

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-12																																				
DA Number	DA2019/143																																				
LGA	Cootamundra Gundagai Regional Council																																				
Proposed Development	Non Putrescible Landfill																																				
Street Address	Tumblong Reserve Road Tumblong																																				
Applicant/Owner	NSW Crown Land & Martin Peter Hay																																				
Date of DA lodgement	06/11/2019																																				
Number of Submissions	39																																				
Recommendation	Approve Subject to conditions																																				
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	<p>Particular designated development Development for the purposes of— (a) EXTRACTIVE INDUSTRIES, which meet the requirements for designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i>,</p> <p>Part 4 Regionally significant development 20 Declaration of regionally significant development: section 4.5(b) (1) Development specified in Schedule 7 is declared to be regionally significant development for the purposes of the Act. (2) However, the following development is not declared to be regionally significant development— (a) complying development, (b) development for which development consent is not required, (c) development that is State significant development, (d) development for which a person or body other than a council is the consent authority, (Note: the Southern Regional Planning Panel is the consent authority not CGRC), (e) development within the area of the City of Sydney.</p>																																				
List of all relevant s4.15(1)(a) matters	<p>State Environmental Planning Policies State environmental Planning Policy (Infrastructure) 2007; State environmental Planning Policy No 33 – Hazardous and Offensive Development State environmental Planning Policy No 55 – Remediation Of Land; State environmental Planning Policy (State and Regional Development 2011) State environmental Planning Policy (Primary Production and Rural Development) Riverina Murray Regional Plan 2036. Gundagai Local Environmental Plan 2011</p>																																				
List all documents submitted with this report for the Panel's consideration	<p>Table 1: Plans and Support Documentation</p> <table> <tr> <th>Appendices</th><th></th></tr> <tr> <th>No.</th><th>Description</th></tr> <tr> <td>1</td><td>Secretary's Environmental Assessment Requirements</td></tr> <tr> <td></td><td>Design Drawings Figure 0 – Cover Page and Drawing List Figure 1 – Site location plan Figure 2 – Existing Layout & Site Boundaries Figure 3 – Existing Site Survey Figure 4 – Proposed Landfill Subgrade Levels and Layout Plan Figure 5 – Engineered Sub-Base and Bunds Layout Plan Figure 6 – Proposed Engineered Geosynthetics Layout Figure 7 – Typical Sections and Construction Details Figure 8 – Proposed Leachate Drainage Blanket and Pipework Layout Plan Figure 9 – Leachate Drainage Construction Details Figure 10 – Phased Excavation Plan Figure 11 – Proposed Top of Waste Layout Plan Figure 12 – Typical Capping Construction Details Figure 13 – Top of Rehabilitation Soils Layout Plan Figure 14 – 3D Excavation and Proposed Final Waste Profile Plan Figure 15 – Excavation Soils Movement Plan Figure 16 – Rehabilitation Soils Movement Plan Figure 17 – Proposed Filling Plan Figure 18 – Infrastructure Layout Plan Figure 19 – Leachate Dam & Infrastructure Layout Plan Figure 20 – Stormwater Management Plan</td></tr> <tr> <td></td><td>Construction Quality Assurance Plan</td></tr> <tr> <td></td><td>Technical Specification – Cell 1 and 2 and Leachate Dam Construction</td></tr> <tr> <td></td><td>Aboriginal Archaeological Impact Assessment</td></tr> <tr> <td></td><td>Air Quality Impact Assessment</td></tr> <tr> <td></td><td>Biodiversity Development Assessment Report</td></tr> <tr> <td></td><td>Leachate Generation Assessment - Memorandum</td></tr> <tr> <td></td><td>Surface Water Assessment</td></tr> <tr> <td></td><td>Noise and Vibration Impact Assessment</td></tr> <tr> <td></td><td>Groundwater Impact Assessment</td></tr> <tr> <td></td><td>Traffic Assessment</td></tr> <tr> <td></td><td>Letter of commitment for continuing use of excavated stockpiled gravel by Council</td></tr> <tr> <td></td><td></td></tr> <tr> <td></td><td>Bush Fire Assessment Report Tumblong Waste Disposal Facility; Tumblong Reserve Road Tumblong NSW</td></tr> <tr> <td></td><td>Letter from Crown</td></tr> </table> <p>Prepared By: Building Code & Bushfire Hazard Solutions Pty Limited</p>	Appendices		No.	