising quarry infrastructure. Hence, the development is to be undertaken within highly modified areas of the site in which any items of heritage are likely to have been destroyed by quarry activities if not located prior and removed.

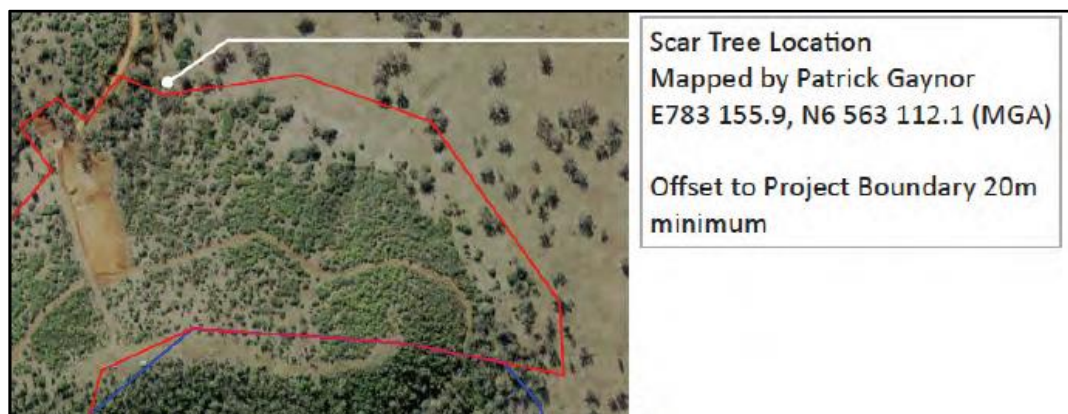


Figure 7 – Scar Tree Location identified in Archaeological survey for Marys Mount Quarry

Any items of potential Aboriginal or European heritage that are uncovered during construction works or any demolition works undertaken as part of the development will require the immediate cessation of operations and the appropriate department within the Department Industry, Planning and Environment are to be contacted.

The development site does not contain any land identified as being within a wetland of international significance declared under the Ramsar Convention on Wetlands or lands within a World Heritage area declared under the World Heritage Convention.

- *Other land resources*

The development proposes to utilise the existing quarry void, for the burial of specific approved wastes. The quarry void has been formed by the extractive industry which is still operational within the development site. The two developments (Quarry and Landfill) are proposed to operate concurrently, utilising shared resources and infrastructure.

The waste management facility proposes to commence disposal of waste into areas of the quarry void which have already been excavated with all viable quarried materials removed. This will enable the development of the required landfill cell 'liner' with its associated environmental controls and subsequent deposition of approved waste, without conflict between the quarry extraction and waste burial activities.

The proposed development is not expected to limit future extraction from the total identified quarry resource. The two land uses are considered to be generally compatible with each other. Blasts from the existing quarry operation are to be undertaken within the confines of areas where rock is to be removed for winning and processing. (ie. isolated from the landfill 'void'). Likely blast pressures and ground vibration is not expected to impact on the waste disposal infrastructure, in particular the waste cell liner integrity, post construction and commencement of burial activities.

The waste cell liners (Leachate Barrier) design and construction shall be approved be and undertaken in accordance with the NSW Environment Protection Authority (NSW EPA) engineering practices and standards detailed within the agency's requirements contain in the 'Environmental Guidelines: Solid Waste Landfills 2nd Edition, 2016' (aka. The 'Landfill Guidelines'). The General Terms of Approval, issued by the NSW EPA, detail the proponents obligation in this regard.

The development application has the potential to generate leachate within the waste disposal cells generally. The development includes provision of a leachate collection sump and leachate containment dam which collectively provide for the capture and storage of leachate from waste cells, during all stages of the development.

Essentially, no uncontrolled leachate discharges are permitted from the leachate sump or leachate storage dam to any natural water course. However, significant rainfall events have the potential to surcharge and cause overtopping of an exposed leachate dam. As such it is common for a clause to be included in a facility Environmental Protection Licence which recognises a rainfall trigger level where discharge from a specific containment is considered to be 'approved'. Such a condition is regulated by the NSW EPA through the ongoing management of an Environmental Protection Licence although this is absent from the General Terms of Approval issued by the NSW EPA at this time. (Note: A condition similar to L2.5 of the NSW EPA GTA – which relates to clean water

sedimentation pond discharges following a significant rainfall rain, event could be included by the NSW EPA in order to control such discharges from the Leachate Containment Dam).

The development will not take up areas of high quality agricultural grazing or cropping land which would be more suited to agricultural pursuits. In the event that this development had been conducted on prime agricultural land the development would likely sterilise the land from being used for that purpose into the future due to the rehabilitation construction efforts and establishment and maintenance of cell lining. The containment of the waste disposal facility within the quarry void, located on the elevated hillside of Marys Mount is expected to reduce the special extent of land use conflict.

Council recognises the potential for impacts upon the local ground water quality, which may result from percolation of leachate through the existing quarry floor into groundwater aquifers. The proponent's EIS was accompanied by a Landfill Design and Water Cycle Management Plan which confirms that a leachate barrier system will be constructed at the base of the landfill void, with the intention that the constructed barrier will minimise the passage of any leachates generated within the landfill cell, into the underlying basalt rock formation. The report states that the prevention of leachate percolation shall ensure protection of the environment and agricultural reliance of groundwater.

Groundwater aquifers are reported to initially occur between 50-145 metres below the base of the landfill. As such the development is not expected to penetrate the ground water table and has not incorporated cell liner design features otherwise needed to address ground water intersection. Accordingly, the development is not considered to be of detriment to valuable land resources resulting from any impacts upon ground water quality.

- *Water*

The Waste Disposal Facility is not located within a drinking water catchment, nor are there any large natural water bodies located within the development allotment which may otherwise be affected by the development. The development is not located along a shore line, nor subject to tidal influences.

The development will occur within the existing quarry footprint which provides an ability to retain existing stormwater management controls except where these are to be supplemented by leachate management measures. Existing sediment and erosion controls will be retained due to the obligation to maintain compliance with the conditions of the Quarry consent (DA 2012/185) which seeks to ensure control of site runoff containing high particulate content.

Surface water controls for the existing quarry and the proposed waste disposal facility include diversion drains, leachate ponds, a stormwater pond and a dry dam (Refer to Figure 12 for the site layout of stormwater controls).

Identified 'Dam A' is to be retained for the purposes of capturing of water from the Northern side of the Quarry via a contour bank at the base of the hill. Dam A is to have a minimum capacity of 7.7ML. Water from Dam A will continue to be used for Quarry and Landfill activities such as dust suppression and material moisture conditioning.

Diversion swale/bunds are to be constructed around the perimeter of the Landfill to prevent surface water run-on from entering the landfill. Sediment basin(s) are to be designed, constructed, operated and maintained in accordance with *Managing Urban Stormwater, Soils and Construction – Volume 2B Waste Landfills* 2008 (Landcom).

The Landfill Design and Water Cycle Management Plan included a Water Cycle assessment which determined the likely demands of the development in comparison to the water availability through, transpiration, onsite storage and groundwater bore licence. The development and ongoing operation of the quarry onsite have a required water demand of 48.0ML per year for activities such as dust suppression and staff amenities.

When considering the availability of water from onsite capture and the existing bore licence (90WA832181) with an annual licence capacity of 20ML, the Site Water Balance has shown that during dry years and years of average rainfall (during the initial stages of the landfill) is it expected that there could be a minor deficiency in potable water supply to the site in the amount of 30-50kL/year (Refer to Figure 7 below).

There is no availability of Council's water infrastructure to the site nor is it feasible to extend Council's water service to the site to meet water demand requirements. In this event the developer will be required to supplement with water delivered to the site via tankers.

The development site has onsite water storage in the capacity of 250kL located within close proximity to the existing quarry for fire fighting purposes. It is expected that this tank will be retained for the Waste Disposal Facility.

Supply	ML/year	Demand	ML/year
NON POTABLE WATER			
Runoff to Dam A / B	27.2 ML	Haul road (now sealed)	0
Runoff to Leachate Dam	10.7ML	Landfill / active quarry dust suppression	7.3ML
Leachate flows	19.6ML	Crusher dust suppression	5.5ML
		Dam A&B evaporative losses	3.2ML
Groundwater demand	NIL	Dam A&B seepage losses	0.8ML
		Leachate sedimentation basin and storage dam evaporative losses	2.9ML
		Landfill moisture conditioning	20.0ML
Non Potable Balance			9.5ML
POTABLE WATER			
Rainwater	0.05ML	Staff amenities	0.09ML
Potable Balance			-0.03LML

Figure 8 – Site Water Balance (Average Rainfall Year)

The development does not have the ability to utilise water efficient fittings or water saving devices in any construction. However, the development will capture stormwater runoff from areas surrounding the Landfill and quarry void for reuse onsite for dust suppression and material moisture conditioning. Leachate and runoff discharged from within the Landfill footprint is to be managed separately to other stormwater runoff, with leachate and runoff from uncapped area to be directed to the Stormwater and Leachate Sump constructed during each stage of works. Water captured within the Leachate Sump is to be directed to the dedicated Leachate Dam.

The water captured within the Leachate Dam is able to be reused in accordance with NSW EPA GTA Conditions O5.6, O5.7 and O5.8, which essentially constrain beneficial reuse to waste filled areas of the site. 'Dam A' and 'Dam B' (surface water dams) are identified as being appropriate for use outside of the waste filled areas of the site. Uncontrolled discharges from the Leachate Dam or Leachate Sump are not permitted due to the likely levels of contaminants and in turn the increase potential for environmental harm. The leachate dam is to be constructed at the commencement of the development and should be regularly maintained with sediment removed on a regular basis to ensure that a minimum capacity of 1.9ML is retained. Sediment from the leachate dam is to be disposed to landfill to ensure that any contaminants remain within the boundaries of the Landfill cell.

The Landfill Design and Water Cycle Management Plan details that the Leachate Storage Dam is to have a minimum capacity of 7ML while the Leachate Sump should have a minimum capacity of 4.5ML - resulting in a combined storage capacity in excess of 11.5ML. However, in contrast to the specialist report forming part of the application, the developer has indicated, by way of a formal response to an 'Additional Information Request' made by Council, dated 15 January 2021, that the proponent's intention was to provide a 3ML storage within the quarry void (Stormwater and Leachate Sump) and a 4ML external storage (Leachate Dam) to form a combined 7ML storage capacity.

Council's staff have therefore recommended a condition be imposed that requires the minimum Leachate Storage Dam (7ML) and Leachate Sump (4.5ML) be provided in line with the determination reached in the Landfill Design and Water Cycle Management Plan as submitted.

The positions of the Stormwater & Leachate Sump AND the Leachate Dam are indicated in Figures 9, 10, 11 & 12, noting that the size / capacity of the Stormwater & Leachate Sump is inconsistent with the outcomes of The Landfill Design and Water Cycle Management Plan. A series of Stormwater & Leachate Sumps will be required to be progressively constructed (with the previous then decommissioned) through each respective Landfill Cell stage. This aims to ensure water accumulation in the quarry void and landfill cell floor can be properly contained and managed as the landfilling footprint extends.

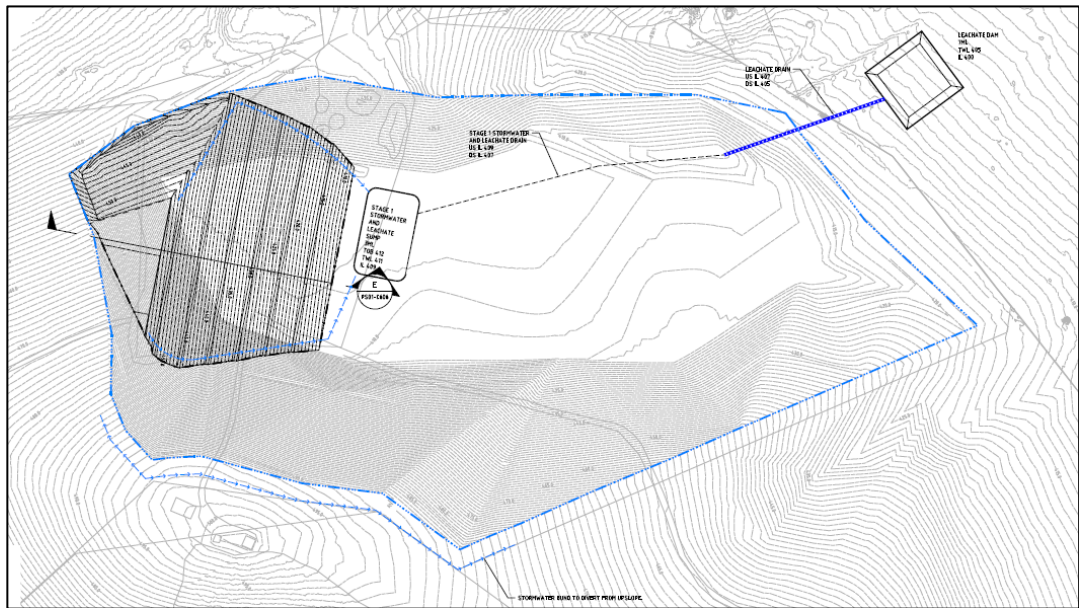


Figure 9 – Stage 1 Landfill

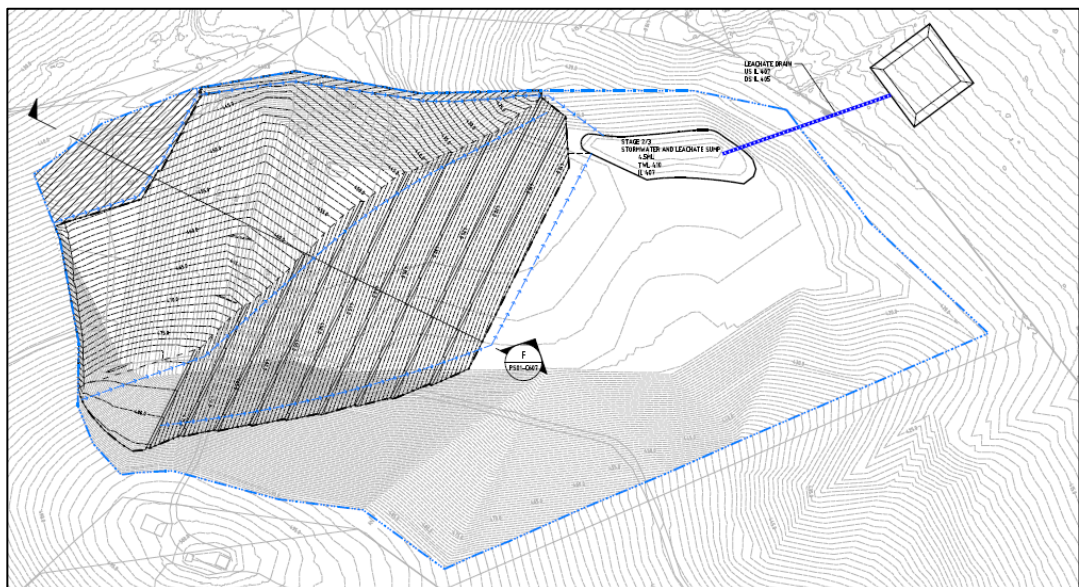


Figure 10 – Stage 2 Landfill

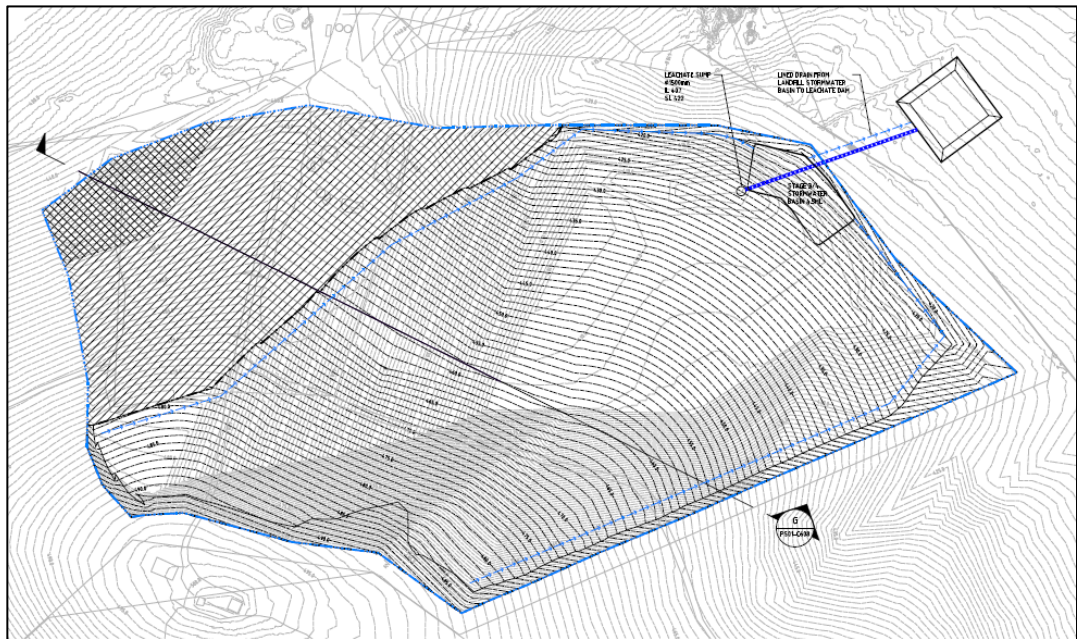


Figure 11 - Stage 3 Landfill

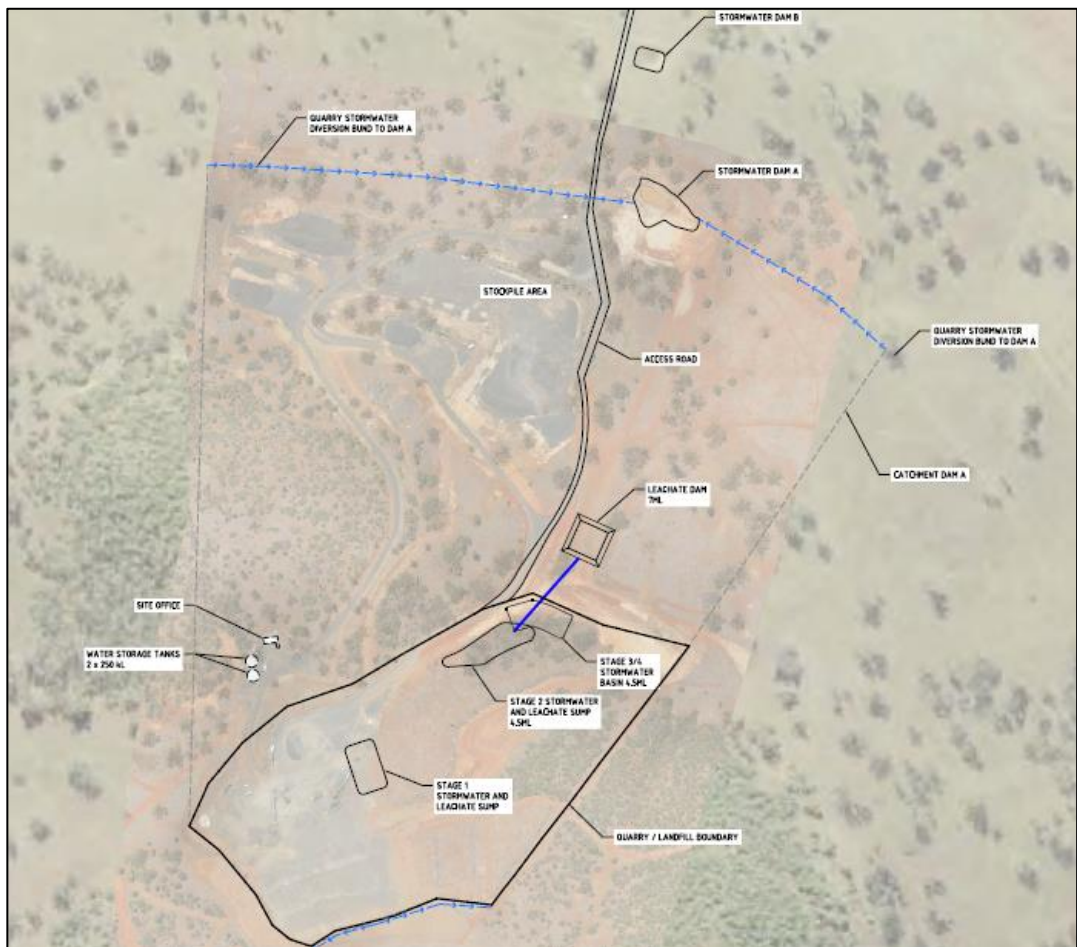


Figure 12 – Concept Stormwater Management Plan

A Leachate Barrier System is to be provided to all surfaces above which, waste will be deposited. This designed Leachate Barrier System is intended to prevent the migration of leachate through the underlying basalt of the quarry floor where it may contaminate

the underlying groundwater aquifers and impact agricultural values. As such, the Leachate Barrier System ('liner') will be progressively constructed in accordance with the proposed Staging Plan.