Description	1	Secretary's Environmental Assessment Requirements		Design Drawings Figure 0 – Cover Page and Drawing List Figure 1 – Site location plan Figure 2 – Existing Layout & Site Boundaries Figure 3 – Existing Site Survey Figure 4 – Proposed Landfill Subgrade Levels and Layout Plan Figure 5 – Engineered Sub-Base and Bunds Layout Plan Figure 6 – Proposed Engineered Geosynthetics Layout Figure 7 – Typical Sections and Construction Details Figure 8 – Proposed Leachate Drainage Blanket and Pipework Layout Plan Figure 9 – Leachate Drainage Construction Details Figure 10 – Phased Excavation Plan Figure 11 – Proposed Top of Waste Layout Plan Figure 12 – Typical Capping Construction Details Figure 13 – Top of Rehabilitation Soils Layout Plan Figure 14 – 3D Excavation and Proposed Final Waste Profile Plan Figure 15 – Excavation Soils Movement Plan Figure 16 – Rehabilitation Soils Movement Plan Figure 17 – Proposed Filling Plan Figure 18 – Infrastructure Layout Plan Figure 19 – Leachate Dam & Infrastructure Layout Plan Figure 20 – Stormwater Management Plan		Construction Quality Assurance Plan		Technical Specification – Cell 1 and 2 and Leachate Dam Construction		Aboriginal Archaeological Impact Assessment		Air Quality Impact Assessment		Biodiversity Development Assessment Report		Leachate Generation Assessment - Memorandum		Surface Water Assessment		Noise and Vibration Impact Assessment		Groundwater Impact Assessment		Traffic Assessment		Letter of commitment for continuing use of excavated stockpiled gravel by Council				Bush Fire Assessment Report Tumblong Waste Disposal Facility; Tumblong Reserve Road Tumblong NSW		Letter from Crown
Appendices																																					
No.	Description																																				
1	Secretary's Environmental Assessment Requirements																																				
	Design Drawings Figure 0 – Cover Page and Drawing List Figure 1 – Site location plan Figure 2 – Existing Layout & Site Boundaries Figure 3 – Existing Site Survey Figure 4 – Proposed Landfill Subgrade Levels and Layout Plan Figure 5 – Engineered Sub-Base and Bunds Layout Plan Figure 6 – Proposed Engineered Geosynthetics Layout Figure 7 – Typical Sections and Construction Details Figure 8 – Proposed Leachate Drainage Blanket and Pipework Layout Plan Figure 9 – Leachate Drainage Construction Details Figure 10 – Phased Excavation Plan Figure 11 – Proposed Top of Waste Layout Plan Figure 12 – Typical Capping Construction Details Figure 13 – Top of Rehabilitation Soils Layout Plan Figure 14 – 3D Excavation and Proposed Final Waste Profile Plan Figure 15 – Excavation Soils Movement Plan Figure 16 – Rehabilitation Soils Movement Plan Figure 17 – Proposed Filling Plan Figure 18 – Infrastructure Layout Plan Figure 19 – Leachate Dam & Infrastructure Layout Plan Figure 20 – Stormwater Management Plan																																				
	Construction Quality Assurance Plan																																				
	Technical Specification – Cell 1 and 2 and Leachate Dam Construction																																				
	Aboriginal Archaeological Impact Assessment																																				
	Air Quality Impact Assessment																																				
	Biodiversity Development Assessment Report																																				
	Leachate Generation Assessment - Memorandum																																				
	Surface Water Assessment																																				
	Noise and Vibration Impact Assessment																																				
	Groundwater Impact Assessment																																				
	Traffic Assessment																																				
	Letter of commitment for continuing use of excavated stockpiled gravel by Council																																				
	Bush Fire Assessment Report Tumblong Waste Disposal Facility; Tumblong Reserve Road Tumblong NSW																																				
	Letter from Crown																																				

Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> • Suitability of the site • Inadequate justification for the proposal on the site • Waste management/Human health • Soil/Right to farm • Water/leachates/groundwater & surface run off • Traffic & transport/school buses • Physical limitations at intersection • Air quality & odour/dust • Hazards & risk • Noise & vibration • Biodiversity • Agricultural land impacts • Heritage • Visual/views • Fire & Incident management • Landfill closure • Biosecurity • Consultation • Council's Role/Conflict of interest • Property values • Litter control • EIS adequacy • Local amenity • Alternate site investigation • Hours of operation • Monitoring
Report prepared by	REPORT PREPARED BY - Ian Graham (M.Plan MPIA) of Iris Planning as an independent planner engaged by Cootamundra Gundagai Regional Council to assess the application.
Report date	Tuesday 17 March 2020

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 / ~~No~~

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 / ~~No~~ / ~~Not~~
Applicable**

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?

**~~Yes~~ / ~~No~~ / ~~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

**~~Yes~~ / ~~No~~ / ~~Not~~
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

Yes / ~~No~~

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

DA 2019/143 Assessment Report
Bangus Gravel Pit
Tumblong Reserve Road, Tumblong NSW

TABLE OF CONTENTS

PANEL REFERENCE/DA NUMBER/LGA	2
GENERAL CONCLUSION.....	2
EXECUTIVE SUMMARY OF RELEVANT MATERS CONSIDERED IN 4.15 EVALUATION.....	2-11
- ENVIRONMENTAL PLANNING INSTRUMENTS	
- ANY PROPOSED INSTRUMENTS	
- ANY DEVELOPMENT CONTROL PLAN	
- ANY PLANNING AGREEMENT	
- THE REGULATIONS	
- THE LIKELY IMPACTS	
- SUITABILITY OF THE SITE	
- ANY SUBMISSIONS MADE	
- PUBLIC INTRESEET	
- PROPOSED DEVELOPMENT	
- INTERGRATED DEVELOPMENT	
- STREET ADDRESS	
- APPLICANT/OWNER	
- DATE OF DA LODGEMENT	
- NUMBER OF SUBMISSIONS	
- RECOMMENDATION	
- REGIONAL DEVELOPMENT CRITERIA	
- LIST OF ALL RELEVANT S 4.15 MATTERS	
- LIST OF ALL DOCUMENTS SUBMITTED WITH REPORTS FOR PANELS CONSIDERATION	
- REPORT PREPARED BY	
- REPORT DATE	
SUMMARY OF 4.15 MATTERS.....	11
- LEGISLATIVE CLAUSES REQUIRING CONSENT AUTHORITY SATISFACTION	
- CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS	
- SPECIAL INFRASTRUCTURE CONTRIBUTIONS	
- CONDITIONS	
ASSESSMENT REPORT - SECTION 4.15 EVALUATION	12
- ENVIRONMENTAL PLANNING INSTRUMENTS	
- STRATEGIC CONTEXT	
- GUNDAGAI LOCAL ENVIRONMENTAL PLAN 2011	14
- DEVELOPMENT CONTROL PLANS	
- SECTION 7.11 PLANS	
- DEVELOPER CONTRIBUTIONS	
- ANY PROPOSED INSTRUMENT	
- ANY DEVELOPMENT CONTROL PLAN	
- ANY PLANNING AGREEMENT	
- THE REGULATIONS	
- LIKELY IMPACTS OF THE DEVELOPMENT	
- IMPACT TABLE	25
- SITE SUITABILITY	
- WASTE MANAGEMENT/HUMAN HEALTH	
- SOIL/ RIGHT TO FARM	
- WATER/ LEACHATE GROUND WATER & SURFACE RUN OFF	
- TRAFFIC AND TRANSPORT/ SCHOOL BUSES	
- AIR QUALITY AND ODOUR/ DUST	
- HAZARD AND RISK	
- NOISE AND VIBRATION	
- SUITABILITY OF THE SITE FOR DEVELOPMENT	28
- ANY SUBMISSIONS MADE	28
- THE PUBLIC INTREST	28
RECOMMENDATIONS	29

Panel Reference	PAN - 5628
DA Number	DA 2019/143
LGA	COOTAMUNDRA GUNDAGAI REGIONAL COUNCIL

GENERAL CONCLUSION

1. *The site is considered suitable for the proposed Non-Putrescible Waste Disposal Facility subject to complying with, and implementing, the conditions of consent.*
2. *The development impact assessment and concerns will be addressed in the main by the Environment Protection Authority licencing of the activity which, together with other conditions of consent, set out the environmental standards to ensure that the construction and operation of the Waste Disposal Facility produces no harm to the environment.*
3. *The concerns regarding the impacts of the trucks servicing the development have been addressed by the Transport for NSW and Council's recommended conditions.*
4. *The applicant advises that adjoining owners were contacted in respect to the proposed development.*
5. *There is concern from the submissions made about the transparency of the relationship between the applicant and Council. As Council is a beneficiary of the surplus gravel materials of considerable value this represents a conflict of interest. Council has appointed an independent planner Ian Graham (M. Plan MPIA) to assess the application.*
6. *The contractual arrangement between the applicant and Council needs to be transparent for the sake of probity and the legal mechanism for this needs to be determined.*

EXECUTIVE SUMMARY OF RELEVANT MATTERS CONSIDERED IN 4.15 EVALUATION

(1) Matters for consideration—general in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

(i) **ANY ENVIRONMENTAL PLANNING INSTRUMENT, AND**

State Environmental Planning Policy (Infrastructure) 2007;	COMPLIES
State Environmental Planning Policy No 33—Hazardous and Offensive Development;	COMPLIES
State Environmental Planning Policy No 55—Remediation of Land;	COMPLIES
State Environmental Planning Policy (State and Regional Development 2011)	COMPLIES
State Environmental Planning Policy (Primary Production and Rural Development)	COMPLIES
Riverina Murray Regional Plan 2036	COMPLIES
Gundagai LEP 2011	COMPLIES
Development Generating Heavy Vehicle Usage Of Local Roads June 2015	COMPLIES
State Environmental Planning Policy (Infrastructure) 2007;	COMPLIES

(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), and

No proposed instruments

(iii) **ANY DEVELOPMENT CONTROL PLAN**

No development control plans applicable

(iii) 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, and

No agreement has been entered into

(iv) THE REGULATIONS (to the extent that they prescribe matters for the purposes of this paragraph),