The developer has indicated that they do not intent to implement a ground water monitoring program due to the depth of ground water table which is stated to be approximately 50-145 metres below the baseline of the landfill floor. The NSW EPA has indicated within the General Terms of Approval that all licenced landfills within NSW must have a groundwater monitoring program in accordance with the requirements of the *Environmental Guidelines: Solid Waste Landfills, 2nd Edition, 2016*.

General Terms of Approval M2.3 indicates that it is the EPA's intention to add additional water monitoring requirements for leachate, surface water (clean and dirty), ambient (upstream and downstream of the landfill site) and groundwater once the Water Quality Monitoring Program required by Condition E6 has been submitted to the EPA's satisfaction. Sampling parameters, frequencies and methods will be determined once the Water Quality Monitoring Program required by Condition E6 has been submitted to the EPA's satisfaction.

As groundwater is expected to be a significant depth below the baseline of the landfill floor, based on the aforementioned depths, a groundwater interception layer has not been incorporated into the proposed landfill cell / leachate barrier designs. In the event that ground water seepage was to occur at any stage of quarry operations, a modification to the Leachate Barrier System design is to be considered in consultation with the NSW EPA as the appropriate regulatory authority. Based on advice of the quarry operator, groundwater ingress has not been observed within the existing quarry void to date.

The development is determined to have a minimal demand on water resources, with the capture of water within the site being a condition of existing Quarry Development Consent (and allowing captured water to be reused for operations) and an existing bore licence for the quarry available with adequate capacity.

The ongoing maintenance of stormwater management, sediment & erosion controls, surface water drainage and the establishment of leachate dams within the Waste Disposal Facility landfill footprint, aim to minimise potential for environmental harm and protect local water quality. To reaffirm the NSW EPA GTAs do not include a condition which permits the discharge of leachate water captured from within the Landfill cell. It is considered that the measures identified through the development documentation, the NSW EPA GTA combined with ongoing monitoring by the operator with oversight by the NSW EPA as the Environmental Regulator, will minimise the likelihood and severity of any potential water pollution resulting from the development.

- *Soils*

Marys Mount is a Basalt outcrop from the agricultural plains to the North East of the Village of Mullaley. The site is located on generally steep terrain with low soil profiles with slopes ranging from 20-40%. Due to the high degree of slope the site can naturally be subject to moderate erosion from sheet erosion and localised gully erosion. The baseline from the floor of the landfill is compacted bedrock with thin or no overlying soils, due to location being within an existing excavated quarry void. Hence, this portion of the site has low risk of slope failure or landslip.

Neither the Environmental Impact Statement, nor Council's records, identify any known history of salinity, acidity or naturally occurring contaminants within the proposed landfill area of the site, or elsewhere within the wider development site, that could be impacted by the development by way of management of equipment, vehicle haulage or stormwater management.

Historical contamination which may have inhibited the development from occurring has been previously addressed through this report – (Refer to State Environmental Planning Policy No. 55 assessment).

The nature of the existing Quarry activities, which would continue to operate in unison with the proposed Landfill, could generate high particulate content in any stormwater running off site, due to the natural mode of operation of extractive industries (i.e. dislodging of soils, crushing and screening of materials all releasing dusts). This development application however, does not specifically consider nor can it additionally condition the operation of the Quarry development. That said, as the Landfill construction and operation will occur within the Quarry void and Quarry extraction activities will continue to occur throughout most of the forecast life of the proposed Landfill, sediment and erosion controls must be collectively considered - including the management of potentially large volume of suspended particulates within any surface water runoff from within the site.

Existing sediment and erosion controls will be utilised with additional leachate storage being provided for the Landfill. The leachate dam will, by default, will also capture particulates occurring within the Landfill and parts of the Quarry void. Routine maintenance of the Leachate Dam, including removal of sediments or sludge build-up, will ensure that the design holding capacity is retained. Further, sludge or sediment removed from the Leachate Dam will be disposed into the Landfill Cell to minimise potential for off-site movements, in turn leading to contamination of water and/or land.

Sediment and erosion controls, which are currently in place at the site and are managed for as part of the operation of the existing Quarry, are to be retained for the operational life of the proposed Landfill. Sediment is proposed to be captured within two dedicated dams (Dam A with a capacity of 7.7ML and Dam B with a capacity of 1ML) prior to release from the site. Diversion of surface water run-on and run-off on the site, occurs through a series of diversion banks and swales that can be supplemented over time as site conditions dictate. Surface water discharge, subject to monitoring and quality parameted being met, is permitted from Site Dam B in accordance with the existing EPL (No. 20262) for the Quarry. Sediments and particulates are expected to be less from this dam through sedimentation.

Emplacement of permitted waste into the constructed Landfill Cells will progressively fill the void created from the Quarry extraction of material from the Marys Mount hillside. At completion of emplacement of waste at the facility and following final rehabilitation that shall occur progressively over the duration of landfilling operations, a site profile which is more consistent with the pre-quarry landform shall be delivered. The final rehabilitation of the development will assist with stabilising the emplaced materials and final capping will incorporate planting of an array of vegetation consistent with the pre-quarry landscape.

Despite the original development proposal details which did not propose daily cover, the NSW EPA GTA condition O5.9 will require the Landfill licensee to ensure cover material is applied, to a minimum depth of 15 centimetres, over all exposed landfilled waste prior to ceasing operations at the end of each day.

The development will not permit the disposal of waste such as Asbestos. However, the disposal of other waste material to the Landfill will result in a portion of the site being considered to be 'contaminated'. At the completion of Stage 3 works and prior to successful rehabilitation of the site (Stage 4), the developer is to register an easement over the waste disposal area (the landfill 'footprint') to ensure that the area is clearly identified and that no future construction or incompatible activities occur over the area.

The developer has indicated that they wish not to have a condition imposed which relates to the final operation of the facility. Despite this request Council has recommended a condition of this nature. The condition recommends a condition with an approved operational life of 25 years, which is greater than the operational life indicated within the EIS (approximately 20 years) to give flexibility to the development. There is also the opportunity for a future modification to the condition if a marginal increase in lifespan is required to complete the necessary works. The time limitation is to ensure that expected rehabilitation works, as included within Stage 4 or any other stage, occur within a reasonable period of time if waste disposal was to cease. Without this condition there is no assurance of when impacts from the development will end.

○ *Air and microclimate*

The development has the potential to create dust impacts on adjoining land holders through the release of particulates and dusts from the site, which can impact nearby receivers. The release of particulates is expected to be caused by wind, vehicle and plant usage, materials handling and transfer along with other situations. This release can impact on nearby receivers. The site is located within a rural locality with the closest receiver being approximately 400 metres from the proposed landfill and approximately 1.8km to the next nearest receiver. The submitted Air Quality Assessment indicated that the dominant wind direction is from the North East and North West during spring, North North East and East during summer, and North East and East during autumn. Any inconsistency to surrounding wind characteristics and absence of South and South East wind directions can be attributed to the restriction of wind flow from the elevated terrain.

The main emissions to air from the proposed Landfill are from dust and particulates generated during routine activities:

- Site clearing, removal of vegetation and related earthworks;
- Unloading and loading of vehicles;
- Plant and equipment operation;
- Wind erosion from disturbed areas and stockpiles;
- Materials / stockpile soils movements and emplacement;
- Traffic on unsealed and sediment laden sealed roadways and access tracks.

The submitted Air Quality Assessment identified emission controls adopted at the existing quarry and the level of expected efficiency in assisting with the release of particulates. These practices are undertaken as part of the quarry activities and are

possible to be implemented as part of the Landfill. A condition is recommended that these factors be enforced for the life of the landfill to ensure that dust and particulate release does not impact on adjoining receivers. These mitigation measures include, seal to haul routes (100% reduction), watering of unsealed roads (75% reduction), application of Polo Citrus dust reduction technology (50% reduction).

The submitted Air Quality Assessment utilised monitoring data from similar locations in central Queensland, to determine the resulting modelled impact on existing air quality, as there was reportedly no dust deposition data available specifically for the locality of the site. The author indicated that this was consistent with an approved methodology and is likely to be typical of annual average dust fallout in rural regions. The determined average dust deposition at these locations was 33mg/m²/day.

The assessment of impacts determined the TSP, PM₁₀ and PM_{2.5} and dust deposition for the concurrent operation of the Landfill and Quarry. These results are included in Figures 13, 14 and 15 below. Summarising these results the TSP concentration levels are well below the acceptable level of 90ug/m³ at all receivers with the highest modelled being 42 at Receiver 'R8'. The PM_{2.5} concentration levels measured over a 24 hour average and annual average are also well below the acceptable levels at all receivers, with the highest modelled levels also being indicated at Receiver 'R8'. This is understandable as it is the closest receiver.

The modelled predicted PM₁₀ concentrations for incremental concentrations over a 24 hours average does not exceed assessment criteria. The predicted annual average PM10 concentrations for both incremental and cumulative concentrations do not exceed assessment criteria. However, the model predictions for the cumulative 24 hours average PM₁₀ level did indicate an exceedance of the success criteria of 50µg/m³ at all receivers. This is recorded due to the modelling background data recording a level already at 51.7µg/m³. This exceedance is identified within the assigned background concentrations within the report and corresponds to the date of the elevated measured background of 51.7µg/m³ on 31/1/16. The contribution of the quarry and landfill emissions to the cumulative PM₁₀ level is minimal (0 µg/m³) on this day and does not contribute to any additional exceedance of the criteria. The 24 hour and annual average PM₁₀ emissions from the proposed development are not predicted to adversely impact upon the nearby receivers.

ID	Receptor	Predicted Annual Average TSP Concentrations (µg/m ³)	
		Incremental	Cumulative
R1	'Broad Acre'	0.1	38.4
R2	'Beulah'	0.1	38.4
R3	'Longlea 1'	0.2	38.5
R4	'Longlea 2'	0.1	38.4
R5	'Kandoo 1'	0.1	38.4
R6	'Kandoo 2'	0.1	38.4
R7	'Keewong'	0.1	38.4
R8	'Burleith 1'	3.7	42.0
R9	'Burleith 2'	0.2	38.5
Criteria		90	

Figure 13 – Predicted Annual Average TSP Concentrations (Source: Air Quality Assessment, VIPAC)

ID	Receptor	Predicted 24 Hour Average PM ₁₀ Concentrations (µg/m ³)		Predicted Annual Average PM ₁₀ Concentrations (µg/m ³)	
		Incremental	Cumulative	Incremental	Cumulative
R1	'Broad Acre'	1.5	51.7	0.03	15.3
R2	'Beulah'	2.1	51.7	0.05	15.3
R3	'Longlea 1'	2.2	51.7	0.09	15.4
R4	'Longlea 2'	1.7	51.7	0.05	15.3
R5	'Kandoo 1'	0.5	51.7	0.03	15.3
R6	'Kandoo 2'	1.1	51.7	0.03	15.3
R7	'Keewong'	0.8	51.7	0.04	15.3
R8	'Burleith 1'	11.6	51.7	1.38	16.7
R9	'Burleith 2'	1.8	51.7	0.07	15.4
Criteria		50		25	

Figure 14 – Predicted 24 hour and Annual Average PM₁₀ Concentrations (Source: Air Quality Assessment, VIPAC)

ID	Receptor	Predicted 24 Hour Average PM _{2.5} Concentrations (µg/m ³)		Predicted Annual Average PM _{2.5} Concentrations (µg/m ³)	
		Incremental	Cumulative	Incremental	Cumulative
R1	'Broad Acre'	0.15	17.7	0.003	7.60
R2	'Beulah'	0.19	17.8	0.005	7.60
R3	'Longlea 1'	0.23	17.8	0.010	7.61
R4	'Longlea 2'	0.20	17.8	0.005	7.61
R5	'Kandoo 1'	0.06	17.7	0.003	7.60
R6	'Kandoo 2'	0.10	17.7	0.003	7.60
R7	'Keewong'	0.08	17.7	0.004	7.60
R8	'Burleith 1'	1.00	18.6	0.127	7.73
R9	'Burleith 2'	0.16	17.8	0.007	7.61
Criteria		25		8	

Figure 15 – Predicted 24 hour and Annual Average PM_{2.5} Concentrations (Source: Air Quality Assessment, VIPAC)

The modelling results showed that the TSP, PM_{2.5} and dust deposition predictions complied with the relevant criteria and averaging periods at all measured receivers. The annual average PM₁₀ predictions also comply with criteria, however, the 24 hour average PM₁₀ predictions are slightly above (51.7 µg/m³ compared with 50 µg/m³). The exceedance is driven by the elevated background conservatively adopted for the assessment (51.7 µg/m³), which is already above the criteria meaning that, despite possible minimal increase from the landfill the criteria will be exceeded. The implementation of best management practices to minimise emissions as specified in the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*, does not require any further assessment.

The NSW EPA as the appropriate regulatory authority as included within its GTAS a condition (O6.3) to manage air quality on the site through the preparation of an Air Quality Management Plan.

○ *Flora and fauna*

There are no parts of the land to be used for the purposes of the landfill dedicated under the *Crown Lands Act 1989* for the preservation of flora and fauna. The proposed landfill is limited to the void of the existing quarry only. The quarry development consent included a Vegetation Management Plan which intended to preserve an endangered ecological community identified onsite (Semi-evergreen Vine Thicket) as well as weed and pest controls. No further clearing or disturbance of land is proposed outside of the approved quarry development footprint with the use of all existing quarry equipment and impacted areas.

The development will occur within the existing quarry footprint and will utilise all existing haul roads and onsite infrastructure. Hence, the development did not trigger the need for the preparation of a Biodiversity Assessment Report (BDAR), as under the provisions of Clause 7. 1 of the *Biodiversity Conservation Regulation 2017*, the development does not exceed the vegetation clearing threshold of 1 hectare set within the Table of Clause 7.2 of the same Regulation. There is no trigger for Biodiversity offsets for this development.

The developer has committed to rehabilitate and restore the development site to the approximate natural ground topography, as being consistent with the pre-quarry landform. Rehabilitation works will include the revegetation of the site using a process known as Phytocapping. The Phytocapping layer will use an array of pre-quarry native vegetation species as shown in Figure 13 across the filled landfill area.

The development proposes progressive rehabilitation of the development site during stages 2, 3 and 4 of the development. Rehabilitation does not commence until Cell 2 has been constructed during Stage 2. Rehabilitation works and revegetation and management is shown in Figures 15, 16 and 17. Ongoing/progressive rehabilitation will require monitoring of rehabilitation for each stage to reduce potential for environmental harm. Rehabilitation will occur as the filling of the site reaches the intended final land form. The developer proposes to rehabilitate the site with a process known as Phytocapping. Phytocapping establishes a layer of vegetation within the top of the earth cap over seal bearing layer and clay sealing layer within the substrate. Phytocapping forms the following functions:

- Interception of leachate to capture and remove water from the soil to prevent it from flowing through the landfill and collecting soluble material.
- Planting helps to hold together the soil profile and prevent erosion of the final landfill clay capping.
- Improve the visual impact with the creation of a more nature vista.
- Creation of supplementary habitat for Fauna and reintroduction of Flora vegetation communities.

Revegetation will include plant community types (PCT) which are characteristic of pre-quarry activities. PCT community types include Semi-evergreen vine thicket and White Box – White Cypress Pine shrubby open forest. Proposed PCT configuration is indicated in Figure 16 below.

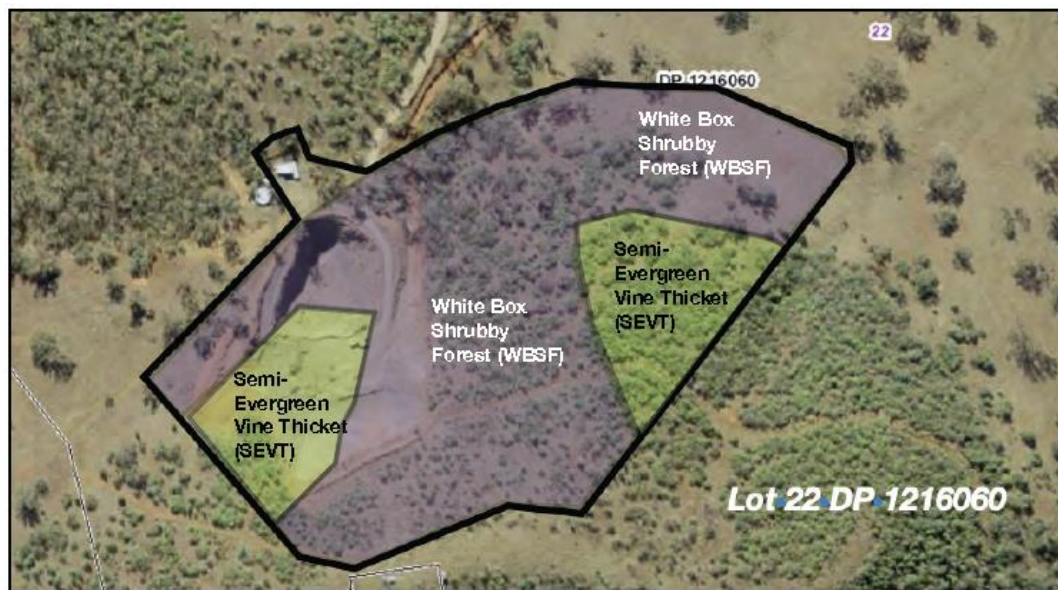


Figure 16 – PCT Rehabilitation Plan

It should be noted that the Phytocapping technique is not always successful and is dependent on the suitable establishment of the vegetation. The Phytocapping will be part of the rehabilitation required by the Environmental Protection Licence and will be integral to the success of the rehabilitation and remediation of the site. The Environment Protection Authority (EPA) has, in accordance with section 70 and Part 9.4 of the *Protection of the Environment Operations Act 1997*, the power to impose a condition on an EPL requiring 'Financial Assurance' to ensure that all remediation and rehabilitation works are completed and that such remediation and rehabilitation works are successful. For the purposes of this development the requirement of financial assurance would fall under Part 9.4.

○ *Waste*

The development proposes the disposal of Non-Putrescible waste to landfill. Non-Putrescible waste is a waste classification as per the NSW Environment Protection Authority Waste Classification Guidelines, with the application seeking consent for the disposal of all types of non-putrescible wastes listed within the guidelines, waste types have been identified previously through this report, *refer to section 2.1*.

General Solid Waste Non-putrescible waste differs from putrescible waste as waste can only be classified non-putrescible if it:

- does not readily decay under standard conditions, it does not emit offensive odours and does not attract vermin or vectors (such as flies or birds); or
- has a specific oxygen uptake of less than 1.5 milligrams O₂ per hour per gram of total organic solids at 20 degrees Celsius; or
- during composting the mass of volatile solids in the organic waste has been reduced by at least 38%; or
- has been treated by composting for at least 14 days with a sustain organic waste temperature of a minimum 40 degrees Celsius and an average temperature greater than 45 degrees Celsius.

The NSW Environment Protection Authority Waste Classification Guidelines indicate that Non-Putrescible materials typically do not readily decay under standard conditions, emit

offensive odours or attract vermin or other vectors. However, this does ensure that offensive odours or the attracting of vermin or other vectors will not occur.

Wastes proposed to be disposed of to land fill do not include any hazardous wastes with the submitted Environmental Impact Statement excluding materials such as Asbestos waste. Asbestos is specifically prohibited from being received at the facility in accordance with proposed condition A3 and L3.3 of the NSW EPA General Terms of Approval.

The developer has indicated that loads will be inspected at the weigh bridge upon entry to the site and at the tipping face with any suspect loads will be tested. The developer has indicated that sampled waste will be stored onsite in designated storage areas until they are lawfully disposed onsite or to another suitably licenced facility. Suspect loads will not be disposed of to landfill until validated (ie. confirmed as suitable for onsite disposal in accordance with the Environmental Protection Licence).

Council is not supportive of the maintenance of this material onsite as the storage of this material onsite would potentially result in alternate waste being disposed onsite which is outside of the non-putrescible waste classification, regardless of how long they are stored onsite. If this waste potentially contains hazardous materials the disposal of this waste onsite may cause contamination of the site. Council suggest that any suspect loads should be removed from site and taken to a suitably licenced waste facility which can store the covers material until validated or the waste should be disposed of at this alternate site.

Waste will be disposed to landfill in 3 cells over 3 stages, with a fourth stage for final rehabilitation of the site. The progressive disposal of waste over the 3 stages allows for progressive construction of leachate sumps and cell lining. The Stormwater and Leachate Sump will be reconstructed during each stage so that the sump is located outside of the landfill cell. The staging of the development enables this progressive establishment. It also enables for rehabilitation works to commence prior to the final filling of the void, with rehabilitation identified for Stage 2, 3 and 4 progressively. The rehabilitation is identified within figures 18, 19 and 20 below.

The establishment of rehabilitation early within the works allows for the works to be established prior to completion of the development. Initial works will commence during operation of the landfill whilst the development has a financial income being generated from the site.

Odour

Originally the development documentation indicated that the development would produce minor odour impact given that only general solid (non-putrescible) waste is to be accepted at the facility, resulting in minor greenhouse gas generation. Hence, no odour assessment was prepared with the original lodgement. The NSW EPA indicated that despite these comments that large development s of non-putrescible waste landfills can generate offensive odour. When considering these comments Council requested that the development provide an assessment into the odour impacts from the development.

The developer has subsequently provided within the amended Air Quality Assessment, considerations of odour impacts. The emission factors adopted to support the Air

Quality Assessment were for the consideration of a putrescible landfill and are more onerous than that of a non-putrescible landfill with non-putrescible waste creating less odour impacts. Hence, compliance with these levels would satisfy that odour levels would be acceptable as these levels for compliance, would be an over-estimate for compliance at the proposed facility. The odour assessment considered the potential odour sources generated from the active 'tipface', interim cover and Leachate ponds. Based on the rural locality and the limited population density of the area an assessment Odour Unit (OU) compliance level was considered as being 6 OU. This is stated to be consistent with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW South Wales*.

The results of the assessment determined to be compliant at all receptors. When comparing the assessment criteria of 6 OU, the nearest receptor 'Burleith' (R8) the expected OU was predicted as being 2.55, significantly below the acceptable criteria.

All emissions are to be managed through the required Environmental Protection Licence and through the adoption of the industry best practice outlined in the NSW Landfill Guidelines.

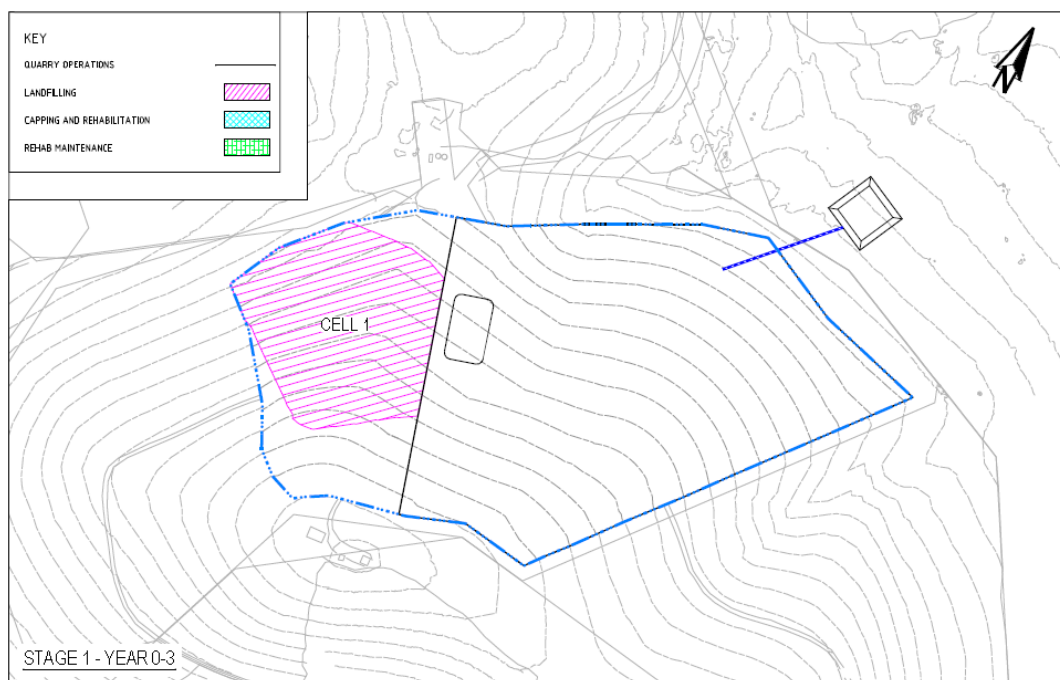


Figure 17 – Development Staging Plan (Stage 1) – Green Rehab Maintenance, Blue Capping and Rehab, Purple Landfilling

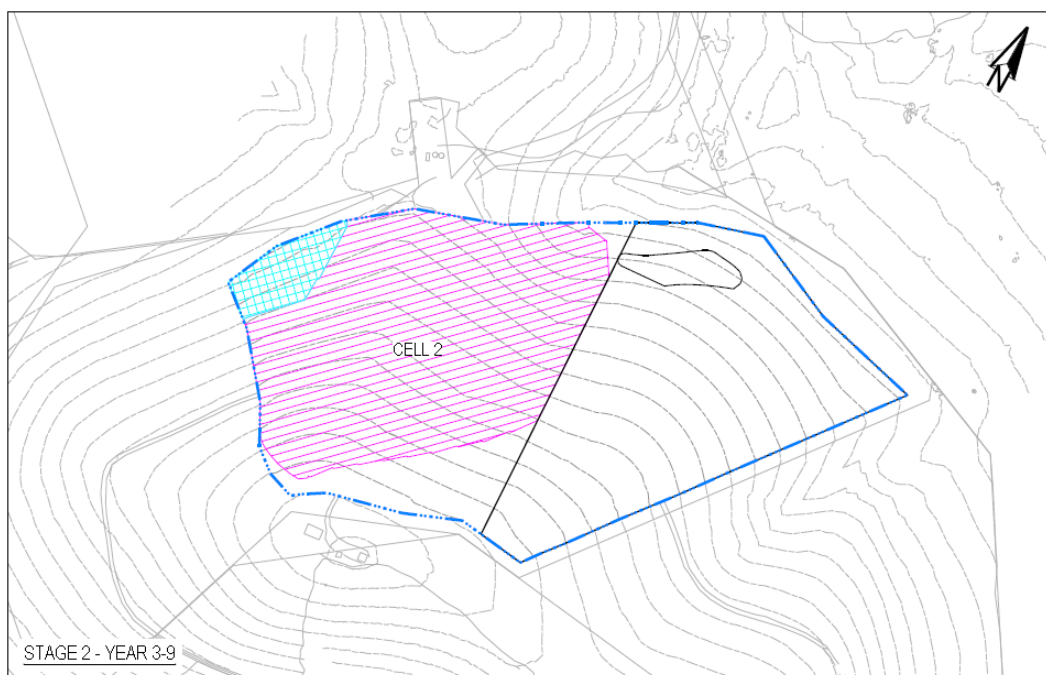


Figure 18 – Development Staging Plan (Stage 2) – Green Rehab Maintenance, Blue Capping and Rehab, Purple Landfilling

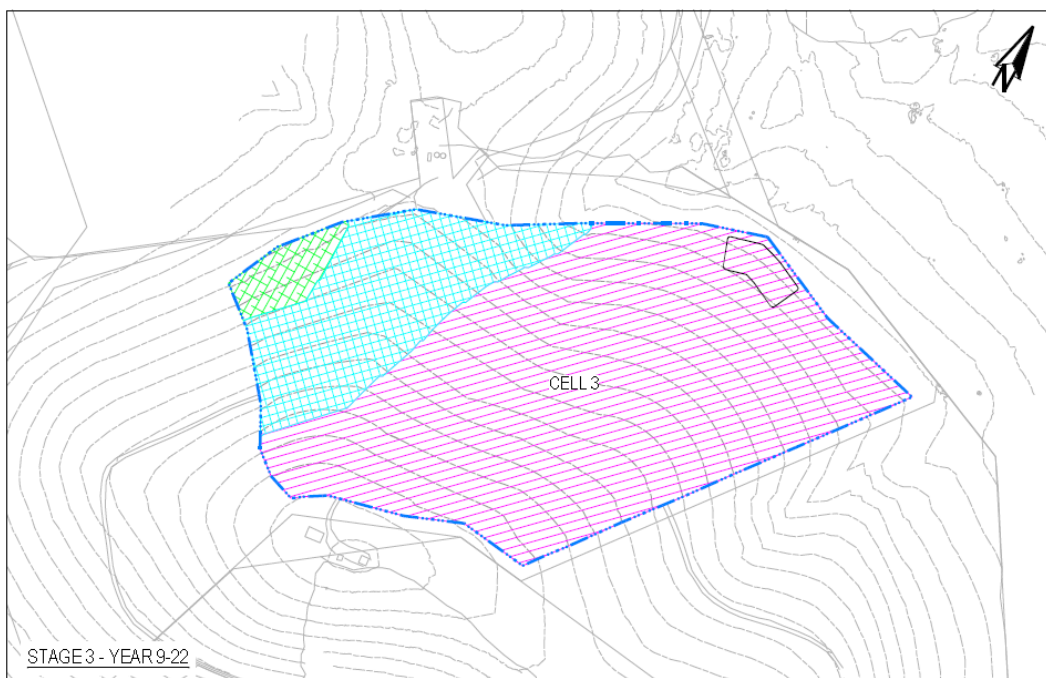


Figure 19– Development Staging Plan (Stage 3) – Green Rehab Maintenance, Blue Capping and Rehab, Purple Landfilling

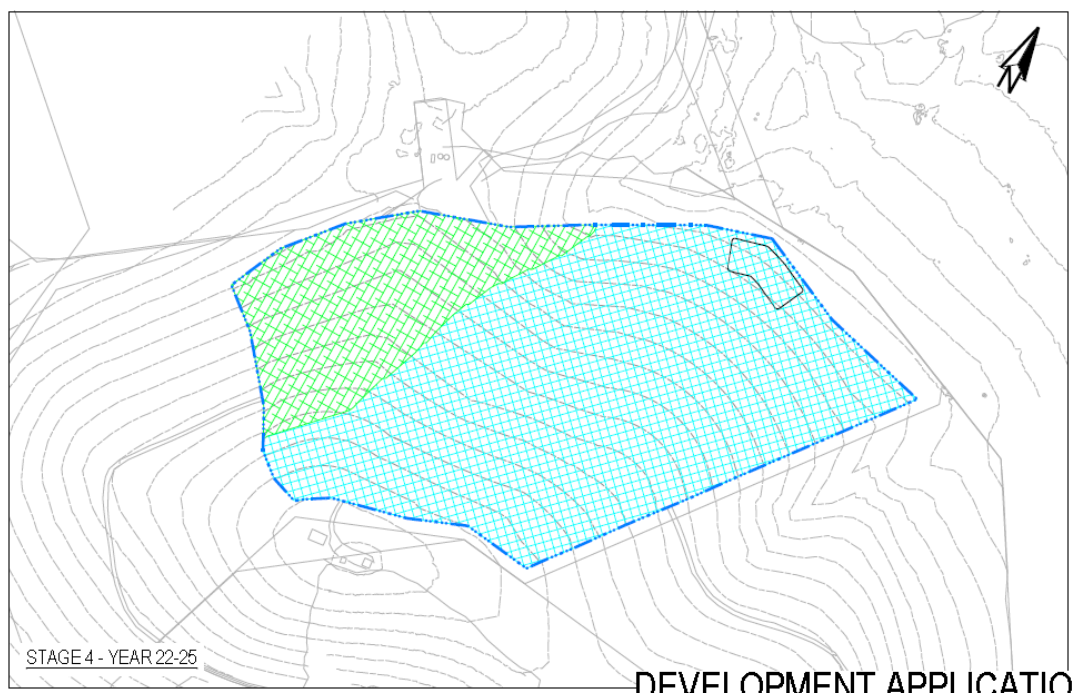


Figure 20 – Development Staging Plan (Stage 4) – Green Rehab Maintenance, Blue Capping and Rehab

○ *Energy*

As detailed in the preceding sections the development has minimal electrical needs. There is no electrical service connection within the site with electrical services provision being provided via diesel generator. The diesel generator is considered adequate to service the electrical needs of the demountable building that is used as a site office. The proposed development is expected to have a negligible impact on energy resources with the use of existing infrastructure located on site for the quarry to service this development.

No consideration has been made within the development application into the use of alternate small scale renewable electrical service generation, such as solar arrays or wind turbines instead of the ongoing burning of fossil fuels required for the ongoing operation of a diesel generator. It is expected that small systems and onsite battery storage may be effective with a reduced impact on the environment.

○ *Noise & vibration*

The development proposes to continue to utilise the existing quarry equipment for the purposes of undertaking the development. The only additional piece of equipment which is additional to the existing equipment is the inclusion of a Caterpillar Bulldozer. The development also proposes to continue the existing operating hours of the quarry which are:

- Mon-Fri, 7:00am-6:00pm
- Saturday, 8:00am-3:00pm
- Sunday and Public Holidays, Closed.

During the preparation of the Noise Impact Assessment monitoring over a 10 day period was conducted to establish a baseline background noise level. Noise Impact Assessment was considered against the provision of the *NSW Noise Policy for Industry (2017)*. This assessment established the noise levels for compliance based on the rural locality of the site. The amenity noise levels were established to be:

- Day (7:00am-6:00pm) – 50dBA
- Evening (6:00pm-10:00pm) – 45dBA
- Night (10:00pm-7:00am) – 40dBA

By adopting the existing trading hours for the quarry the development proposed to operate during the day period only. The intrusive noise level is to be established 5dBA above background levels. These levels were determined to be 35dBA. Hence, the intrusiveness noise level is 40dBA. The intrusiveness was to be established for compliance as it is the lesser of the two determined values.

When considering the intrusiveness level, with no mitigation measures, receivers R1-7 and R9 were determined to be compliant. However, receiver R8 located close to the site to the West of the quarry pit and is not part of the development, recorded an exceedance of the intrusiveness level by 3dBA, during one of the assessed scenarios. The remaining scenarios were also compliant at this receiver. Without any mitigation measures the daytime noise criteria is predicted to exceed by 3dB(A) at R8 (worst case wind conditions). The exceedance was primarily driven by the D6 Bulldozer operating on the top of the quarry wall.

As a consequence the assessment was remodelled to determine if compliance can be achieved across the board with the inclusion of a quieter 'wheeled' dozer, such as a Caterpillar 950M or 962M. The modelled sound power level of the wheeled dozer is approximately 10dB quieter than the first modelled D6 Dozer. The predicted noise results including the use of a wheeled dozer along the top of the quarry wall were predicted to comply without the need for any further mitigation measures. See Figure 21 below for results.

Rec #	Criteria	Existing Quarry Operations Baseline		Scenario 1 Landfill + Existing Quarry				Scenario 2 Landfill + Existing Quarry			
		0m/s Wind	2m/s Wind	0m/s Wind	2m/s Wind	Difference to Existing Operations		0m/s Wind	2m/s Wind	Difference to Existing Operations	
R1	40	18	21	19	23	1	2	24	29	6	8
R2	40	32	33	32	33	0	0	33	36	1	3
R3	40	28	29	28	30	0	1	33	37	4	8
R4	40	10	15	13	19	3	4	21	27	11	12
R5	40	4	10	8	15	4	5	9	15	5	5
R6	40	5	11	9	16	4	5	9	15	4	4
R7	40	14	19	18	24	4	5	13	18	-1	-1
R8	40	35	39	36	40	1	1	29	33	-6	-6
R9	40	15	21	16	21	1	0	15	20	0	-1

Figure 21 – predicted noise levels, including mitigation measures

In considering the noise levels as being compliant it was noted that during scenario 1 the largest increases were recorded at receivers R4-R7, which are located to the west of the quarry. This was attributed primarily due to the inclusion of a D6 bulldozer and a dump truck located on the top of the southern landfill in direct line of sight from the noise sources to the receivers. This increase roughly equates to a perceived doubling in loudness. However, the predicted noise levels are well below the minimum daytime criteria. Scenario 2 results recorded similar predicted increases as Scenario 1 at receivers R4 to R6. A condition is to be imposed to ensure that these mitigation measures are implemented to achieve the modelled compliance levels.

The use of backfilled vehicles and completion of sealing to the haulage route will mean that expected noise levels from traffic would remain consistent with pre-landfill noise

levels. Traffic noise levels may be reduced in comparison to current noise levels from the operation of quarry traffic noise as the use of backfilling of vehicles will reduce the noise generated from vehicle traffic within the road network as loaded trucks do not create as much noise.

The development is not expected to create any vibration. Council considered the impact of the blasting impacts of the existing quarry on the establishment of the cell liner. The NSW EPA have indicated that the cell lining would be suitably engineered and the pressures from the blasting can be managed.

- *Natural hazards*

The site is not identified as being subject to flooding during a 1 in 100 year flood event as mapped within the *Gunnedah Local Environmental Plan 2012*. The site is not identified as being subject to mine subsidence.

The development site is partially identified as being bushfire prone land. However, the mapped bushfire prone area of the site does not encompass the area of the landfill or the internal haul routes. The site is already equipped with a 250,000 Litre steel tank for fire fighting purposes and two dams to the north of the landfill site. The existing quarry includes a Bushfire Protection Plan which is to be updated within the submission of an Environmental Management Plan.

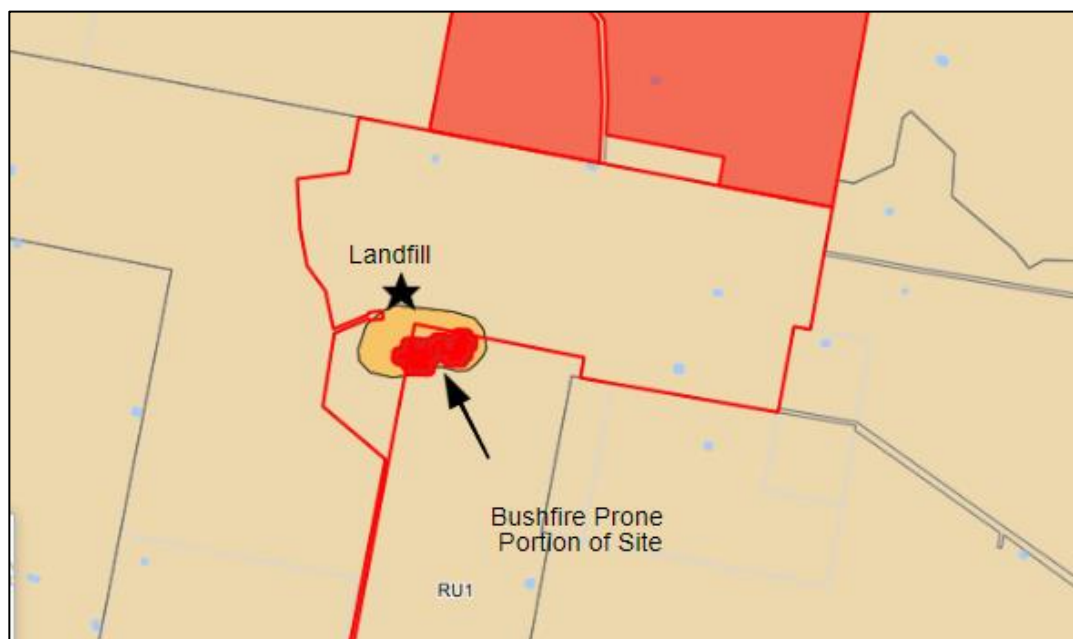


Figure 22 – Bushfire prone land

- *Technological hazards*

The development does not include the construction of any new buildings or introduce any technological hazards within the development. The development does present the potential for land contamination due to the depositing of waste to landfill within the quarry void. Waste facilities are a known contamination source. Any resulting land contamination will be subject to consideration as part of any future development

assessment to determine if the levels of contamination exceed the acceptable levels for any proposed activity in the event that future works occur within the development area.