Schedule 3 definition 32 Waste management facilities or works

(1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and—

- (a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste—
 - (i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or
 - (ii) that comprises more than 100,000 tonnes of “clean fill” (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or
 - (iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or
 - (iv) that comprises more than 200 tonnes per year of other waste material, or
- (b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and—
 - (i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or
 - (ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or
 - (iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or
- (c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or
- (d) that are located—
 - (i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or
 - (ii) in an area of high water table, highly permeable soils, acid sulphate, sodic or saline soils, or
 - (iii) within a drinking water catchment, or
 - (iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or
 - (v) on a floodplain, or
 - (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

(2) This clause does not apply to—

- (a) development comprising or involving any use of sludge or effluent if—
 - (i) the dominant purpose is not waste disposal, and
 - (ii) the development is carried out in a location other than one listed in subclause (1)(d), above, or
 - (a1) artificial waterbodies located on relevant irrigation land, or
- Note. The term relevant irrigation land is defined in clause 38.
- (b) development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or
 - (c) (Repealed)

Environmental Planning and Assessment Regulation 2000

Part 1, 3 Definitions

Part 1, 4 What is designated development?

Part 6, Division 1, 50 How must a development application be made?

Part 6, Division 1, 56 Extracts of development applications to be publicly available

Part 6, Division 5 Public participation—designated development

Part 6, Division 5, 77 Notice of development application for designated development to be given to public authorities (other than concurrence authorities and approval bodies)

Part 6, Division 5, 78 Information to be contained in notice for designated development

Part 6, Division 5, 79 Exhibition of notice on land for designated development

Part 6, Division 5, 80 Publication of notice for designated development

Part 6, Division 5, 81 Forwarding of submissions to Planning Secretary
 Part 6, Division 8, 92 Additional matters that consent authority must consider
 Part 6, Division 10, 102 How soon must a notice of determination be sent?
 Part 6, Division 11, 113 Applications taken to be refused
 Part 6, Division 12, 118 Applications under sections 4.55(2) and 4.56 for modification of certain development consents
 Part 8, Division 4, 160B Deemed refusal period for application for subdivision certificate
 Part 15, Division 1, 251 Additional fee—designated development
 Part 15, Division 1, 252 Additional fees—development requiring advertising
 Schedule 1 Forms
 Schedule 3 Designated development
 Schedule 5 Penalty notice offences

(v) (Repealed)

(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,

- Have been identified in the expert reports and in the submissions received. An attempt has been made to rank these in order of frequency in the submissions received.
- Natural environment impacts
- Built environment
- Social environment
- Economic environment

(c) THE SUITABILITY OF THE SITE for the development,

The suitability of the site is demonstrated by the willingness of the NSW Environment Protection Authority to issue General Terms of Approval based on the expert information received and consistency with the Environmental Guidelines Solid Waste Landfills (EPA 2016).

(d) ANY SUBMISSIONS MADE in accordance with this Act or the regulations,

A document has been prepared listing the issues raised in the public submissions received as a product of the public notifications process.

(e) THE PUBLIC INTEREST.

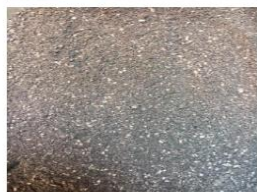
The public interest has been served by:

- community consultation by notification of the proposed development in accordance with Council's policies,
- consideration of submissions received as a product of the notification
- referral of the application to relevant authorities for assessment
- assessment of the application under the provisions of 4.15 the EP& A Act
- the social economic impacts were considered briefly in the EIS 9.12
- the imposing of conditions on the development consent to ensure the development is acceptable and sustainable for its life cycle environmentally (natural, social & economic).
- the conditions will require monitoring of the operational performance and impacts that will be reported regularly. The outcomes of which will be made publically available on request.

PROPOSED DEVELOPMENT

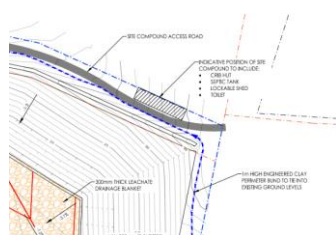
Visy Waste stream

- Boiler sand and Fly Ash
- Dregs and Grits
- Glass
- Paper Machine Rejects (PMR's)
- i.e. plastics/cans etc.
- Waste Fibre



Extract from Figure 18 –
Infrastructure layout plan

North east corner of site



The development proposal is to establish a General Solid Waste (Non-Putrescible) waste disposal facility at an existing quarry (Bangus Gravel Pit) occupying an area of 4.5 hectares located along Tumblong Reserve Road in the Cootamundra-Gundagai Regional Council area.