As stated previously through this report the development requires remediation and rehabilitation of the development site to ensure that that rehabilitation works are conducted in accordance with the proposed development. A condition for financial assurance is recommended to be imposed as part of any conditions of consent, to ensure that the community is not left with the burden of remediating the development site and completing the necessary rehabilitation works.

It is acknowledged that the NSW EPA did not include a condition within its General Terms of Approval (GTAs) under Part 9.4 of the *Protection of the Environment Operations Act 1997* (POEO Act) for 'Financial Assurance'. Discussions with the NSW EPA post receipt of the General Terms of Approval have indicated that this was in error. Despite this acknowledgement there was no ability to amend the issued General Terms of Approval. Notwithstanding, in accordance with section 4.47(3) of the EPA Act as the consent authority is taken to have power under this act to impose any condition that the approval body could impose as a condition of its approval.

The issued GTAs included condition E2 which requires for the construction of a cap on each cell within 6 months of completion of waste disposal in the cell. Section 296 of the POEO Act outlines the purpose of Part 9.4 which is to provide (by way of conditions of environmental protection licences) financial assurances to secure or guarantee funding for or towards the carrying out of works or programs (such as remediation work or pollution reduction programs) required by or under a licence. Section 298 then enables this financial assurance to be made in the way of bank guarantee, bond or another form of security that the Appropriate Regulatory Authority considers appropriate.

Council is satisfied that a condition can be imposed on the development for financial assurance under Part 9.4 of the POEO Act as the financial assurance will be regarded to the remediation work that are required by Condition E2 of the GTAs as to be included on the licence. As previously stated these works form part of the proposed development works and also are required by the provisions of an EPL by the GTAs. For the purpose of the POEO Act 'remediation work' means:

'remediation work' means work for the remediation, rehabilitation or monitoring of any premises which are or have been the subject of an environment protection licence, being work that is required to be carried out by or under this Act—

- (a) while the premises are being used for the purposes to which the licence relates, or
 - (b) after the premises cease being used for the purpose to which the licence relates,
- or both.'

(Definitions – Protection of the Environment Operations Act 1997)

As per the definition above remediation works include rehabilitation and monitoring subject to a licence. As remediation is required by condition E2 of the GTAs and the works are for rehabilitation of the site in accordance with Part 9.4 of the POEO Act, the EPA could have justified the inclusion of a financial assurance condition. Council

considers that the inclusion of this condition is necessary to satisfy that there is no potential negative impact through incomplete rehabilitation works.

The financial assurance should be made prior to any works commencing and should be made to the cost of rehabilitation works. The proposed condition outlines the manner for which the NSW EPA may claim such financial assurance and the ongoing maintenance of the bond. The cost of the bond should be for the total likely costs and expenses that may be incurred in carrying out any remediation and/or rehabilitation works required by the development. Council has included that the cost of remediation is to be determined by an independent expert to ensure that the costs are a fair and true representation of the potential cost of such works.

- *Safety, security & crime prevention*

The landfill will be secured with the construction of a 1.8 metre high wire mesh fence around the perimeter of the active landfill stage. The fence construction will include a lockable security gate which would limit the access to the landfill site by unauthorised persons. The site fence proposes to include signs to identify the site, warn off trespassers and advise of an emergency telephone number. The construction of the fence will also assist with the retention of wastes within the disposal location identifying the extent of the disposal area and by preventing lightweight wastes which might be subject to movement as windborn litter.

Unauthorised entry is to be prevented with a condition included within the recommendations of this determination that the gates be locked whenever the site is unattended. Council considers that CCTV cameras are required to ensure the safety of the facility during non-operation hours, due to the potential for criminal activities which may occur at facilities of this nature.

- *Social & Economic impact in the locality*

The development application did not include a Social impact assessment. The development is not anticipated to have any impact on the structure of the community or its beliefs. The development has no impact on community facilities. Any impacts to Council's road network are to be rectified as part of development works. The development will not result in any social displacement with no removal of residential accommodation or rezoning of residential land required. The development will require the establishment of complaints register to ensure that community members are able to be heard and can communicate to the developer regarding any concerns or issues that may arise.

The development is confirmed to expect the creation of 11 full-time and part-time employees. The development will generate economic income for the developer and the community through the ongoing employment of local staff. The development is a private land fill. There are no other private enterprises of this nature within the region. The only other facility within the Gunnedah Shire which is similar to this development is the Gunnedah Waste Management Facility, which is a putrescible landfill owned and managed by the Gunnedah Shire Council to the benefit of the Gunnedah Community.

- *Site design and internal design*

The development will occur within the existing quarry void which has been created from the ongoing extraction of material from the hillside. The location of the quarry void is set back towards the centre of the allotment away from property boundaries. The

development is located within a rural locality with the development to use existing infrastructure. The only introduced element as a result of the development is the placement of waste within the quarry void and the establishment of a final rehabilitation and vegetation. Rehabilitation will occur progressively commencing during Stage 2 of the development. The development does not propose new buildings, structures or landscaping onsite.

- *Construction*

Any construction works is to be conducted in consultation with the NSW EPA and the Environmental Protection Licence if issued. The construction of all necessary cell linings and stormwater management are to be compliant with the *NSW Environmental Protection Authority's Landfill Design Guidelines (2016)*.

A condition will be imposed that limits the construction activities to Council's standard construction hours to ensure that any noise of traffic generated impacts on the amenity of the surrounding area from required construction works is mitigated.

- *Cumulative impacts*

The development will operate within the existing quarry void. The two developments will operate concurrently for the majority of the landfill life. The quarry currently has approved operational life until 2037. As a consequence, this development was considered based on the impacts of both developments operating concurrently with noise, odour, air quality and vehicle movements being considering both development impacts as the combined operation may have a more severe impact. As previously stated the cumulative impacts were acceptable subject to mitigation measures.

Despite the operation of the two developments consecutively, this presents an opportunity for the developer to potentially reduce the impacts with the share of equipment and resources onsite, rather than collocating similar infrastructure. The developer has indicated that they intend to backload quarry haul vehicles to take advantage of the empty return trips of the haul vehicles. The Traffic Impact Assessment considered that as worst case scenario that only 10% of quarry haulage movements resulted in laden vehicle movements then an additional 14 movements would be expected. This is despite the assessment previously through this report which indicates that the development would expect an average of 20 daily trips to accommodate the waste limits proposed for the landfill.

The position of the landfill and quarry is not located within an area of the site which has high agricultural potential. The area is not expected to result in any further crowding effects from agricultural activities within this section of the site.

Based on the assessment of this development and the proposed mitigation measures of various environmental considerations of the development, the cumulative impacts of the development are not expected to significantly increase the impact on the adjoining receivers to the impacts already experienced from the quarry. Post closure of the quarry in year 2037 or prior, the impacts are considered to be reduced as the pollutants (air, noise, etc.) from the quarry will not be generated.

S4.15(1)(c) the suitability of the site for the development

The development is located in a rural locality and the distance to the nearest residential area is considered to be adequate. The development is considered to be compatible with the surrounding agricultural use and will not impede the continuation of the existing surrounding uses. The quarry site is not subject to flooding and does not require any specific flooding controls. The site is identified as being bushfire prone however, the location of the bushfire risk in comparison to the proposed quarry site is considered to result in minimal threat to the proposed development. The development site does not contain any identified items of Aboriginal or European heritage significance. Hence, the site is considered to be suitable for the proposed quarry development.

S4.15(1)(d) any submissions made in accordance with this Act or the regulations

The development is regarded as being Designated Development as specified within *Schedule 3* of the *Environmental Planning and Assessment Regulation 2000*. Designated Development requires by of the *Environmental Planning and Assessment Act 1979, Schedule 1, Clause 8* requires a minimum public exhibition period of 28 days, being from the 6 August 2020 until the 3 September 2020. The application was also placed in the local paper on two occasions.

Community Participation Plan 2020 – Consultation

The development for the development of a waste management facility is required by the *Gunnedah Community Participation Plan 2020* to be neighbour notified and exhibited for a period of 28 days, including two (2) adjoining land holders who were granted an extended exhibition period to ensure that they had the minimum twenty seven (27) days to review the application documentation due to an oversight of their inclusion during notification. Council has received a total of twenty seven (27) submissions to the development.

Council received seven (7) submissions during the exhibition period, three (3) of these submissions being comments from public authorities. Each of these submissions are considered to be unique. A copy of submissions received during the exhibition period have been attached to this development assessment report as Annexure C. The matters raised within these submissions are addressed as follows:

- ***Quia Road and Blackjack Road are not approved as B-Double routes***
A condition of consent has been included within the draft conditions of consent that haulage along the approved haulage route is only to be conducted within vehicles legally permitted along the haulage route by the roads authority. This will ensure that haulage only occurs within vehicles for which it has been determined that the road network is suitable to accommodate.
- ***Cumulative impacts on rail infrastructure to be considered***
Council has considered the cumulative impact of the development on rail infrastructure, in particular the rail crossing at Emerald Hill. The development is expected to have a minor increase in vehicle movements. It was considered that the road network and current construction of the road and rail crossing was appropriate for the expected vehicle volumes.
- ***EIS does not entirely conform with minimum requirements of Environmental Guidelines: Solid Waste Landfill (EPA 2016).***
A condition has been imposed requiring that the development is to comply with the provisions of the *Environmental Guidelines: Solid Waste Landfill (EPA 2016)*. The NSW EPA will consider the development in accordance with these guidelines at the time that an application is made for an Environmental Protection Licence.

- ***Non-Putrescible landfill can generate odour non offensive odour assessment has been conducted***

The applicant has provided to Council an amended air quality assessment which includes an odour assessment. Odour impacts are addressed through this report and the development has been determined to be compliant. The developer also amended the volumes of green waste that can be accepted per vehicle load to 20%. This is due to recent environmental incident at a facility non-putrescible facility in Eastern Creek regarding odour impacts. The NSW EPA GTAs also included a condition (L8.2) which prohibits the emission of any offensive odour from the premises.

- ***Emissions inventory has not been updated for Air quality assessment to add landfill operations to Quarry***

An amended air quality assessment was provided which included the air quality data available from monitoring for the Quarry Environmental Protection Licence. The air quality assessment determined that air quality impacts were acceptable at all receivers due to mitigation measures implemented at the quarry, with the noted exception of one (1) modelled odour level which recorded exceedance of background levels. This exceedance was identified and was considered to be acceptable as the landfill did not contribute to an increase of these levels. Mitigation measures identified in the air quality assessment are to be implemented by the developer to ensure that these predicted compliances are achieved.

- ***Lack of meaningful consultation with the community***

The developer has provided Council with a Statutory Declaration which indicates that the operator of the facility on 5 May 2020 distributed the fact sheet contained within Appendix G of the EIS, dated April 2020, in person to eight (8) mail boxes and posted a further two (2) fact sheets to an adjoining land holder and a community group as part of pre-lodgement consultation, as required by the project SEARs.

The development application was notified to adjoining land holders, a sign placed at the entry point to the property and exhibitions made within the Gunnedah Namoi Valley Independent newspaper on two (2) occasions in accordance with Schedule 1 of the *Environmental Planning and Assessment Act 1979* and the *Gunnedah Community Participation Plan*. The public exhibition occurred between the dates of 6 August 2020 and 3 September 2020.

Two (2) of the adjoining land holders who were omitted from the notification list through Council's error were separately contacted and given an extension to the exhibition period for which any submissions would be received. The exhibition period for these two neighbours given an exhibition period of 28 August 2020 until 18 September 2020, to ensure that the minimum requirement of the consultation period contained within the Gunnedah Community Participation Plan was met. If this exhibition extension had not occurred the exhibition would not have met the statutory obligations of *Schedule 1* of the *EPA Act 1979*.

Responses from the applicant received by Council during the assessment process did not significantly alter the development which was originally exhibited. Hence, no additional consultation was determined to be required.

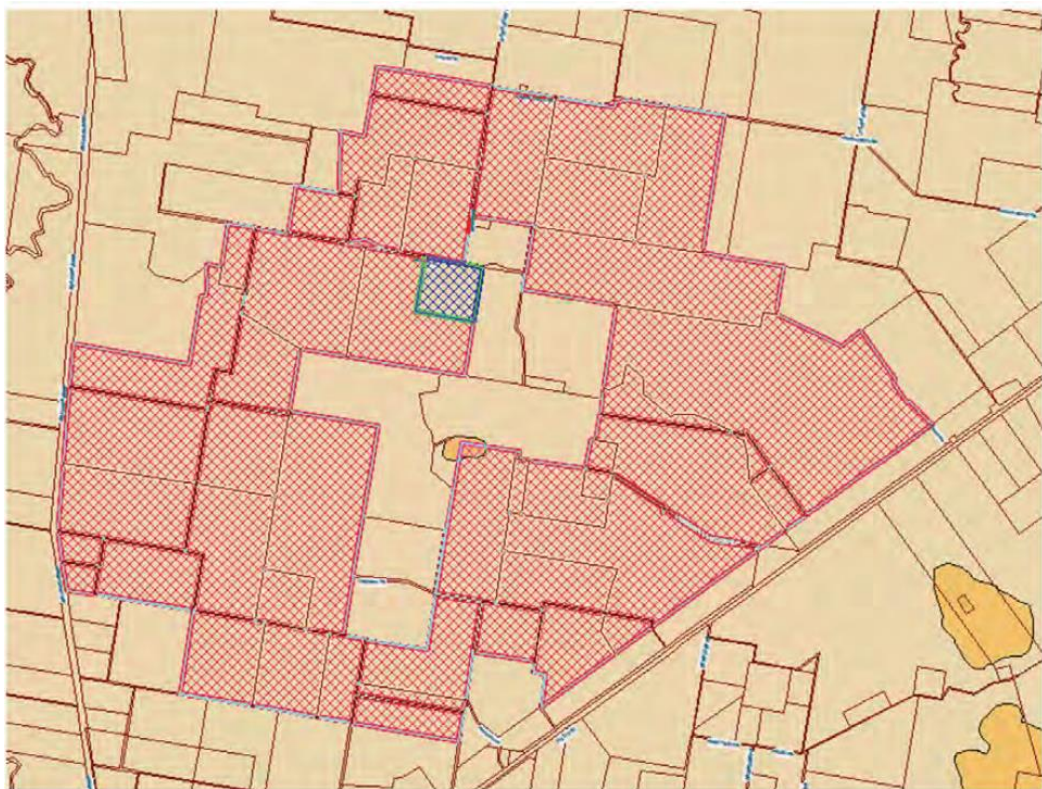


Figure 23 – Neighbour Notification extent (two additional land holders omitted from the notification map were provided separate letters and granted an extension to the exhibition period).



Figure 24 – Evidence of notice placed on property Figure 25 – Evidence of notice placed on property

Council's staff determined that the consultation requirements of the EPA Act enabled meaningful consultation and inclusion of matters of concern by local residence. Matters received during the exhibition period have been addressed by the developer in a response to submissions document which addressed some of the identified matters. Council assessment also includes the addressing of the matters within the

submissions with this section of the report identifying how these have been considered. Conditions of consent have been included where necessary to alleviate concerns.

Council has also elected to include details of late submissions, received up until the date 12 May 2021 within this report, to make the panel aware of these matters.

- ***Inadequate visual assessment from North and North East orientation, omitting nearby residences***
Council requested that the developer undertake a detailed visual assessment for receivers to the north of the site. Visual assessment from these receivers was included within the response to submissions as well as the response to Council's RFI. The visual assessment has been addressed through this report in response to these matters.
- ***Incorrect prevailing wind data in noise assessment***
The prevailing wind data has been modelled using the wind rose from the Gunnedah Quarry Products weather station located onsite.
- ***Loss of financial property value and adequate compensation***
Loss of property value cannot be assumed. There is no evidence that in the event that the development is approved and proceeds to operate, that land values around the area will decrease. Financial value of property is not a matter for planning consideration for this development.
- ***Extension to operations on site and impact on locality***
Any future extension to the development will require the lodgement of another Development Application in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*. Council does not consider that a change to waste types received at the facility or an increase to the size of the landfill or volumes of waste received would be regarded as substantially the same development under the provision of S4.55 of the *Environmental Planning and Assessment Act 1979* to which a modification application would be subject. Any future development may be subject to Community Consultation in accordance with the *Environmental Planning and Assessment Act 1979* and the *Gunnedah Community Participation Plan*.
- ***Pollution of ground water system and use of monitoring points***
The development will be subject to Environmental Protection Licence, which includes the construction method of cell lining. The cell lining intends to prevent the penetration of leachate into ground water. It will be the responsibility of the NSW EPA as the regulatory authority for these matters to assess the application for an EPL and the certification of the cell liner construction. The General Terms of Approval from the NSW EPA included a condition (M2.3) which requires the development and lodgement of a Water Quality Monitoring Program, which includes a range of monitoring requirements including groundwater.
- ***Storage of suspect loads offsite***
The development is a Waste Disposal Facility which is seeking consent for the disposal of non-putrescible wastes only. The EIS did not give any commentary to the length of time for which these 'suspect loads' would be stored onsite, the location or method of storage. The placement of this waste onsite presents issues of site contamination and

would also circumvent the proposed conditions which restrict the wastes that could be accepted at the site. Hence, Council has recommended that non-authorised or suspect wastes be immediately removed from site until they are validated to be non-putrescible waste only.

- ***Appropriate location of site to generated waste source***

There are no restrictions for the movement of non-putrescible waste. The transport of waste is regulated by the NSW EPA and loads are understood to be tracked. Council cannot refuse the development based on the location of the source of the waste.

Despite the waste proposed to be disposed of within the Gunnedah Local Government Area, which is not regarded as a Regulated Area, if wastes are generated within a levied area the operator of the site is responsible for collecting any applicable levy on behalf of the NSW EPA. Council understands that any levied waste that is resource recovered and is not disposed to landfill is not subject to the waste levy.

- ***Assurance of no odour from or toxic waste at facility***

Council is unable to make assurances that there will be no odour or toxic waste from the site. Council assessment of this development and the proposed condition have been undertaken and recommended to minimise the potential for environmental harm.

Council has requested that the developer undertake an odour assessment of the proposed development as part of its Request for Additional Information (RFI).

As previously stated, the NSW EPA has included a condition within its GTAs which prevents the issue of offensive odours. This is to be regulated by the NSW EPA. Any such breaches of the EPL would be made publicly available on the NSW EPA website against the licence.

- ***Dust from crushing at quarry***

The development application is not making assessment of the existing quarry. Cumulative impacts have been considered and for the purposes of these cumulative impacts for air quality the developer has implemented and recommended that certain mitigation measures be employed to reduce dust release. One such mitigation measure is the application of Polo Citrus product to crushing and screening of quarry products which has resulted in a significant reduction in dust generation.

- ***Air quality modelling only based on Non-putrescible wastes***

The modelling of non-putrescible waste is accepted by Council. The facility is only seeking consent for the operation of a Non-Putrescible waste disposal facility. Council proposes to include a condition of consent which outlines material which can be received in accordance with NSW EPA waste classification guidelines. These materials will be limited to Non-Putrescible wastes.

- ***Clarification of operational lifespan and extraction volumes***

The development has confirmed the operational life of the development as being 20 years and the annual waste volumes of 200,000 tonnes per year. A condition of consent has been suggested regarding the annual volumes of waste to be received. Council has elected not to impose a condition on the maximum life span of the

development as the total time period of the development will be based on the completion of the final land formation. However, consideration could be made to the ongoing impacts on land holders within the vicinity of the site, noting that no noise or odour impacts were identified.

- ***Ambiguity comments regarding waste types received “including Class 2 (Non-putrescible Waste)”***
Council has included a condition of consent which confirms the types of waste that can be received at the development.
- ***References to neighbouring locality being Carroll not Mullaley***
Council is aware of the inconsistency with the reference to neighbouring locality of Carroll. The locality within the EIS document was incorrect and appears to be a human error with all other references made to the correct locality. Council has assessed the application considering the correct locality.
- ***Release of waste and dust from the site by wind***
The development included an air quality assessment. The development is known to produce some levels of dust generation. However, this assessment determined the extent of these emissions and of the dust generation levels being acceptable or not. Refer commentary on air quality through this report for details of the assessment.
- ***Development preventing subdivision and residential development potential of adjoining lots***
The development does not prevent subdivision or residential development from occurring within the adjoining allotments. Any future subdivision or development for residential accommodation would be considered in accordance with S4.15 of the *Environmental Planning and Assessment Act 1979*.

Council received a further twenty (20) late submissions after the closure of the exhibition period, noting that nine (9) of these submissions are unique. The matters raised within the late submissions include similar matters to those raised in submissions received as well as the following additional matters below:

- ***The EIS should be rejected by Council***
The development application contained all necessary information required by Schedule 1 Part 1 of the *Environmental Planning and Assessment Regulation 2000*, required at the time of the lodgement of the application. The development was not unclear or illegible as to the development consent sought and the development application was accompanied by an Environmental Impact Statement. Hence, in accordance with section 51 of the *Environmental Planning and Assessment Regulation 2000*, Council was unable to reject the Development Application.
- ***Application be re-exhibited***
The development application was notified and exhibited in accordance with Schedule 1 of the *Environmental Planning and Assessment Act 1979* and the *Gunnedah Community Participation Plan*. Matters raised within submissions received during the exhibition period have been considered and addressed through this report and within this section, in accordance with S.415(1)(d). Responses received by Council during the assessment process did not significantly alter the development which was originally exhibited. Hence, no additional consultation was determined to be required.

- ***EIS contains inconsistencies and inaccurate assumptions***
Council's review of documentation within the EIS revealed inconsistencies within the documentation provided. Council has requested, and received a response from the developer clarifying the inconsistencies throughout the documentation. Any outstanding inconsistencies are to be addressed as conditions of consent to ensure that any such matters are clarified.
- ***No community benefit***
Council's assessment has not concluded that there is no community benefit. The development does present an opportunity for further employment with the Gunnedah Community, which can drive economic stability. Hence, it cannot be concluded that there is no net community benefit.
- ***Developers previous record and non-compliance with Quarry Conditions of Consent***
Council is unable to consider the Quarry operator's history or previous record into consideration during a merit-based assessment of the development proposal. This assessment has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The NSW EPA must determine whether the applicant for an Environmental Protection Licence is considered to be a fit and proper person prior to issuing a licence in accordance with the *Protection of the Environment Operations Act 1997*.

- ***Development should be considered as part of the State Significant Development Proposal, ID No. SSD-8530563, within the same development application***
The development is located on a separate allotment and is a different land use activity and there is no reliance on this development or the proposal SSD-8530563 for either of the activities to occur. There is no obligation for waste accepted at the proposed facility to be first sent to the facility proposed by (SSD-8530563). The linkages between the operator and the nature of the materials are not enough to warrant these developments to be required to be assessed under the same development assessment.
- ***Reduction of quality of life for adjoining residences***
There is no certainty of a reduced quality of life to adjoining land holders once the proposed development begins operating.
- ***Representation from developer that rehabilitation of site would not occur unless waste management facility is approved.***
Council has no correspondence or any request from the applicant to defer rehabilitation works until the waste management facility is approved. Council has recommended conditions of consent which requires periodic rehabilitation of the site in accordance with the proposed Staging Plan.

S4.15(1)(e) the public interest

The application is regarded as being designated development in accordance with the provisions of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. The development application required notification to other external agencies. The development proposal was also identified as being integrated development under the provisions of the

Protection of the Environment Operations Act 1997 (S.43b and S.48). General Terms of Approval have been received from the Environment Protection Authority and included as Annexure C of this report. A condition has been included in the draft conditions that the development is to be undertaken in accordance with the General Terms of Approval issued by the NSW EPA.

The development application was placed on public exhibition for a period of 28 days. Matters raised in the submissions have been assessed throughout this report. The public interest has been considered and additional assessment conducted, development proposal varied or conditions of consent have been recommended, where appropriate. As a consequence, the approval of the development application, subject to the recommended conditions of consent, is not considered to be contrary to public interest.

3. Conclusion

The development application is seeking approval for the construction and operation of a 200,000 tonne per annum Non-Putrescible Waste Disposal Facility within an existing quarry void and associated rehabilitation of the site.

The application has been assessed pursuant to the requirements of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and any other applicable legislation triggered by this assessment. The evaluation of the application has demonstrated that the proposed development is satisfactory in terms of the matters for consideration as identified by the legislation.

It is recommended that, in relation to Development Application No. 2020/054 at Lot 22 DP 1216060, 334 Pownall Road and Lot 2 DP 865898, 259 Barker Road, be approved subject to the listed conditions of consent identified within Annexure A.

ANNEXURE A – DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 2020/054

A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

A1. The proposed development shall be carried out generally in accordance with the details set out in the following:

- Development Application form lodged, 10 August 2020;
- Environmental Impact Statement, prepared by Outline Planning Consultants Pty Limited, dated July 2019;
- Response to Submissions: EIS Proposed Landfill Marys Mount Quarry, prepared by Outline Planning Consultants Pty Limited, dated 8 October 2020;
- Response to Council RFI: EIS Proposed Landfill Marys Mount Quarry, prepared by Outline Planning Consultants Pty Limited, dated 15 January 2021;
- Response to Council's Further Request for Additional Information: Proposed Landfill in Quarry Void at Marys Mount, prepared by Outline Planning Consultants Pty Limited, dated 21 May 2021; and
- Submitted plans:
 - Prepared by Martens and Associates Pty Ltd, dated 20/05/2020, Project No. P1907436, Planset No. PS01, Drawing No. PS01-A000, Rev C (Cover Sheet), Drawing No. PS01-B200, Rev B (Staging Plan), Drawing No. PS01-C102, Rev C (Stage 2 Landfill), Drawing No. PS01-C103, Rev C (Stage 3 Landfill),
 - Prepared by Martens and Associates Pty Ltd, dated 14/05/2020, Project No. P1907436, Drawing No. PS01-A050, Rev B (Development Overview Plan), Drawing No. PS01-A100, Rev B (Pre-Quarry Surface), Drawing No. PS01-B100, Rev B (Cell Layout Plan), Drawing No. PS01-C100, Rev B (Final Rehabilitation Landform Final Stage), Drawing No. PS01-C500, Rev B (Finished Rehabilitation Volume Analysis Final Surface), Drawing No. PS01-C501, Rev B (Total Landfill Volume Analysis), Drawing No. PS01-C510, Rev A (Stage 1 Volume Analysis), Drawing No. PS01-C511, Rev A (Stage 2 Volume Analysis), Drawing No. PS01-C512, Rev A (Stage 3 Volume Analysis), Drawing No. PS01-C600, Rev B (Final Rehabilitation Landform Section Sheet 1), Drawing No. PS01-C601, Rev B (Final Rehabilitation Landform Section Sheet 2), Drawing No. PS01-C602, Rev B (Final Rehabilitation Landform Section Sheet 3), Drawing No. PS01-C603, Rev B (Final Rehabilitation Landform Section Sheet 4), Drawing No. PS01-C604, Rev B (Final Rehabilitation Landform Section Sheet 5), Drawing No. PS01-C605, Rev B (Final Rehabilitation Landform Section Sheet 6), Drawing No. PS01-C606, Rev A (Stage 1 Section), Drawing No. PS01-C607, Rev A (Stage 2 Section), Drawing No. PS01-C608, Rev A (Stage 3 Section Sheet 1), Drawing No. PS01-C609, Rev A (Stage 3 Section Sheet 2),
 - Prepared by Martens and Associates Pty Ltd, dated 22/05/2020, Project No. P1907436, Drawing No. PS01-C101, Rev D (Stage 1 Landfill), Drawing No. PS01-E100, Rev D (Concept Stormwater Management Plan), Drawing No. PS01-E200, Rev A (Landfill Watercycle Management Plan),
- Supporting Documentation:
 - Landfill Design and Water Cycle Management Plan: Proposed Landfill Facility, Marys Mount Quarry, Gunnedah, NSW, prepared by Martens and Associates Pty Ltd, dated June 2020, Ref: P1907436JR01V04;
 - Traffic Impact Assessment, prepared by Street Wise Road Safety and Traffic Services, dated 23/06/2020;
 - Landfill Remediation Plan, prepared by Stringybark Ecological, dated July 2020, Document ID: 200707_02, Revision 1;

- Air Quality Assessment, prepared by VIPAC Engineers and Scientists, dated 13 May 2021, Ref: 70B-19-0119-TRP-10150359-2;
- Noise Impact Assessment Report, prepared by VIPAC Engineers and Scientists, dated 13 May 2021, Ref: 70B-19-0119-TRP-10150359-2;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

- A2.** To confirm and clarify the terms of this approval, consent is given for the following:
- a) Disposal of no more than 200,000 tonnes per annum of non-putrescible waste to landfill;
 - b) Disposal of no more than 4,014,000 tonnes of non-putrescible waste to land fill over three (3) stages;
 - c) Rehabilitation of the site (Stage 4).

If contrary to the maximum disposal volume of 4,014,000 listed as b), the final land form is not to exceed that of the Final Rehabilitation Landform Final Surface Plan, prepared by Martens & Associates Pty Ltd, dated 14/05/2020, Project No. P1907436, Drawing No. PS01-C100, Rev B, except where contradicted by a Rehabilitation Management Plan approved by Council.

Note: Non-putrescible waste is wastes as permitted by condition A3.

Reason: To ensure compliance with application and plans.

- A3.** To confirm and clarify the terms of this approval, development consent is given for the disposal of the following wastes only:
- General Solid Wastes, including:
 - Building and demolition waste other than from chemical works, mineral processing works, container reconditioning works or (human) waste treatment facilities;
 - Asphalt waste (including asphalt resulting from road construction and water proofing works);
 - Garden waste;
 - Glass, plastic, rubber, plasterboard, ceramics, bricks, concrete or metal;
 - Paper or cardboard;
 - Household waste from municipal clean-up that does not contain food waste;
 - Waste collected by, or on behalf of, local council's from street sweepings;
 - Grit, sediment, litter and gross pollutants collected in, and removed from, stormwater treatment devices and/or stormwater management systems, that has been dewatered so that they do not contain free liquids;
 - Grit and screenings from potable water and water reticulation plants that has been dewatered so that it does not contain free liquids;
 - Wood waste;
 - Waste contaminated with lead (including lead paint waste) from residential premises or education or child care institutions;
 - Containers, previously containing dangerous goods, from which residues have been removed by washing or vacuuming;
 - Drained oil filters (mechanically crushed), rags and oil-absorbent materials that only contain non-volatile petroleum hydrocarbons and do not contain free liquids;
 - Drained motor oil containers that do not contain free liquids;
 - Non-putrescible vegetative waste from agriculture, silviculture or horticulture;
 - Building cavity dust waste removed from residential premises or educational or child care institutions, being waste that is packaged securely to prevent dust emissions and direct contact;

- Synthetic fibre waste (from materials such as fibreglass, polyesters and other plastics) being waste that is packaged securely to prevent dust emissions, but **excluding asbestos waste**;
- Biosolids categorised as unrestricted use, or restricted use, 1, 2 or 3, in accordance with the criteria set out in the *Biosolids Guidelines*;
- Cured concrete waste from batch plant;
- Fully cured and set thermosetting polymers and fibre-reinforcing resins;
- Fully cured dried residues of resins, glues, paints, coatings and inks;
- Excavated natural material (ENM), certified in accordance with *Protection of Environment Operations (Waste) Regulations 2014*;
- Virgin excavated natural material (VVENM);
- Materials subject to a Resource Recovery Order under Clause 91 and 92 of the *Protection of Environment Operations (Waste) Regulations 2014*, including recovered fines and treated drilling mud.

Despite the wastes approved for disposal to landfill listed above, this consent does **not** to permit the disposal of any of the following wastes:

- Special waste (including clinical waste, asbestos-contaminated Construction & Demolition or Commercial & Industrial waste) but excluding sealed asbestos or waste tyres;
- Anything classified as special waste under an EPA gazettal notice as defined in EPA (2014a) Step 1;
- Liquid waste as defined in EPA (2014a) Step 2 eg. solvents, oils and greases;
- Waste pre-classified as hazardous waste as defined in EPA (2014a) Step 3 eg. paints, dyes, pesticides;
- General solid waste (putrescible) as defined in EPA (2014a) Step 4;
- Waste that requires chemical assessment to determine its classification as defined in EPA (2014a) Step 5.

Reason: To ensure compliance with application and plans.

- A4.** To confirm and clarify the terms of this approval, development consent is given for the operational life of the Waste Disposal Facility for:
- a) A maximum of 25 years from the commencement of the operation of the Waste Disposal Facility; OR
 - b) The final landform identified on Final Rehabilitation Landform Final Surface Plan, prepared by Martens & Associates Pty Ltd, dated 14/05/2020, Project No. P1907436, Drawing No. PS01-C100, Rev B, is achieved;
- Whichever occurs first.

Upon completion of the operational life, achieved by either a) or b) above, the developer is to cease all waste disposal. Within a minimum period of 6 months from the ceasing of waste disposal the developer is to commence rehabilitation works as required by Stage 4 of the development proposal.

Note. The Waste Disposal Facility (landfill) operator is required to inform Council of the commencement date of waste disposal approved under this consent. Council will then provide written confirmation of the lapsing date for landfill operations under this development consent.

Reason: To ensure a clear end of operational life and commencement of rehabilitation work.

- A5.** If there is any inconsistency between the documents referred to in condition A1, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

Reason: To ensure compliance with application and plans.

- A6.** To confirm and clarify the terms of this approval, any non-authorised or suspect wastes identified within vehicle loads are to be immediately removed of from site, until validated to be of a waste type listed within condition A3. No non-authorised waste is to be stored within the boundaries of the development allotment.

Reason: To ensure compliance with application and plans.

- A7.** To confirm and clarify the terms of this approval, no vehicle movements are permitted to or from Pownall Road. All vehicle movements to and from the site shall be via the right of carriageway over Lot 2 DP 865898, 259 Barker Road from Marys Mount Road.

Reason: To ensure clarity of safety of vehicle movements, as safety of Pownall Road and Oxley Highway has not been considered as part of this development assessment.

- A8.** The development consent is to be operated in such a manner as to be consistent with the Koala Plan of Management, prepared by Niche Environment and Heritage, dated 9 July 2014, Project No. 1466, Rev 3.

Reason: To ensure compliance with individual Koala Plan of Management approved for the site.

- A9.** To confirm and clarify the terms of this approval and despite condition A3, loads of waste disposed to the facility are not to contain a volume of any more than 20% of any such load as green waste. Green Waste is to be determined as per the waste classification within the NSW EPA Waste Classification Guidelines.

Reason: To ensure compliance with application and plans.

B. PRESCRIBED CONDITIONS

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

- B1. Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)**

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work—
- (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.

- (2) This clause does not apply—
 - (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

Reason: *To ensure compliance with the statutory requirements.*

B2. Erection of signs

- (1) For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out—
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: *To ensure compliance with the statutory requirements.*

B3. Notification of [Home Building Act 1989](#) requirements

- (1) For the purposes of section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.
- (2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information—
 - (a) in the case of work for which a principal contractor is required to be appointed—
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder—
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

Reason: To ensure compliance with the statutory requirements.

B4. Conditions relating to entertainment venues

For the purposes of section 4.17(11) of the Act, the requirements set out in Schedule 3A are prescribed as conditions of development consent for the use of a building as an entertainment venue.

Reason: To ensure compliance with the statutory requirements.

B5. Fulfilment of BASIX Commitments

- (1) This clause applies to the following development:
 - (a) BASIX affected development,
 - (b) any BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule 1 for it to be so accompanied).
- (2) For the purposes of section 4.17 (11) of the Act, fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

Reason: To ensure compliance with the statutory requirements.

B6. Condition relating to maximum capacity signage

- (1) For the purposes of section 4.17(11) of the Act, the requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building—
 - (a) entertainment venue,
 - (b) function centre,
 - (c) pub,
 - (d) registered club,
 - (e) restaurant.
- (2) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.
- (3) Words and expressions used in this clause have the same meanings as they have in the Standard Instrument.

Reason: To ensure compliance with the statutory requirements.

B7. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense—
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with the statutory requirements.

C. PRIOR TO COMMENCEMENT OF WORKS

- C1.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

Reason: To ensure erosion and sediment control on the development site.

- C2.** Prior to work commencing appropriate measures the developer is to prepare a Landfill Plan of Management. The Landfill Plan of Management is to be provided to Council and be approved and is to include, but not be limited to the following plans and documents:
- Bushfire Management;
 - Soil and Water Management;
 - Driver Code of Conduct;

- Koala Plan of Management;
- Vegetation Management;
- Pollution Incident Management; and
- Rehabilitation Management.

Note: any existing plan in effect for the site relating to the existing Extractive Industry may be updated to include reference to the Waste Disposal Facility and the terms of this consent.

Reason: To ensure that appropriate Management Plans are developed for the ongoing operation of the Waste Management Facility.

Identification of Waste Disposal Boundary

- C3.** Prior to the commencement of operations of each stage of the Waste Management Facility, a "Peg Survey Report", including clear physical markers (durable pegs), is to be supplied to Council confirming the location of the external boundary of the land fill area for the stage. Waste disposal is only permitted within the area identified by the physical markers.

Reason: To ensure that waste is only deposited within the approved waste disposal area.

C4. *Financial Assurance – POEO Act 1997.*

In accordance with Part 9.4 of the *Protection of the Environment Operations Act 1997*, prior to the commencement of any works or disposal of any material, whichever occurs first, the operator of the Waste Disposal Facility is to provide 'Financial Assurance' as to the cost of all rehabilitation works to the NSW Environment Protection Authority (NSW EPA). The Financial Assurance is to be provided in the form of an unconditional and irrevocable guarantee from an Australian bank, building society or credit union in favour of the NSW Environment Protection Authority. The requirement for Financial Assurance is to be included within the Environmental Protection Licence.

The value of Financial Assurance is to be determined by the appropriate regulatory authority and is to be to the amount which represents a reasonable estimate of the total likely costs and expenses that may be incurred in carrying out any remediation and/or rehabilitation works required by the development. In determining this reasonable estimate the developer is to engage an independent expert to prepared advice as to the total cost of rehabilitation and/or remediation works. The Financial Assurance shall be adjusted each financial year in line with the Consumer Price Index (CPI) for the previous year.

The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.

The Financial Assurance must contain a term that provides that any money claimed can be paid to the NSW EPA or, at the written direction of the NSW EPA, to any person. The Financial Assurance must be maintained during the operation of the facility and thereafter until such time as the NSW EPA is satisfied the premises is environmentally secure and any required remediation work are completed.

The financial assurance must be replenished by the full amount claimed or realised if the NSW EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the licence which has not been undertaken by the licence holder.

The licensee must provide to the EPA the original counterpart guarantee within five working days of the issue of the financial assurance required by this condition and the adjusted financial assurance as required by this condition.

The EPA may claim on a financial assurance under S303 of the POEO Act if a licensee fails to carry out any work or program required to comply with the condition the Environmental Protection Licence (EPL).

Reason: To ensure at an appropriate Financial Assurance guarantee is provided to the cost of remediation work that is required because of activities undertaken as part of development works, being the works to which an Environmental Protection Licence will be subject, in accordance with Part 9.4 of the Protection of the Environment Operations Act 1997.

- C5.** Prior to the commencement of any operations the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 7.12 of the Environmental Planning and Assessment Act 1979. The current levy payable is calculated at 1% of the development cost. The current calculated levy payable is \$90,450, revised construction cost may incur a varied levy fee.

Note: The Gunnedah Shire Council's Section 94A Contributions Plan 2013 can be viewed on Council's web site at: <http://www.gunnedah.nsw.gov.au>

Reason: To make provision for public amenities and services within the community.

- C6.** A Landfill Environmental Management Plan (LEMP) is to be prepared and submitted to Council for review and approval prior to the commencement of any operations. The LEP is to be prepared in accordance with the Benchmark Techniques specified within the NSW Environmental Protection Agency's Landfill Design Guidelines (2016): Solid Waste Landfills. This plan shall include but not be limited to:
- Landfilling and Leachate Management;
 - Site Security;
 - Ground and surface water management;
 - OH&S Management System;
 - Contact details for emergency services;
 - Odour management and mitigation;
 - Noise management and mitigation;
 - Dust management and mitigation; and
 - Closure and Rehabilitation Plans;

Documentary evidence is to be provided to the Certifying Authority demonstrating that this plan has been submitted and approved by Council in writing prior to the issue of a Construction Certificate. This plan shall be implemented throughout the construction phase of the solar farm.