The proposal seeks:

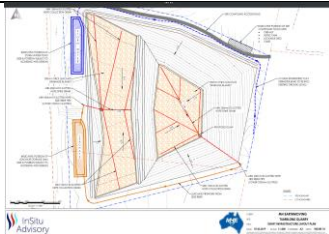
- General site clearance involving the removal of vegetation and excavation gravel to be hauled to location shown on the drawings;
- Selective removal of existing subsoils and topsoil and placement in designated perimeter windrows/bunds (to be spray seeded) for future reuse;
- General excavation of in-situ materials to achieve formation levels within Cells 1 & 2, leachate dam and stormwater pond with generation of additional gravel resource for Council and site use (primarily as road base for pavement construction in roads)
- Haulage of excess and unsuitable materials to stockpile locations shown within the drawings;
- Placement of suitable compacted engineered clay-rich fill from within the quarry to achieve design sub-base and peripheral intercell bunds to subgrade levels;
- Supply and installation of Geosynthetic Clay Liner (GCL) on the landfill side slopes, bunds and landfill floor within Cells 1 & 2 and within the proposed leachate dam;
- Supply and installation of 2.0mm double rough sheet (DRS) geomembrane on the cell base, side slopes and adjoining intercell bunds, and within the proposed leachate dam;
- Installation of a suitable protection (cushion) geotextile above the geomembrane lined surfaces;
- Installation of 300mm minimum thickness suitable aggregate leachate drainage blanket;
- Supply and installation of leachate collection pipework, including 250mm and 150mm internal diameter perforated pipes and 400mm internal diameter leachate collection side slope risers;
- Supply and installation of separation geotextile above granular leachate drainage blanket; and
- Construction of landfill access roads, hoppers etc.

Once the landfill reaches its capacity, the site will be fully rehabilitated to standards consistent with the surrounding landscape. This will involve 2 steps, including preparing the site to clear the vegetation from the site and rehabilitation of the site when the landfill is completed to be in accordance with the Biodiversity Development Assessment Report (pg 60/61). Details of which will be embodied in an Environmental Management Plan to the satisfaction of Cootamundra Gundagai Regional Council and the EPA.

The purpose of the excavation and the above works is to dispose of 60,000 tonnes per year of general solid waste non putrescible derived from the Visy production facility located at Tumut.

Daily operations will involve the transportation of waste from Visy's production plant at Tumut to the proposed site at a rate of approx. 300 tonnes per day. The waste is spread and compacted then covered with the onsite excavated material in layers until the finished surface levels proposed in the rehabilitation plan have been reached. It is expected that the operation will last for 8-10 years

- Site access haul roads will be along Gocup Road, Old Hume Hwy, Hume Hwy and Tumblong Reserve Road



- Building proposed – Small scale office together with staff amenities, storage area, carport, portable toilets (portaloo) and car parking will be provided close to the amenities.
- Staffing and hours of operation – The landfill is projected to directly employ 8 full time staff; 3 onsite plant and maintenance workers, 1 loader operator at waste source, 2 truck drivers, 1 administration officer, 1 manager. More personnel may be employed in the initial stages. Operating hours staffed from 7am – 5pm Monday to Friday and Saturday 7am – 1pm.
- Plant and equipment – Heavy haulage vehicles (truck and trailer), water cart and excavator.
- Security fencing - Installed around proposed site boundary inside the property boundary as shown in figure 18 (opposite column).
- Litter management – Litter will be contained onsite by the erection of security fencing with regular litter patrols undertaken by the staff.
- Onsite Essential services – No essential services available. Power onsite will be via a portable generator and potable water shall be bought onto the site from off site or collected in a temporary rain tank.
- A dedicated 2,500lts firefighting water cart will be provided. Additionally, a dedicated fire service water tank having a capacity of 10,000lts is to be provided.
- Additional licences required to operate – NSW EPA license, Groundwater License for monitoring bores.

Development type: DESIGNATED & INTEGRATED DEVELOPMENT

Planning Secretary Environmental Assessment Regulations (SEAR) 1321

Waste Disposal facility (landfill) Lot 7004 DP 1028797 and Lot 7300 DP1149008
Tumblong (Cootamundra Gundagai LGA)

INTEGRATED DEVELOPMENT

The development requires an approval under:

- PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997
 - EIS guideline Landfilling 1996
 - EPA's Environmental Guidelines Solid Waste Landfills 2016
 - EPA GTA's – 18th Feb 2020
- ROADS ACT 1993
 - Use of classified main roads and local roads RMS GTA's – 6th Dec 2019
- RURAL FIRES ACT 1997
 - Bush Fire Assessment Report – 29th Feb 2020
- NATIONAL PARKS AND WILDLIFE ACT 1974
 - Department of Primary Industries (DPI) Recommendations and Guidelines – 18th Feb 2019.
 - Code of Practice for investigation of Aboriginal objects.
 - Aboriginal Archaeological Impact Assessment – Oct 2019
 - Biodiversity Offset Scheme - The Biodiversity Conservation Act 2016 25 August 2017.
 - Biodiversity Development Assessment Report – Advitech Environmental - 6th Nov 2019 (see 8. Conclusion p60-61)
- LOCAL LAND SERVICES ACT 2013
 - section 60Q allowable activities clearing native vegetation
 - section 5A allowable activities clause 20 gravel pits listed
 - Land owners consent received 25th Feb 2020

Note: Future change of ownership to public roads acquisition by council.