Reason: To ensure compliance with approved application and plans.

E. GENERAL

- E1.** The waste management facility is to be operated in accordance with NSW EPA Guidelines: Solid Waste Landfill, 2nd Edition (2016), or subsequent versions AND the Environmental Protection Licence issued for the facility, by the NSW Environmental Protection Authority, as amended from time to time.

Reason: To ensure appropriate operation of the facility in accordance with EPA Guidelines.

- E2.** Stormwater from within the waste land fill is not to be directly discharged or concentrated onto adjoining land. Stormwater is to be managed in accordance with the Landfill Design and

Water Cycle Management Plan: Proposed Landfill Facility, Marys Mount Quarry, Gunnedah NSW, prepared by Martens Consulting Engineers, dated June 2020, Ref: P1907436JR01V04, except as elsewhere required by condition of consent.

Reason: To ensure compliance with Council's requirements.

- E3.** All Leachate and Stormwater generated/captured within the Waste Disposal Facility landfill area is to be discharged to the Stormwater and Leachate Sump and/or Leachate Dam. Leachate or Stormwater generated/captured within the Waste Disposal Facility landfill area is not permitted to be discharged from the site or to a natural water course located within the site, except where transported off the premises to a facility lawfully able to receive and treat or process the leachate.

Reason: To ensure potentially contaminated water are adequately managed and retained onsite to ensure that not discharged from the site of these waters occurs.

Traffic and Parking

- E4.** Onsite car parking accommodation shall be provided for a minimum of six (6) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. This parking number is in addition to any previous parking demand already present onsite, and relates to the parking demand generated by the Waste Disposal Facility. These parking spaces are to be provided in excess of any other onsite parking demand generated by any other development consent effective on the development site.

Reason: To ensure compliance with Council's requirements.

- E5.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic. Parking areas must comply with AS 2890 – Parking Facilities.

Reason: To ensure compliance with relevant Australian Standards and to facilitate the use of vehicular access and parking facilities.

Noise

- E6.** The development shall not generate noise, when measured over a 15 minute period ($L_{AEQ, 15min}$), which exceeds the following noise levels at the most affected nearby residential receivers:
- 60dba, during daylight hours (7:00am - 6:00pm Monday to Saturday; or 8:00am to 6:00pm on Sundays and Public Holidays) ;
 - 50dba, during evening hours (6:00pm to 10:00pm);
 - 45dba, during night hours (10:00pm – 7:00am Monday to Saturday, and 10:00pm – 8:00am Sundays & Public Holidays),

Reason: To ensure compliance with the NSW EPA's Industrial Noise Policy.

Haulage

- E7.** Haulage operations shall cease when the school bus is travelling along the identified sections of the haul route as illustrated on the submitted plan - Haulage Operations to Cease at School Bus Times, prepared by Stewart Surveys Pty Ltd, at the following times on school days:
- Marys Mount Road to Quia Road – 7.50am-8.10am and 3.50pm-4.10pm;
 - Emerald Hill to Quia Road – 7.50am-8.10am and 3.50pm-4.10pm; and
 - Quia Road to Gunnedah – 8.00am-8.30am and 3.30pm-4.00pm.

Note: Should a school bus operating time or the bus route change, an amendment to the above time and/or route shall be submitted to and approved by Council prior to any change in haulage operations.

Reason: To ensure compliance with submitted documentation.

- E8.** All haulage operations are to be limited to the following routes:
- Via Barker Road – Marys Mount Road – Goolhi Road – Kamilaroi Highway (at Emerald Hill); and
 - Via Barker Road – Marys Mount Road – Goolhi Road – Quia Road – Blackjack Road – Oxley Highway (west of Gunnedah).

No vehicle movements are to occur from the vehicle access to Pownall Road.

A record of movements shall be kept, noting the direction, date, and type of haulage vehicle utilised. The record of movements shall be submitted to Council every 12 months. The register shall also be made available to Council upon request.

Note: There shall be no haulage of material extracted from the development site on any other public road, without an amendment to this development consent.

Reason: To ensure compliance with application and plans.

- E9.** The haulage of material is only permitted to be undertaken in vehicles legally permitted by the road authority to be used within the road network of the haulage route identified in condition D3.

Reason: To ensure compliance with application and plans.

Outdoor Lighting

- E10.** Outdoor lighting is to comply with AS/NZS 11583.1 *Pedestrian Area (Category P) Lighting* and AS4282 *Control of Obtrusive Effects of Outdoor Light*.

Reason: To ensure compliance.

Documentation

- E11.** A copy of all the approved documents related to this consent, shall be kept on site at all times and shall be made available upon inspection by Council or an authorised government agency.

Reason: To ensure all documents are available on inspection.

- E12.** Until they are replaced by an equivalent strategy, plan or program approved under this consent, the Operator shall continue to implement existing strategies, plans or programs for operations on site that have been approved by previous consents or approvals.

Reason: To ensure existing plans, strategies or programs are implemented until updated reports are endorsed.

- E13.** A copy of the Annual Return required in the General Terms of Approval shall be provided to Council in addition to the requirements of the Environment Protection Authority.

Reason: To ensure compliance with application and plans.

- E14.** The Leachate Dam is to have a minimum of 7ML and the Stormwater and Leachate sump created at each stage of development works is to have a minimum capacity of 4.5ML, creating a combined storage capacity in excess of 11ML, unless otherwise approved and

acknowledged in the Environmental Protection Licence issued for the facility, by the NSW Environmental Protection Authority, as amended from time to time.

Reason: To ensure that leachate storage is provided to a minimum capacity in accordance with Landfill Design and Water Cycle Management Plan.

- E15.** Dam 'A', as indicated on Concept Stormwater Management Plan, prepared by Martens and Associates Pty Ltd, dated 22/05/2020, Project No. P1907436, Drawing No. PS01-E100, Rev D, is to have a minimum capacity of 7.7ML.

Reason: To ensure that Stormwater detention dams have adequate capacity in accordance with Landfill Design and Water Cycle Management Plan.

- E16.** The Operator is to establish appropriate diversion banks and swales directing surface water away from the waste disposal area within the landfill into stormwater detention dams.

Reason: To ensure appropriate management of surface water.

- E17.** No discharge is permitted from the development site from the Leachate Dam or Stormwater and Leachate Sump, except where permitted by Condition O.56 the General Terms of Approval issued by the Environmental Protection Authority included within Annexure B-.

Reason: To ensure no leachate and possible suspended contaminates migrate from the site.

- E18.** The Leachate Dam is to be managed as to always have a minimum capacity of 1.9ML as available for capture of runoff.

Reason: To ensure Leachate dams are maintained with a suitable capacity.

- E19.** The Leachate Dam is to be regularly maintained and cleaned. Any sludge/silt removed from the Leachate Dam is to be disposed of into the approved Waste Disposal Facility area onsite, only. Material is not to be disposed elsewhere onsite.

Any sludge/silt removed from the Leachate Dam, is to be tested to ensure that it meets the classification parameters as Solid Waste Non-Putrescible. In the event that the removed material does not constitute Solid Waste Non-Putrescible the waste is to be removed from site and disposed to a suitably licenced Waste Management Facility.

Reason: To ensure a suitable capacity is maintained within Leachate dams and removed material is disposed to locations as indicated within the development application and Environmental Impact Statement.

- E20.** The Operator shall ensure that all plant and equipment used for the Development is maintained in a proper and efficient condition and operated in a proper and efficient manner.

Reason: To ensure appropriate management of machinery and equipment.

- E21.** The Operator shall repair, or pay the full costs associated with the repair of any public infrastructure that is damaged by the developer.

Reason: To ensure that the community is not responsible for the costs of repair of any damage to public infrastructure.

- E22.** The operator of the Waste Disposal Facility shall install and maintain a security fence and gates around the perimeter of the waste disposal area (cell) for each stage of works. The

operator is to ensure that the security gates around the waste disposal area are locked whenever the site is unattended.

Reason: To ensure that suitable security fencing is installed and managed.

Complaints Register

- E23.** The operator of the Waste Disposal Facility shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaints register that includes records of nature, time and date of complaint, climatic conditions such as wind direction and speed and the action taken to address complaint. The register shall be made available to Council upon request.

The developer shall notify all landowners and tenants within a 5.0 kilometre distance of the boundary of the development site in writing of the contact details and associated information and that they may contact the quarry operator to make representations regarding the operation of the Waste Disposal Facility. A copy of the notification shall be provided to Council.

Reason: To ensure amenity of area.

- E24.** The developer is to provide CCTV cameras, in sufficient number and location to provide adequate coverage to the active waste disposal area. These cameras are to be in addition to any camera systems already in operation within the site. The capacity of footage storage should be a minimum of 28 days with the hard drive/s secured in a solid receptacle or external facility to avoid being removed by offender/s.

Camera footage should be made available to any public authority upon request.

Reason: To ensure adequate security measures and surveillance is provided due to the rural nature of the facility and absence of onsite occupation.

F. DURING WORKS

- F1.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

Reason: To ensure compliance with approved application and plans.

- F2.** The approved erosion and sediment control facilities are to be provided and maintained throughout the construction and operation of the development.

Reason: To ensure compliance with Council's requirements.

- F3.** All operation works shall cease on site should the identification of an item of potential Aboriginal or European heritage significance be discovered during operation works. The Office of Environment and Heritage shall be contacted and any required approvals are to be obtained before the re-commencement of operation works.

Reason: To ensure that any item of heritage significance uncovered is suitably managed.

- F4. Toilet facilities**

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Reason: To ensure environmental health standards are met.

- F5.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

- | | |
|------------------|---|
| Monday to Friday | - 7.00am to 5.00pm; |
| Saturday | - 8.00am to 1.00pm if audible on other residential premises,
otherwise 7.00am to 5.00pm; |

No work to be carried out on Sunday or Public Holidays.

Note: The builder shall be responsible to instruct and control sub-contractors regarding the hours of work.

Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

Reason: To ensure amenity of the neighbourhood is maintained.

Services Provision

- F6.** A Restriction as to User, pursuant to Section 88B of the *Conveyancing Act 1919*, is to be submitted which provides for the creation of an easement, in favour of Gunnedah Shire Council over the following locations:

- a) The entire waste disposal/landfill area (Stages 1, 2 and 3);
- b) The Leachate Dam;

Reason: To ensure that appropriate easements are created over all waste disposal locations and any other potential location of contamination.

G. CONTINUED OPERATIONS

Operation Hours

G1. The extraction operation hours are limited to the following:

- Monday to Friday – 7.00am to 6.00pm (Australian Eastern Daylight Time)
- Monday to Friday – 7.00am to 5.00pm (Australian Eastern Standard Time)
- Saturday – 8.00am to 3.00pm
- Sunday and Public Holidays – closed.

Reason: To ensure compliance with application and plans.

G2. The sealing to all internal driveways, vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

G3. All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

Reason: To ensure compliance with Council's requirements.

G4. Any waste unable to accepted for disposal onsite is to be removed and be disposed of to a suitably licenced waste management facility.

Reason: To ensure unauthorised waste is disposed of off-site in an appropriate manner.

G5. The Operator shall ensure that the operation of the development is undertaken in accordance with all relevant updated and/or amended strategies, management plans and programs approved by the Gunnedah Shire Council as part of the conditions of this consent.

Reason: To ensure compliance with Council's requirements.

G6. The Operator of the Waste Disposal Facility is to apply a minimum of 150mm of cover to waste at the end of each operational day, except where specifically specified by conditions listed within the General Terms of Approval issued by the Environment Protection Authority.

Reason: To ensure compliance with Council's requirements.

G7. Operations of the Waste Disposal Facility is to be limited to a maximum of 20 truck movements (includes loaded and unloaded) per day.

Reason: To ensure compliance with application and plans.

G8. All works shall cease on site should the identification of an item of potential Aboriginal or European heritage significance be discovered during excavation and operational works. The NSW Environment, Energy and Science shall be contacted and any required approvals are to be obtained before the re-commencement of excavation and operational works.

Reason: To ensure that any item of heritage significance uncovered is suitably managed.

Air Quality Mitigation

- G9.** To minimise the potential for dust nuisance generated by the development, the mitigation measures outlined in Section 6.2.1 Particulate Matter, Table 2.2, of the Air Quality Assessment, prepared by VIPAC, dated 13 May 2021, ref: 70B-19-0119-TRP-10150359-2, shall be implemented during the operations of the development.

Reason: To ensure compliance with application and plans.

Noise Mitigation Measures

- G10.** To ensure compliance with the NSW Noise Policy for Industry (2017) the mitigation measures outlined in Section 9 Operating Mitigation Recommendations, of the Environmental Noise Assessment, prepared by VIPAC, dated 21 May 2021, ref: 20E-19-0293-TRP-10550042-3, shall be implemented during the operations of the development.

Reason: To ensure compliance with application and plans.

H. General Terms of Approval – Environment Protection Authority

- H1.** The development shall be carried out in accordance with the General Terms of Approval issued by the Environmental Protection Authority, attached in Annexure B to this consent.

Reason: To ensure compliance with statutory requirements.

ANNEXURE B – NSW Environment Protection Authority (EPA) General Terms of Approval

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General Terms of Approval - Issued



Notice No: 1601214

The General Manager
Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW 2380

Attention: Mr Wade Hudson

Notice Number 1601214
Date 02-Oct-2020

Dear Mr Hudson

Re: MARY'S MOUNT QUARRY LANDFILL PROPOSAL (DA 2020/054)

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for Marys Mount Quarry Landfill Proposal (DA 2020/054) received by the Environment Protection Authority (EPA) on 25 August 2020.

EPA has reviewed the information provided and has determined that it is able to vary the premises existing environment protection licence to cater for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to vary their licence should DA 2020/054 be approved.

The general terms of approval for this proposal are provided at **Attachment A**. If Gunnedah Shire Council grants development consent for this proposal these conditions should be incorporated into the consent. Mandatory environment protection licence conditions are also provided for your information at **Attachment B**.

The general terms of approval include conditions which will need to be added to the existing premises licence (No. 20262) to enable the operation of the proposed landfill. These conditions will either replace, or be applied in addition to, existing conditions on the licence.

These general terms relate to the development as proposed in the documents and information currently provided to 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 EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

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It is the EPA's expectation that the proposed landfill must be constructed and operated in accordance with the minimum requirements of its *Environmental Guidelines: Solid Waste Landfills* (EPA, 2016).

Condition L3 restricts the types of waste that can be accepted at the proposed landfill for disposal by application to land to that of General Solid Waste (non-putrescible) as defined in Schedule 1 of the *Protection of the Environment Operations Act, 1997* (POEO Act), soils, aggregates and fines which met the specifications defined in particular resource recovery orders. The EPA acknowledges that the proponent is seeking approval to dispose of a range of other wastes, at the landfill site, by application to land. Other wastes that the proponent is seeking specific approval to receive include virgin excavated natural material (VENM), building and demolition waste and any resource recovered waste. Building and demolition waste and VENM are pre-classified as General Solid Waste (non-putrescible) in the EPA's Waste Classification Guidelines, and hence condition L3 does not need to separately deal with these products.

Some other resource recovered wastes are also pre-classified as General Solid Waste (non-putrescible) (e.g. garden waste, wood waste and non-putrescible vegetative waste from agriculture, silviculture or horticulture). Other resource recovered wastes are more problematic, as some of these products, despite needing to comply with strict specifications defined in resource recovery orders, are still considered putrescible, or would not otherwise meet the General Solid Waste classification and could therefore enhance the risk of odour emissions and/or the risks associated with leachate generation at the premises.

The EPA has therefore determined that it will not provide a blanket approval for all resource recovered materials to be accepted for disposal at the premises. Products not pre-classified as General Solid Waste (non-putrescible), or which do not meet the specifications defined in condition L3 for soils, aggregates or fines, will need to be classified to confirm they meet General Solid Waste (non-putrescible) criteria in accord with the process defined in the EPA's Waste Classification Guidelines (available on the EPA's Website at: <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>).

In assessing the proposal EPA has also identified a number of environmental issues that Gunnedah Shire Council may wish to consider in its overall assessment of the application. The EPA has attempted to address these issues in the conditions provided in attachment A:

1. The proponent has not provided detailed concept design drawings and certain elements of the proposed design discussed within the EIS do not entirely conform with the minimum requirements of the *Environmental Guidelines: Solid Waste Landfills* (EPA, 2016);
2. The proponent suggests that a groundwater monitoring program is not required due to the depth of local groundwater. It is the EPA's position that all licensed landfills in NSW must have a groundwater monitoring program in accordance with the requirements of the *Environmental Guidelines: Solid Waste Landfills* (EPA, 2016);
3. The EIS has not assessed odour impacts and it has been assumed that offensive odour will not be an issue due to the non-putrescible nature of the wastes it would receive should it proceed. It is the EPA's experience that large non-putrescible waste landfills can generate offensive odour. The EPA notes that the private agreement with the nearest private landholder does not encompass potential odour impacts.

While the EPA's General Terms make it clear that offensive odour emissions are prohibited, Council may wish to confirm that odour will not adversely impact surrounding residents before determining the development; and

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4. The Air Quality Impact Assessment (AQIA) has drawn on elements (the emissions inventory, and meteorological data) of a previous assessment completed further to a DA for the expansion of the Mary's Mount Quarry in 2013. Site specific monitoring data that is now available due to existing licence conditions, has not been used to validate these elements of the AQIA. Furthermore, the emissions inventory has not been amended to specifically to ensure it represents the change in emissions due to landfilling operations.

The AQIA predicts significant incremental dust impacts (PM10, 24hr). The EPA believes there is room for these impacts to be reduced through the application of all reasonable and feasible dust mitigation measures. It is a requirement of the POEO Act (sections 124 to 128) for a licensee to prevent or minimise air pollution. The EPA has therefore required an assessment of all reasonable and feasible dust control and expects these to be applied at the site before landfilling operations commence.

If you have any questions or wish to discuss this matter further, please contact Daniel Stokes on (02) 4908 6804.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lindsay Fulloon', written over a horizontal dotted line.

Lindsay Fulloon

Manager

Regional West - Armidale

(by Delegation)

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Attachment A - General Terms of Approval for DA 2020/054 – Mary's Mount Quarry Landfill Proposal

The condition numbering below aligns with the existing Environment Protection Licence (EPL) no. 20262. Should consent be granted, the existing conditions on EPL 20262 remain in force and will remain applicable to the activities currently carried out at the premises (i.e. Land-based extractive industry and crushing, grinding or separating).

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 DA 2020/054 submitted to Gunnedah Shire Council on 10 July 2020;
- any environmental impact statement *"Proposed Landfill Operation Marys Mount Quarry"* dated July 2020 relating to the development; and
- all additional documents supplied to the EPA in relation 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.

Discharges to Air and Water and Applications to Land

P1. Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table are identified in the licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Air

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
	Ambient Air Quality Monitoring		The EPA intends to establish additional air quality monitoring points on the licence before construction and operation of the landfill commences to give effect to the Air Quality Management Plan required by condition O6.3.

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P1.3 The following points referred to in the table below are identified in this licence for the purposes of water and/or land monitoring and/or setting limits for water discharges from the premises.

Water and Land

EPA Identification no.	Type of monitoring point	Type of Discharge Point	Location Description
1	Wet weather discharge Discharge water quality monitoring Ambient Water Quality Monitoring Groundwater Quality Monitoring Leachate Monitoring	Wet weather discharge from clean water sedimentation ponds	It is the EPA's intention to add additional water monitoring points for leachate, surface water (clean and dirty), ambient (upstream and downstream of the landfill site) and groundwater once the Water Quality Monitoring Program required by Condition E6 has been submitted to the EPA's satisfaction. Additional water discharge points from clean area sediment dams may also be added. Discharges of leachate/dirty water from the premises will not be permitted.

P1.4 The following point(s) in the table are identified in this licence for the purpose of the monitoring of weather parameters at the point.

EPA Identification no.	Type of monitoring point	Location Description
W1	Weather analysis	Weather station identified on map titled "Bushfire Protection Plan" received by the EPA on 13 June 2014 (DOC14/97564-01).

Limit conditions

L1. Pollution of waters

L.1.1 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.

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L2. Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants other than those specified in the table/s.