The following Table 11 addresses the SEAR's requirements and indicates where they are contained within the EIS

Table 11: Sections addressing SEARs requirements

SEARs requirements and corresponding sections where addressed			
No.	Secretary's Environmental Assessment Requirements Item	Environmental Statement Location	Impact
1	Strategic Context	Section 2.1	
2	Waste Management	Sections 4.2.5, 5.1 and 5.2.	
3	Hazards and Risks	Sections 9.10, 9.11.2 and 9.11.3	
4	Air Quality & Odour	Sections 9.2 and 10.3.1	
5	Noise & Vibration	Section 9.4	
6	Water Resources	Sections 5.3, 9.8, 10.2 and 11.1	
7	Soil & Water	Sections 3.4, 3.8, 3.9, 9.7, 9.8 and 10.2	
8	Traffic & Transport	Sections 9.5 and 10.3.2.	
9	Biodiversity	Section 9.6	
10	Visual	Section 9.14	
11	Heritage	Section 9.12	
12	Bushfire & Incident Management	Section 9.10	

SEARs requirements and corresponding sections where addressed			
No.	Secretary's Environmental Assessment Requirements Item	Environmental Statement Location	Impact
13	Relevant Environmental Planning Instruments	Section 6	
14	Relevant guides from Local, State and Commonwealth government agencies.	Section 6.13	
15	Consultation	Section 7	

The following key issues from the SEAR's have not been referenced in the EIS table, however they have been addressed in the body of the document presented in the EIS (page 85/86)

Suitability of the site	<p>2.3 site selection (EIS) Submitted that the proposal satisfies the criteria listed in the NSW EPA Environmental Guidelines Solid Waste Landfills 2016 (refer to page 29)</p> <p><i>In summary, the list of inappropriate areas for landfilling includes sites located as follows:</i></p> <ul style="list-style-type: none"> • <i>within 250 metres (or other protection zone) of an area of significant environmental or conservation value identified under relevant legislation or environmental planning instruments, including national parks, historic and heritage areas, conservation areas, wilderness areas, wetlands, littoral rainforests, critical habitats, scenic areas, scientific areas and cultural areas</i> <p>Comment Subject site not within 250 metres of environmentally sensitive area.</p> <ul style="list-style-type: none"> • <i>within specially reserved drinking water catchments, such as special areas identified by the Sydney Catchment Authority, Sydney Water and local water supply uthorities;</i> <p>Comment Not within prescribed drinking water catchment. Surface water runoff subject to erosion control measures and EPA conditions of consent.</p> <ul style="list-style-type: none"> • <i>within 250 metres of a residential zone or dwelling, school or hospital not associated with the facility;</i>
--------------------------------	---

			<p>Comment Not Applicable</p> <p>• <i>in or within 40 metres of a permanent or intermittent water body or in an area overlying an aquifer that contains drinking water quality groundwater that is vulnerable to pollution;</i></p> <p>Comment Ground Water Impact Assessment – Nov 2019 No impact identified.</p> <p>• <i>within a karst region or with substrata that are prone to land slip or subsidence</i></p> <p>Comment Not Applicable</p> <p>• <i>within a floodway that may be subject to washout during a major flood event (a 1-in-100-year event).</i></p> <p>• <i>Inappropriate areas also include land identified in an environmental planning instrument as being of</i></p> <ul style="list-style-type: none"> • <i>high Aboriginal cultural significance</i> • <i>or high biodiversity significance. In the case of large putrescible waste landfills (more than 50,000 tonnes of putrescible waste per year), buffers of at least 1000 metres should be provided where practicable to residential zones, schools and hospitals to protect the amenity of these land uses from odour, noise and other impacts.</i> <p>Comment The Aboriginal Archeological Impact Assessment found no Aboriginal cultural values impacted adversely.</p> <p>Biodiversity Biodiversity Development Assessment Report – Advitech Environmental - 6th Nov 2019 (see 8. Conclusion p60-61)</p> <p>Comment The Biodiversity Development Assessment Report - Advitech Environmental the Nov 2019 identified safeguards and management measures to minimise and avoid biodiversity impacts (site rehabilitation plan required). Compliance with Department of Primary Industries (Attachment 1 SEARs recommendations)</p> <p>Biodiversity Offset Scheme - The Biodiversity Conservation Act 2016 25 August 2017 applies. Applicant indicated offset by payment.</p>	
		Agricultural land impacts	<p>This has been addressed in section 6.10 Local Planning Policies. Proposal's impact statements stated in Gundagai LEP 2011; Aims and table 9 Zone Objectives. Pg 69 – 71 EIS</p>	

			Table 8 (EIS) indicates positive links between the development and the LEP Aims indicating indirect outcomes in respect of aims (b), (c), (d), (e) are relevant only.
		Biosecurity	See section 5.9 Biosecurity pg 63-64 EIS The applicant will also need to comply with the recommendations of the Department of Primary Industries (Attachment 1: SEAR's recommendations "Biosecurity met") 18 th March 2019.
		Bush fire Hazard	Bush Fire Assessment Report Tumblong Waste Disposal Facility; Tumblong Reserve Road Tumblong NSW Prepared By: Building Code & Bushfire Hazard Solutions Pty Limited copy attached in supporting documents.