L2.4 Water and/or Land Concentration Limits

POINTS - Spillway of all clean water sedimentation ponds (exact locations to be confirmed)

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
Oil and Grease	mg/L				10
pH	mg/L				6.5 - 8.5
Total Suspended Solids	mg/L				50

L2.5 The Total Suspended Solids concentration limits specified limits specified in the table above may be exceeded for water discharged provided that:

- (a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 38.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- (b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 38.4 millimetre, 5 day rainfall event.

Note: 38.4 mm equates to the 5 day 90%ile rainfall depth for Gunnedah sourced from Table 6.3a Managing Urban Stormwater: Soils and Construction Volume 1: 4th edition, March 2004.

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

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Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	General Solid Waste (non-putrescible)	As defined in Schedule 1 of the POEO Act, in force from time to time.	Waste disposal (application to land)	The total tonnage of waste disposed of at the premises must not exceed 200,000 tonnes per annum.
NA	Soils	Material that complies with the specifications defined within the excavated natural material (ENM) order 2014 as published on the EPA website, or any subsequently published order for ENM that supersedes this document.	Waste disposal (application to land)	The total tonnage of waste disposed of at the premises must not exceed 200,000 tonnes per annum.
NA	Aggregates	Material that complies with the specifications defined within the recovered aggregate order 2014 as published on the EPA website, or any subsequently published order that supersedes this document.	Waste disposal (application to land)	The total tonnage of waste disposed of at the premises must not exceed 200,000 tonnes per annum.
NA	Fines	Material that complies with the specifications defined within the "continuous process" recovered fines order 2014 or the "batch process" recovered fines order 2014, as published on the EPA website, or any subsequently published orders that supersede these documents.	Waste disposal (application to land)	The total tonnage of waste disposed of at the premises must not exceed 200,000 tonnes per annum.

L3.2 The licensee must not cause, permit or allow more than a maximum total waste volume of 2.5 million bench cubic metres to be received at the premises over its entire life.

L3.3 The licensee must not cause, permit or allow any asbestos waste, or asbestos containing materials to be received at the premises for any purpose including disposal by application to land.

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L4. Noise limits

L4.1 Noise generated at the premises must not exceed the noise limits in the table below.

Location	Noise Limits in dB(A)
	Day
	LAeq(15 minute)
R2 – 'Beulah', Lot 2, DP 865898	40
R3 – 'Longlea 1', Lot 179, DP755508	40
Any other residential receiver location where a negotiated agreement is not in place	40

L4.2 For the purposes of condition L4.1:

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.

L4.3 Noise-enhancing meteorological conditions

- a) The noise limits set out in condition L4.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition L4.3(a), the noise limits that apply are the noise limits in condition L4.1 plus 5dB.

L4.4 For the purposes of condition L4.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as **EPA monitoring point W1**.

L4.5 To assess compliance:

- a) with the LAeq(15 minutes) or the LAmx noise limits in condition L4.1 and L4.3, the noise measurement equipment must be located:
- (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,

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- (ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
- (iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
- (iv) at any other location identified in condition L4.1

- b) with the LAeq(15 minutes) or the LAmix noise limits in condition L4.1 and L4.3, the noise measurement equipment must be located:
 - (i) at the reasonably most affected point at a location where there is no residence at the location; or,
 - (ii) at the reasonably most affected point within an area at a location prescribed by condition L4.5 (a).

L4.6 A non-compliance of conditions L4.1 and L4.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L4.5 (a) or L4.5 (b).

NOTE to L4.5 and L4.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L4.7 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L4.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

L8. Potentially offensive odour

L8.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

L8.2 Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

4 Operating conditions

03. Dust

03.3 The premises must be maintained in a condition which minimises or prevents the emission of air pollution (including dust) from the premises

04. Process and management

04.1 Every sedimentation basin must have a marker (the “sedimentation basin marker”) that identifies the upper level of the sediment storage zone.

04.2 Whenever the level of liquid and other material in any sedimentation basin exceeds the level indicated by the sedimentation basin marker, the licensee must take all practical measures as soon as possible to reduce the level of liquid and other material in the affected sedimentation basin.

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- 04.3** The licensee must take all practicable steps to control entry to the premises.
- 04.4** The licensee must install and maintain lockable security gates at all access and departure locations.
- 04.5** The licensee must ensure that all gates are locked whenever the landfill is unattended.

05. Waste management

- 05.1** Surface drainage must be diverted away from any area where waste is being or has been landfilled.
- 05.2** There must be no incineration or burning of any waste at the premises.
- 05.3** The proponent must have in place and implement procedures to identify and prevent the disposal of any waste not permitted by this licence to be disposed of at the premises.
- 05.4** The perimeter of areas where waste has been landfilled must be contoured to prevent stormwater running onto these areas from all storm events less than or equal to a 1-in-20 year 24-hour duration storm event.
- 05.5** The licensee must implement a litter management program.
- 05.6** Leachate collected at the premises may be irrigated onto waste filled areas of the premises, reinjected into waste filled areas of the premises or transported off the premises to a facility lawfully able to receive and treat or process the leachate.
- 05.7** Spray from leachate irrigation must not drift beyond the boundary of the premises.
- 05.8** Irrigation of leachate at the premises must not occur in a manner that causes surface runoff.
- 05.9** Cover material must be virgin excavated natural material ("VENM") or an alternative cover material approved in writing by the EPA.
 - a) Daily cover - Cover material must be applied to a minimum depth of 15 centimetres over all exposed landfilled waste prior to ceasing operations at the end of each day.
 - b) Intermediate cover - Cover material must be applied to a depth of 30 centimetres over surfaces of the landfilled waste at the premises which are to be exposed for more than 90 days.
 - c) Cover material stockpile - At least 2 weeks' cover material must be available at the premises under all weather conditions. This material may be won on site, or alternatively a cover stockpile must be maintained adjacent to the tip face.

06. Other operating conditions

- 06.2** Prior to commencing construction, a Site Water Management Plan (SWMP) must be prepared to the satisfaction of the EPA. The SWMP must be implemented before landfilling operations commence. The SWMP must include:
 - design detail and calculations that demonstrate any clean area sediment basin associated with the landfill are constructed and will be managed in a manner that is consistent with *Managing Urban Stormwater: Soils and Construction: Volume 2B Waste Landfills (Landcom 2008)* and the conditions of the sites Environment Protection Licence (e.g. discharge limits for key analytes as agreed by the EPA further to the development of the Water Quality Monitoring Program required by condition E6);
 - detail that demonstrates that any clean area sediment basins associated with the landfill have been designed on the basis of a volumetric runoff coefficient of 0.9 within the affected catchments, given the nature of the site and the relatively impermeable surfaces present throughout;

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- detail that demonstrates that Landcom (2008) clean sediment basin sizing, and related discharge considerations, only apply to catchments that are collecting clean sediment, i.e. areas not affected by leachate in any way; and
- detail that demonstrates that where concentrations of pollutants other than sediment are elevated in stormwater, the polluted water must be transferred to the leachate system.

O6.3 Prior to commencing construction, the proponent must prepare an Air Quality Management Plan (the AQMP) to the satisfaction of the EPA, that includes both proactive and reactive management strategies. The AQMP must include, but is not limited to:

- a) Key performance indicators;
- b) Continuous PM10 monitoring;
- c) Monitoring methods, including location frequency and duration of monitoring;
- d) Triggers for the implementation of reactive management strategies. Triggers must be clearly articulated, and auditable;
- e) Methods for ongoing review of the AQMP (including the reactive triggers) for informing continual improvement;
- f) Complaint handling and investigation procedures;
- g) Methods for documenting the implementation of all reasonable and feasible proactive and reactive mitigation measures (as informed by the Assessment of Dust Control Measures required by condition E7); and
- h) Methods for compliance reporting.

The AQMP must be implemented prior to the commencement of landfilling operations.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

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

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) 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 for the purposes of this licence:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;
- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

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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 licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Air Monitoring Requirements

Points - Exact locations to be confirmed following submission of the AQMP required by condition O6.3

Pollutant	Units of measure	Frequency	Sampling Method
Particulates – Deposited Matter	grams per square metre per month	Once a month (min. of 4 weeks)	AM-19
PM10	micrograms per cubic metre	Continuous	AM-18

M2.3 Water and/or Land Monitoring Requirements

Points – Spillway of all clean water sedimentation ponds (exact locations to be confirmed)

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	milligrams per litre	Special Frequency 1	Representative sample
pH	pH	Special Frequency 1	Representative sample
Total suspended solids	milligrams per litre	Special Frequency 1	Representative sample

Points – Ambient surface waters, leachate clean and dirty water and groundwater monitoring points

It is the EPA's intention to add additional water monitoring requirements for leachate, surface water (clean and dirty), ambient (upstream and downstream of the landfill site) and groundwater once the Water Quality Monitoring Program required by Condition E6 has been submitted to the EPA's satisfaction. Sampling parameters, frequencies and methods will be determined once the Water Quality Monitoring Program required by Condition E6 has been submitted to the EPA's satisfaction.

M2.3 For the purposes of the table(s) above 'Special Frequency 1' means as soon as practicable after overflow commences and in any case not more than 12 hours after any overflow commencing and prior to any controlled discharge from the sedimentation basins to demonstrate compliance with the concentration limits defined at condition L2.3.

M3. Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

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- a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
- c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* 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".

M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are concluded.

M4. Weather monitoring

M4.1 The meteorological weather station identified as **W1** must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2.

M4.2 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Point W1

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	oC	Continuous	1 hour	AM-4
Wind direction	o	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4
Sigma theta	o	Continuous	15 minute	AM-2 & AM-4
Rainfall	Mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	Am-4

M4.3 The location of the site chosen for the meteorological station and the details of the equipment, measurement and maintenance/service procedures and schedules to be installed/implemented must be submitted in writing to the EPA, and approved in writing by the EPA, before any sampling or analysis is carried out. The meteorological station must be calibrated at least once every 12 months. The EPA must be provided with the data from the meteorological upon requires in a Microsoft Office compatible format.

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M8 Requirement to Monitor Noise

M8.1 Attended noise monitoring must be undertaken in accordance with Condition L4.5 and must:

- a) occur at locations R2 and R3 in Condition L4.1;
- b) occur annually in a reporting period;
- c) occur during each day period as defined in the *Noise Policy for Industry* for a minimum of 1 hour during the day; and
- d) occur at a time when operations at the landfill and quarry are representative of normal daily activities.

Reporting conditions

R4. Noise Monitoring Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of noise monitoring. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L4.1 and L4.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L4.1 and L4.3.

Special conditions

E1. Landfill cells – leachate barrier

The licensee must construct a leachate barrier on the floor and walls of each of Cells 1-3 in accordance with the concept designs and specifications contained in *Environmental Impact Statement: Proposed Landfill Operation Marys Mount Quarry* (Outline Planning Consultants, July 2020). This includes a leachate barrier comprising, from bottom to top:

- a) a 200mm thick compacted sub-base layer;
- b) a liner in the form of EITHER a 1000 mm thick compacted clay liner OR a geosynthetic clay liner with hydraulic conductivity less than 1×10^{-9} m/s ;
- c) a 2mm thick high-density polyethylene membrane;
- d) a protection geotextile;
- e) a 300mm thick leachate collection layer comprising drainage gravel of nominal size 20mm with hydraulic conductivity greater than 1×10^{-3} m/s (and including collection pipework across the floor of each cell) OR (for the walls only, not the floor) a geonet providing equivalent drainage performance; and
- f) a separation geotextile.

E2. Landfill cells – capping

The licensee must construct a cap on each cell within 6 months of completion of waste disposal in the cell. The capping must be in accordance with the concept designs and specifications contained in *Environmental Impact Statement: Proposed Landfill Operation Marys Mount Quarry* (Outline Planning Consultants, July 2020). This includes, from bottom to top:

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- a) a 300mm thick seal bearing surface comprised of engineering material
- b) a sealing layer in the form of EITHER a 600mm thick compacted clay sealing layer with hydraulic conductivity less than 1×10^{-9} m/s OR a geosynthetic equivalent
- c) a 1000mm thick revegetation layer.

E3. Leachate dam

The licensee must construct a 7 ML capacity leachate dam in accordance with the concept designs and specifications contained in *Environmental Impact Statement: Proposed Landfill Operation Marys Mount Quarry* (Outline Planning Consultants, July 2020). This includes a dam liner that is equivalent to the liner specified for the cell lining in condition E1.

E4. Detailed design and CQA Plan

At least 4 months prior to commencing construction, the licensee must submit to the EPA's satisfaction, a detailed engineering report containing the following elements and prepared in accordance with *Environmental Guidelines: Solid Waste Landfills* (EPA, 2016):

- a) a detailed design of each cell (including the leachate barrier and pipe strength calculations showing that the leachate collection system will remain functional under the maximum height of waste plus capping), the leachate dam, and the final capping of each cell; and
- b) a Construction Quality Assurance (CQA) Plan specifying the tests, inspections and other procedures that the licensee will implement during construction of these works to ensure compliance with the designs and specifications.

The licensee must not start construction of the landfill cells and leachate dam until the EPA has approved the detailed design and CQA Plan in writing; all construction works must be in accordance with those approved designs, plans and specifications.

E5. CQA Report

The licensee must submit a Construction Quality Assurance (CQA) Report to the EPA following the construction of each cell, the leachate dam, and the final capping of each cell. The licensee must not deposit waste in a new cell until the EPA has approved the CQA Report for the cell's construction and has given written approval to commence filling in that cell. In the case of Cell 1, the CQA Report for the leachate dam must be also approved before filling can commence. The CQA report must contain:

- a) details and evidence of the works installed, the testing conducted, and the quality assurance procedures implemented;
- b) an account of any variations to the approved designs, methods, specifications and CQA Plan; and
- c) an opinion by an appropriately qualified and experienced construction quality assurance practitioner on the conformance of the works with the approved designs, methods, specifications and CQA Plan.

E6. Water quality monitoring

At least 4 months prior to the construction of the first cell, the licensee must submit to the EPA's satisfaction a Water Quality Monitoring Program, prepared in accordance with *Environmental Guidelines: Solid Waste Landfills*, Minimum

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Standards Part 4 (EPA, 2016). The Water Quality Monitoring Program must include a discharge monitoring protocol that ensures and demonstrates that clean sediment basins have not been affected by other pollutants (e.g. leachate) prior to discharge.

E7. Assessment of dust control measures

At least 4 months prior to the construction of the first cell, the licensee must submit to the EPA's satisfaction an assessment to identify all reasonable and feasible control measures to prevent and minimise dust emissions as far as practicable. At a minimum, the assessment must consider options for reducing dust emissions from current and future operations including;

- a) Materials handling including dozer activities;
- b) vehicle movements on haul roads; and
- c) wind-blown dust from exposed areas and stockpiles.

Additions to Definition of Terms of the licence

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- Noise – 'sound pressure levels' for the purposes of conditions L6.1 to L6.8.
 - LAeq (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).
 - LAFmax – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 *Electroacoustics - Sound level meters - Part 1: Specifications* set to 'A' frequency weighting and fast time weighting.

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Attachment B – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

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

- **Extractive activities**
- **Crushing, Grinding or Separating**
- **Waste Storage**

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. 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;

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- 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.

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
- b. 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,

- a. 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

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- b. 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

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. 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').

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:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. 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 immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

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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:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. 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
- d. 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;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. 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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ANNEXURE C – Submissions

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Our ref: DOC20/750314
Senders ref: DA 2020/054

Wade Hudson
Gunnedah Shire Council
wadehudson@infogunnedah.com.au

Dear Wade

Mary's Mount Quarry – Proposed landfill operation

Thank you for your request dated 25 August 2020 to the Biodiversity and Conservation Division (BCD) seeking advice in relation to the Mary's Mount Quarry proposed landfill operation.

BCD is satisfied the proposed landfill operation will have no additional impacts on biodiversity and existing environmental management measures are currently in place.

BCD note that a Koala Plan of Management (KPoM) has been approved for the site as part of the development consent for the quarry. The KPoM includes revegetation works. It is unclear whether rehabilitation of the landfill will be incorporated into the KPoM. We also note that additional traffic as a result of the landfill operation will be minimal, so interactions between Koalas and traffic should not be increased. An approved Driver Code of Conduct addressing Koalas is currently in place.

Based on the information provided, BCD has no further specific comments to make on the Mary's Mount Quarry proposed landfill at this stage. Please note that if subsequent information indicates that these areas within BCD's responsibility require further investigation, BCD may provide future input.

Should you require further clarification on the items above please contact David Geering, Senior Conservation Planning Officer, via david.geering@environment.nsw.gov.au or 6883 5335.

Yours sincerely

A handwritten signature in black ink that reads 'Samantha Wynn'.

Samantha Wynn
Senior Team Leader Planning, North West
Biodiversity and Conservation Division

11 September 2020



10 September 2020

File No: NTH12/00010/10
Your Ref: DA2020/054

The General Manager
Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW 2380

Attention: Wade Hudson

Dear Sir,

**RE: Development Application Proposed Class 2 Landfill at Marys Mount Quarry
Lot 22 DP1216060 and Lot 2 DP865898, Barker Road Marys Mount**

I refer to your letter dated 25 August 2020 requesting comment from Transport for NSW (TfNSW) in relation to the abovementioned development application.

Roles and Responsibilities

From 1 December 2019, all functions and responsibilities of Roads and Maritime Services will now be vested in an integrated Transport for NSW (TfNSW). Our key interests are for the safety and efficiency of the transport network, the integrity of State infrastructure and the integration of land use and transport in accordance with *Future Transport Strategy 2056*.

The Oxley Highway (HW11) and Kamilaroi (HW29) Highway are classified (State) roads and Gunnedah Shire Council is the Roads Authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the *Roads Act 1993*. TfNSW is the Roads Authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act.

In accordance with Clause 16 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, TfNSW is given the opportunity to review and provide comment on the subject development application.

Further, in accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road. TfNSW is given the opportunity under Clause 104 to comment on traffic generating developments listed under Schedule 3.

Transport for NSW Response

TfNSW understands that the development is to establish a non-putrescible landfill in the void of the existing approved quarry at Marys Mount. To assist the Consent Authority in making a decision, the following comments are provided.

1. It is understood that:

- It is not intended to increase the number of heavy vehicle trips to service the facility but to maintain the condition at 120/day and 496/week. Increase in extraction is proposed to be absorbed by the use of larger vehicles called "*Common B-Double Combinations*";
- The haulage route has been changed from Farrar Rd to Blackjack Rd as suggested by TfNSW in previous correspondence; and
- Both connections to the Oxley and Kamilaroi Highways have been upgraded.

On that basis, TfNSW has no objection to the proposed development.

2. It is noted that Quia and Blackjack Roads, as sections of the proposed haulage route, do not appear to be approved B-Doubles routes, and an application to the National Heavy Vehicle Regulatory may be needed to resolve that issue.

3. TfNSW is aware of a number of other significant developments proposed for the area such as increases to quarry extraction rates; a recycling plant and potential upgrades of the rail line. It is requested that Council, when considering this development be conscious of those developments.

If you have any further enquiries regarding the above comments please do not hesitate to contact Cheryl Sisson, Development Assessment Officer or the undersigned on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully,



for Matt Adams
Manager Land Use Assessment Northern
Regional NSW and Outer Metropolitan
Transport for NSW

Attention –Senior Development Officer

A & D Hanlen

Gunnedah Shire Council

PO Box 63

Gunnedah

NSW 2380

[REDACTED]

[REDACTED]

Gunnedah NSW

3/9/20

Dear Sir,

The following submission re- development application 2020/054 is written for and on behalf of Allan, Donna, Larn and Luke Hanlen of [REDACTED] Gunnedah. We are the landowners of a rural property which adjoins the lots nominated for the location of the above development application in regards to a non-putrescible waste disposal site.

The first matter of concern raised on this subject is the lack of practical and meaningful consultation with regards the proposed development. Although the author of the EIS documentation (Gary Peacock) has specifically noted in the same that we, as landholders were consulted with, this has been agreed by the proponent not to be the case. Such consultation was suggested, by Mr Peacock and the proponent, to have been effectively achieved via a "letter box" drop. This did not happen and as a consequence of same, we had no knowledge of the proposal until documentation forwarded by Gunnedah Council alerted us to the matter. The late notice to us of the proposal and its parameters has compromised our opportunity to fully appreciate the ramifications which will and may accompany it in a reasonable time frame. (The author of the EIS couldn't even get our name correct).Telephone discussions with the EPA have allowed us an opinion that the discussions with that Authority were held approximately 12 months ago with no follow up consultation. It was indicated that Authority did not know an EIS was produced on the proposal and only received a copy last week. It appears the authority which would oversee the function of the development, should approval by Council, was granted a similar level of consultation as ourselves. Under the heading of Consultation, bearing in mind the EIS was in an advanced state some 10 months ago, the last dot point of a document from Planning, Industry & Environment noting, "the surrounding landowners and occupiers that are likely to be impacted by the proposal. Details of the consultation carried and issues raised MUST be included in the EIS", has never been meaningfully or adequately complied with.