The EXPERT REPORTS

- Construction Quality Assurance Plan - InSitu Advisory – 22nd Oct 2019
- Technical Specification – Cell 1 and 2 and Leachate Dam Construction - InSitu Advisory – 22nd Oct 2019
- Air Quality Impact Assessment - Northstar Air Quality – 2nd Oct 2019
- Aboriginal Archeological Impact Assessment – Ozark Environmental & Heritage – Oct 2019
- Biodiversity Development Assessment Report - Advitech Environmental – 6th Nov 2019
- Leachate Generation Assessment - Memorandum SLR Consulting – 1 Nov 2019
- Surface Water Assessment - SLR Consulting – Nov 2019
- Noise and Vibration Impact Assessment - Waves Consulting – 25th Oct 2019
- Groundwater Impact Assessment - McMahon Earth Science - Nov 2019
- Bush Fire Assessment Report Tumblong Waste Disposal Facility; Tumblong Reserve Road Tumblong NSW - Building Code & Bushfire Hazard Solutions Pty Limited – 29th Feb 2020
- Traffic Assessment Report – SECA Solutions – 25th Sept 2019

The proposed development is acceptable on the site subject to complying with a range of conditions specified in each report. There are recommendations that will form part of the conditions of development consent.

STREET ADDRESS - Tumblong Reserve Road, Tumblong NSW 2729
 Lot 7004, DP 1028797, Lot 7300 DP 1149008, Lot 10 DP1210362 & Part Crown Road

APPLICANT/OWNER - M H Earthmoving Pty Ltd & The Crown
 DOI CROWN LANDS has the following comments for this proposal:

- Permission to lodge the application has been received from the Crown on 25th February 2020*
- Following the lodgement of Land Owners Consent and consequent submission of the DA; ongoing tenure will need to be arranged by submitting a licence application to Cootamundra - Gundagai Regional Council for Lot 7004 DP 1028797.*
- Two Crown roads exist in close proximity (north and south) to the proposal area. Any Crown road associated with the proposal, for reasons of access; should be transferred to Cootamundra - Gundagai Regional Council. For any Crown Road proposed to be included in the proposal area, the applicant should make application to Crown Lands to close and purchase the road.*
- Whilst land owners consent for the lodgement of an application has been granted, this does not permit work to be undertaken prior to the finalisation of land tenure.*

DATE OF DA LODGEMENT 6th November 2019
 There is one anomaly identified with this DA form, being the DA property details omitted to include Lot 10 DP1210362 and the adjoining owners were not originally notified. It is my understanding that all adjoining owners were to be notified as

specified in the *EPA Regulations 2000* and as required under council's *Community Participation Plan 2019 - Adopted 29 October 2019*. Refer to page 7 Development applications table (extract below)

Development applications

Planning document	Mandatory/non mandatory	Timeframe	Target audience	How
Designated development application	Mandatory	28 days	<ul style="list-style-type: none"> • Properties affected by the proposal • Properties adjoining affected site/s 	<ul style="list-style-type: none"> • Letters to individual owners and tenants • Council's newsletter • Local newspapers • Council website • Council's Facebook
State significant development application	Mandatory	28 days	<ul style="list-style-type: none"> • Properties affected by the proposal • Properties adjoining affected site/s 	<ul style="list-style-type: none"> • Letters to individual owners and tenants • Council's newsletter • Local newspapers • Council website • Council's Facebook
Integrated development application	Mandatory	28 days	<ul style="list-style-type: none"> • Properties affected by the proposal • Properties adjoining affected site/s 	<ul style="list-style-type: none"> • Letters to individual owners and tenants • Council's newsletter • Local newspapers • Council website • Council's Facebook

The *EIS 7.3 Community Consultation* indicates that adjoining owners were contacted by the applicant and acquainted with the proposal for the landfill site DA 2019/143. It is not clear in the information available that the adjoining owners to the proposed stockpiling site Lot 10 DP1210362 were formally notified in writing.

Note: Several submissions received were critical of limited consultation process, feeling that it was inadequate in view of the community importance and the environmental impact.

NUMBER OF SUBMISSIONS

39 from the public and 3 referral bodies (RMS, EPA, RFS)

RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS as attached file for DA 2019/143

REGIONAL DEVELOPMENT CRITERIA (SCHEDULE 7 OF THE SEPP (STATE AND REGIONAL DEVELOPMENT) 2011

Particular designated development

Development for the purposes of—

EXTRACTIVE INDUSTRIES, which meet the requirements for designated development under clause 19 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*,

Part 4 Regionally significant development

Declaration of regionally significant development: section 4.5(b)

Development specified in Schedule 7 is declared to be regionally significant development for the purposes of the Act.