The obvious oversight within the EIS was the proposal would have no real negative impact upon the visual amenity of our properties. This was highlighted to us by the fact that consideration of this was not given address to in the EIS. Photos of "potential" visual impacts were noted from almost all points of the compass bar the North and North East. These are basically the only points which view directly into the project void and accordingly therefore would suffer the greatest impact upon amenity. Visual amenity is obviously an important subject of both the proposal, and the EIS composition, and needs to be viewed in context. The development, as noted several times within the construct of the EIS may last up to 50 years and the distance of viewing from our properties is from approximately 1 to 3 kilometres. Photos noted in the EIS are up to 8 kilometres away and from locations that would be impossible to see any impact whatsoever. The proponent, through the

EIS, notes that it received direction from Planning, Industry & Environment as regards meaningful consultation in a document dated 26/9/19. (Almost 12 months ago). Noted under Key Issues is (visual – including an impact assessment at private receptors and public vantage points). Clearly an intentional negligent omission by the proponent with regards our property

The increased sound levels due to the proposal do not appear to consider the correct wind characteristics which impact our property. The wind rose data which is noted at the current project site appears in almost direct contrast with data from the Gunnedah Pool site. The “ Pool” data is that which, to our knowledge of 15 years in the location, more closely denotes the circumstances our property is subject too .The fact that the existing quarry data set is derived from a location which would appear to be influenced by its position may give reason to this anomaly.

Discussions with the proponent have given rise to the acceptance by it (Gunnedah Quarry Products Pty. Ltd) that as a consequence of approval of its application, loss of financial value of our properties would most likely occur. Such discussion, albeit brief, have led the proponent into considering various options talked of at a meeting held at our property on the 26th August 2020. Discussions with the proponent will hopefully be ongoing and may lead to an equitable solution to this matter. It is possible other avenues of redress may be countenanced in these discussions.

We hold concerns with the potential extended time this project may encompass and also expansion, as this type of project are very often subject too, that may exacerbate the current negative matters envisaged by us from the proposal.

The potential egress of pollutants into the ground water system is a real concern and, although both the proponent and the EIS have noted this a serious matter and needs to be dealt with in the most comprehensive and diligent manner, we would like to suggest the following for serious consideration. As we have 3 bores on our property, without which we would not have survived the recent drought, we feel it is warranted to suggest the following-that monitoring points be engineered under the suggested infill sites to gain early data on any egress of pollutants beyond the boundaries of suggested control. This would allow early action to be taken on the matter and may avoid potential detrimental impacts upon any aquifers in the vicinity.

Also of concern is the potential storing of suspect loads of material on the proposed site until testing, or removal if required, is undertaken. As the proponent already owns a site at No 16 Torrens Rd, Gunnedah, would it not be more prudent to off load suspect loads there at the site and test them there. If the protocols noted in the EIS are not met by deliveries to the site, it would surely be apparent before any offloading of suspect loads was undertaken. Therefore the Torrens Rd site which appears to be licensed to handle such contaminants, would be working within its permits and the quarry site would not be compromised by unauthorised pollutants nor would it be storing at that site, for what is in the EIS an unknown amount of time, items which might be in conflict with its constraints of operation.

We fully appreciate the need for increased employment opportunities, which the EIS claims will be delivered with approval of the development by the Council, in the Gunnedah region. It is clear however, from discussions with the proponents representative and from reading the EIS, that we as rural landholders are being subject to what we claim are negative impacts (seen and unforeseen). The fact that most of the refuse being sent to the proposed site is from areas as possibly 500klm

away is one that has not escaped us. In this day of "environmental footprint" it could be argued that a site closer to the main production area of this refuse would be a more logical choice. There are many which, because of the huge open cut mine operations in the Hunter Valley, would suffice. These locations would not affect basically any adjoining landowners due to ownership already being in the hands of such mining companies. It appears a "few" landowners here are being potentially negatively impacted to appease a need to not impact a "few" thousand closer to Sydney. Our amenity is just as precious and in some matters even more so.

As noted previously, discussions will be hopefully ongoing and successful in addressing the impacts and issues surrounding this proposed development with the proponent. If, however, this does not eventuate, the preceding matters are held to be important to us and need to be, we feel with respect, seriously considered by council and effectively addressed.

Yours Faithfully

On behalf of the Hanlen family

A handwritten signature in blue ink, appearing to be 'A. Hanlen', written over the text 'On behalf of the Hanlen family'.

Attention - Senior Development Officer

Gunnedah Shire Council

P.O. Box 63

GUNNEDAH N.S.W 2380

MJ & R HOWARTH

Gunnedah N.S.W
2380

Dear Sir,

As adjoining land owners to the proposed mega-rubbish dump, Development Application 2020/054.

We wish to firstly express our absolute dismay & disgust that Gunnedah Shire Council would even consider such a development next to existing dwellings & prime agricultural properties

We totally opposed the proposed development 2020/054. Please note the following points of view.

The first matter of concern raised on this subject is the lack of practical and meaningful consultation with regards the proposed development. Although the author of the EIS documentation (Gary Peacock) has specifically noted in the same that we, as landholders were consulted with, this has been agreed by the proponent not to be the case. Such consultation was suggested, by Mr Peacock and the proponent, to have been effectively achieved via a "letter box" drop. This did not happen and as a consequence of

same, we had no knowledge of the proposal until documentation forwarded by Gunnedah council alerted us to the matter. The late notice to us of the proposal and its parameters has compromised our opportunity to fully appreciate the ramifications which will and may accompany it in a reasonable time frame. Telephone discussions with the EPA have allowed us an opinion that the discussions with that Authority were held approximately 12 months ago with no follow up consultation. It was indicated that Authority did not know an EIS was produced on the proposal and only received a copy last week. It appears the authority which would oversee the function of the development, should approval by council, was granted a similar level of consultation as ourselves. Under the heading of consultation, bearing in mind the EIS was in an advanced state some 10 months ago, the last dot point of a document from Planning, Industry & Environment noting, "the surrounding landowners and occupiers that are likely to be impacted by the proposal. Details of the consultation carried and issues raised must be included in the EIS has never been meaningfully or adequately complied with.

Visual amenity is obviously an important subject of both the proposal, and the EIS composition, and needs to be viewed in context. The development, as noted several times within the context of the EIS may last up to 50 years and.

the distance of viewing from our property is from approximately 1 to 3 kilometres. Photos noted in the EIS are up to 8 kilometres away and from locations that would be impossible to see any impact whatsoever. The proponent, through the EIS, notes that it received direction from Planning, Industry & Environment as regards meaningful consultation in a document dated 26/9/19. (Almost 12 months ago). Noted under Key issues is (visual - including an impact assessment at private receptors and public vantagepoints). Clearly an intentional negligent omission by the proponent with regards our property. The increased sound levels due to the proposal do not appear to consider the correct wind characteristics which impact our property. The wind rose data which is noted at the current project site appears in almost direct contrast with data from the Gunnedah Pool site. The "Pool" data, is that which, to our knowledge of 15 years in the location, more closely denotes the circumstances our property is subject too. The fact that the existing quarry data set is derived from a location which would appear to be influenced by its position may give reason to this anomaly.

Discussions with the proponent and Alan Hanlen, have given rise to the acceptance by it. (Gunnedah Quarry Products Pty. Ltd) that as a consequence of approval of its application, loss of financial value of our properties would most likely occur. The potential egress of pollutants

into the ground water system is a real concern and, although both the proponent and the EIS have noted this is a serious matter.

We rely completely on a bore water supply for our domestic & stock needs, this supply is on our western boundary adjacent to the proposed mega-dump (2020/054). The contamination of this supply which is only 5 metres deep and of excellent quantity & quality would devastate our mixed farming thus our income & property values would greatly diminish.

With prevailing westerly winds, the proposal to "fencing flying hazardous & pollutant materials such as plastic paper & dust" is complete nonsense. One only has to observe the state of the Gunnedah Waste Facility on the Quia Rd, a fence certainly does little to prevent air pollution and let alone the stench produced.

We have no doubt if the mega dump development application 2020/054, is successful. Our property will become a de facto buffer-zone for a ecological disaster.

With the pollution created from such a facility, any future development of dwellings on the western portion of our property would be forfeited, thus greatly reducing our property subdivision potential & value.

We fully appreciate the need for increased employment opportunities, which the EIS claims will be delivered

with approval of the development by the council, in the Gunnedah region. It is clear however, from discussions with the proponents representative and from reading the EIS, that we as rural landholders are being subject to what we claim are negative impacts (seen & unforeseen). The fact that most of the refuse being sent to the proposed site is from areas as possibly 500km away is one that has not escaped us.

In this day of "environmental footprint" it could be argued that a site closer to the main production area of this refuse would be a more logical choice. There are many which, because of the huge open cut mine operations in the Hunter Valley, would suffice. These locations would not affect basically any adjoining landowners due to ownership already being in the hands of such mining companies. It appears "few" landowners here are being potentially negatively impacted to appease a need to not impact a "few" thousand closer to Sydney. Our amenity is just as precious and in some matters, even more so.

Yours Faithfully
Mac & Robyn Howarth.

Andrew & Renaye Benham

[REDACTED] Mullaley NSW 2379

.....

Re: Development application 2020/054 Proposed Landfill operation and Establishment of a Waste Disposal Facility

We wish to lodge an objection to the development application proceeding without any real community and adjoining landholders' consultation and request that the process be restarted to allow sufficient time to consider the proposal ask questions and lodge formal objections . Under the Provisions of the Act the current Environmental Impact Statement made by applicant with respect consultation is incorrect, invalid and clearly an abuse of process by not correctly identify or contacting ourselves as neighbours and has not clearly demonstrated effective community consultation . We request that the process restart to allow real consultation with adjoining landholders and community involvement in the consultation process and address the misrepresentation made in regard to consultation with adjoining landholders. As owners and occupiers of an adjoining landholding there has been a failure by the applicant to identify or contact us respect to this development application .

We request that since Modelling on Air quality is based on Only Class 2 Non Putrescible wastes being accepted into proposed landfill and doesn't include any modelling for other types including putrescible waste, nor hazardous or restricted wastes then the application be limited to ONLY Class 2(Non putrescible) landfill and exclude ' Not Intended' to accept reference which appear open to change without notification.

Additional document reference points and clarification of above

- **Environmental Impact statement**
- **Timeframe contradictions**
- **Concerns with devaluation of adjoining properties**
- **Air Quality modelling has assessed on Class 2 Non -putrescible Language inconsistencies within documents with respect to Landfill classes and subsequent Modelling**

Environmental Impact Statement

Consultation

Page 23 of 498 or Page 16 of the EIS) under Consultation ..." as well as with the local community (Fact Sheet distributed to residents – Refer to Appendix G " we draw your attention the inaccuracy contained in this statement there has been no consultation in any form with us and they have not identified us a surrounding neighbour showing a reliance on outdated information and a lack of transparency in their statement

As the current occupiers of the land at [REDACTED] Mullaley and we have occupied this residence for the past 20 plus years , we have not been approached or offered any form of consultation with the proponent for this project or the amended DA application for the quarry . The property known as [REDACTED] in [REDACTED] has a boundary adjoining the proposal and was purchased by ourselves ,Andrew and Renaye Benham from previous owners more than 3 years ago. The proponents have relied on outdated information and made no attempt to correct . We have never received any correspondence or phone calls or consultation in relation to the development and have checked with previous owners and they have confirmed that they also did not receive any such fact sheet as stated in the EIS Appendix G . Our first knowledge of the project was the letter received from Gunnedah Shire on the 17th August dated the 5th August . The lack of communication and consultation raises our concern for their commitment to future communications in relation to this project.

EIS page 101/498 EIS page 94 "Ensuring that neighbouring residences are advised of the contact persons for discussing any problems In this regard similar arrangements are already in place in regard to the operation of the existing approved quarry " they have not ensured that this has been done in relation to the existing quarry and at no point have any details of any contacts been supplied as suggested .

"No response has been received" from neighbouring owners and occupiers because no newsletter was received alerting us to the matter at all and we were not listed as a recipient of the newsletter and associated pages 198, 199, 200 ,and 201 of the DA application have not been sighted until reading the EIS in past 10 days . If dated November 2019 why was it only sent in April 2020 ...6 month delay and poorly executed delivery means that it clearly missed what should be the targeted audience and lack real community consultation and the "No response" has been driven by the non-receipt of document in the EIS . Other adjoining landholders have indicated they were not aware and did not receive notification or opportunity for consultation as part of the EIS process has meant the opportunity to raise questions concerns and obtain clarification on a number of items has not been addressed

EIS statement page 130 of 498 5.1 Overview The SEARS issued by the Department of Planning and Industry and Environment requires that : : During the preparation of the EIS , you must consult the relevant local State and community groups and address any issues " Please note there has been NO consultation with us as a neighbouring landholder , occupier or a member of the affected community likely to be impacted by the proposal contrary to the statement being made by anyone in either the project team or Mackellar Equipment Hire Pty Limited and it appears to be a deliberate abuse of the process. In the last three years since we have owned the property and as an occupier of the residence we have had to contact them in relation to a boundary matter and this would have alerted them to the fact of new ownership and details for contact with us . They have failed to act on this matter and it has resulted in a failure on their part for us to be identified and included The fact sheet contained in the community newsletter has not been received and was incorrectly addressed to one of previous owners ie "Steve Benham [REDACTED]" . We have confirmed with Steve Benham that no such newsletter or contact by any means was made by the applicants.

Page 131 of 498 or page 124 EIS Neighbouring Owners and occupiers of Land subheading on 28th April a fact sheet was included in quarry newsletter but even as a direct neighbour sharing a boundary with the development , we have not been sent and are not listed or identified as a direct neighbour or potentially an occupier of the Land. I believe community Newsletter sent to 7 residences is not showing real community consultation and I fail to see in the EIS that this matter has been addressed appropriately . The township of Mullaley shows a population of 154 in 2016 census and Emerald Hill area with 142 with a combined total of 296 .With far reaching consequences for the community as a whole it appears that only 7 neighbours were selectively sent and I know 1 definitely wasn't . It shows only 2% of the Mullaley area population were actually sent the Community newsletter as their justification of the community consultation process . This development will affect the community for 20 Years or 50 years depending which Document you read in the DA seems deficient and lacking in the term "Community Consultation" and this matter needs to be addressed

Time frame contradictions and landfill total capacity

We seek clarification in relation to timeframe and total capacity of the proposed project since the DA has a number of different life spans quoting between 20 and 50 years and tonnes between approx. 4 million tonnes and 7,912,500 tonnes with different figures forming part of the DA application and references are detailed below .

Page 8 of EIS " proposed landfills lifespan of 50 Years "

Page 375 of 498 Page 8 of 36 in VIPAC as well as Page 412 of 498 page 8 of 33 in VIPAC document and again in email from Gary Peacock page 447 and 452 of 498 and again at 457 of 498 email Stephen palmer all quote " 7,912,500 tonnes ...life span of 50 years"

Page 17of 498 or page 10 EIS .. figure is 4,014,000 tonnes ... just over 20 years

Page 65 of 498 "approximately 4.00 million tonnes over the proposed life span of more than 20 Years"

Language inconsistencies within various documents with respect to the following and modelling based on air quality based on No Putrescible waste being accepted

Page 24 and 49 of 498 of EIS Waste Management "Not Intended to accept putrescible waste" states non intended but does not state that it will not as it does in on page 25 of 498 point 5. Air Quality and also appears that VIPAC does not assess it as a pollutant of concern because of the following statement Page 337 of 498 page 10 of 36 of VIPAC 3 Pollutants of concern " as the proposed landfill is with No putrescible waste accepted "

Page 246 of 498 of " whilst garden waste is included in the reclassification ... it is not intended for significant amounts of garden waste to be placed in the landfill

The proposed new landfill is intended to service the future waste disposal needs of the region and beyond including Class 2 (non-Putrescible wastes " This statement does not appear to limit the land fill to ONLY Class 2(non – putrescible waste

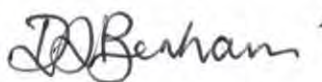
Request that consideration be given to condition on the approval be limited to only Class 2 Non- Putrescible Waste and any changes to the Class would require amended DA and neighbour and community consultation or specific actions and steps to be taken to advise if any changes to Class directly neighbours and community if the Quoted "not intended" becomes intended. Any amendment like a change in waste type will have a direct impact of future property values and the perceived hazards involved should be considered .to address our Concerns with devaluation of adjoining properties

Page 20 of 498 or Page 13 of EIS under SEPP (Mining Petroleum ...) Why the reference to neighbouring locality of Carroll which is approximately 50km from the proposed Development . Why has the adjoining land uses in the neighbouring locality of Carroll been referenced and not Mullaley which is approx 7km from site

Please do not hesitate to contact us in regard to this matter



Andrew Benham



Renaye Benham



Political Donations and Gifts Disclosure Statement to Council

If you are required under section 14(7)(4) or (5) of the Environmental Planning and Assessment Act 1979 to disclose any political donations or gifts (see page 1 for details), please fill in this form and sign below.

Disclosure Statement Details

Name of person making this disclosure statement

Andrew Benham

Planning application reference (e.g. DA number, planning application title or reference, property address or other description)
Exhibition of development application 2020/054 Lot 22 DP 1216060 334 Pownall road and Lot 2 DP 865898 259 Barkers Road Marys Mount Marys Mount

Person's interest in the application (circle relevant option below)

You are the APPLICANT

YES / **NO**

OR

You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION

YES / NO

Reportable political donations or gifts made by person making this declaration or by other relevant persons

* State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN).

* If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application. OR

* If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate.

Donation or gift?	Name of donor (or ABN if an entity); or name of person who made the gift	Donor's residential address or entity's registered address or other official office of the donor; address of person who the made the gift or entity's address	Name of party or person for whose benefit the donation was made; or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift
Nil				Nil	

Please list all reportable political donations and gifts—additional space is provided overleaf if required.

By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.

Signature(s) and Date

Name(s)

Andrew Benham 3/9/20

ANDREW BENHAM,

Political Donations and Gifts Disclosure Statement to Council

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Disclosure Statement Details

Name of person making this disclosure statement
Renaye Benham

Planning application reference (e.g. DA number, planning application title or reference, property address or other description)
Exhibition of development application 2020/054 Lot 22 DP 1216060 334 Pownall road and Lot 2 DP 865898 259 Barkers Road Marys Mount Marys Mount

Person's interest in the application (circle relevant option below)

You are the APPLICANT

YES / ☒ NO

OR

You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION

☒ YES / NO

Reportable political donations or gifts made by person making this declaration or by other relevant persons

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Donation or gift?	Name of donor (or ABN if an entity); or name of person who made the gift	Donor's residential address or entity's registered address or other official office of the donor; address of person who the made the gift or entity's address	Name of party or person for whose benefit the donation was made; or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift
Nil				Nil	

Please list all reportable political donations and gifts—additional space is provided overleaf if required.

By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.

Signature(s) and Date

3.9.2020

Name(s)

RENAYE BENHAM

14 SEP 2020

[REDACTED]
[REDACTED]
Mullaley. N.S.W. 2379

4th September, 2020

Development Application 2020/54 Waste Disposal Facility 334 Pownall Road Mullaley

TO WHOM IT MAY CONCERN

As the closest neighbours to the quarry site listed above we would like to raise some concerns about the Waste Development application – such as – can we be assured that there will be no odour coming from it and also no toxic waste deposited in it.

We have felt a bit annoyed about the dust coming out of the quarry when they are crushing as we thought all crushing was going to be done at the bottom of the site above the weighbridge where they started off doing it further away from us.

As you can see from the above they do not always do what they say and maybe the Waste Disposal facility might be the same.

Up to the time of submitting this letter we still have not had notification of this development application from Council and only found out from neighbours ringing to ask us what we knew about it.



D.W.M. Swain



M. Swain