However, the following development is not declared to be regionally significant development—

- complying development,
- development for which development consent is not required,
- development that is State significant development,
- development for which a person or body other than a council is the consent authority, (Note: the Southern Regional Planning Panel is the consent authority not CGRC),
- development within the area of the City of Sydney.

LIST OF ALL RELEVANT S4.15(1)(A) MATTERS

State Environmental Planning Policies

State environmental Planning Policy (Infrastructure) 2007;

State environmental Planning Policy No 33 – Hazardous and Offensive Development

State environmental Planning Policy No 55 – Remediation Of Land;

State environmental Planning Policy (State and Regional Development 2011)

State environmental Planning Policy (Primary Production and Rural Development)

LIST ALL DOCUMENTS SUBMITTED WITH THIS REPORT FOR THE PANEL'S CONSIDERATION

Table 1: Plans and Support Documentation

Appendices		
No.	Description	Prepared By
1	Secretary's Environmental Assessment Requirements	Department of Planning and Environment
	Design Drawings Figure 0 – Cover Page and Drawing List Figure 1 – Site location plan Figure 2 – Existing Layout & Site Boundaries Figure 3 – Existing Site Survey Figure 4 – Proposed Landfill Subgrade Levels and Layout Plan Figure 5 – Engineered Sub-Base and Bunds Layout Plan Figure 6 – Proposed Engineered Geosynthetics Layout Figure 7 – Typical Sections and Construction Details Figure 8 – Proposed Leachate Drainage Blanket and Pipework Layout Plan Figure 9 – Leachate Drainage Construction Details Figure 10 – Phased Excavation Plan Figure 11 – Proposed Top of Waste Layout Plan Figure 12 – Typical Capping Construction Details Figure 13 – Top of Rehabilitation Soils Layout Plan Figure 14 – 3D Excavation and Proposed Final Waste Profile Plan Figure 15 – Excavation Soils Movement Plan Figure 16 – Rehabilitation Soils Movement Plan Figure 17 – Proposed Filling Plan Figure 18 – Infrastructure Layout Plan Figure 19 – Leachate Dam & Infrastructure Layout Plan Figure 20 – Stormwater Management Plan	InSitu Advisory
	Construction Quality Assurance Plan	InSitu Advisory
	Technical Specification – Cell 1 and 2 and Leachate Dam Construction	InSitu Advisory
	Aboriginal Archaeological Impact Assessment	OzArk Environment and Heritage
	Air Quality Impact Assessment	Northstar Air Quality
	Biodiversity Development Assessment Report	Advitech Environmental
	Leachate Generation Assessment – Memorandum	SLR Consulting
	Surface Water Assessment	SLR Consulting
	Noise and Vibration Impact Assessment	Waves Consulting
	Groundwater Impact Assessment	McMahon Earth Science
	Traffic Assessment	SECAsolution
	Letter of commitment for continuing use of excavated stockpiled gravel by Council	Cootamundra-Gundagai Regional Council
	Bush Fire Assessment Report Tumblong Waste Disposal Facility; Tumblong Reserve Road Tumblong NSW	Prepared By: Building Code & Bushfire Hazard Solutions Pty Limited
	Letter from Crown	

REPORT PREPARED BY - Ian Graham (M.Plan MPIA) of Iris Planning as an independent planner engaged by Cootamundra Gundagai Regional Council to assess the application.

REPORT DATE - Tuesday 17 March 2020

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

YES

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

ASSESSMENT REPORT

4.15 EVALUATION

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

(i) ANY ENVIRONMENTAL PLANNING INSTRUMENT, AND

Response

The relevant environmental planning instruments are:

State Environmental Planning Policy (Infrastructure) 2007;

The matter was referred to NSW Transport that issued recommended conditions of consent on the 8th December 2019 in a letter with no objections to the development subject to several conditions.

State Environmental Planning Policy No 33- Hazardous and Offensive Development;

- *Waste (landfilling)* is rated as potentially offensive with impacts on air and water. As cited in Appendix 3 industries that may fall within SEPP 33. Applying SEPP 33 January 2011. Using 5.1 How to assess a potentially offensive industry it can be concluded that the level of offense will not be significant if it complies with the requirements of the submitted documents and the GTA's provided in the EPA
- The EIS used SEPP 33 and undertook a preliminary assessment of risk and relying on; 'AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines'. This involves the following steps:
 - *Evaluating likelihood of occurrence*
 - *Evaluating consequence*
 - *Assigning a risk rating.*

The assessment concluded that the proposal will not fall in the category of being potentially offensive.

Note: There is no significant storage onsite of hazardous materials.

Note: A rehabilitation plan for the site will be prepared as requested by the DPI (Attachment 1 SEAR's recommendations – Land stewardship met).

The results of the assessment are shown in the Environmental impact assessment table below on page 15 also refer to EIS 6.9.1 table 7(page 67) for comment.

State Environmental Planning Policy No 55 – Remediation of Land;

The EIS states that "SEPP 55 is *Applicable, not relevant and the proposed development will address site remediation as a requirement of consent.*" The initial investigation of the site indicates stage 1 preliminary investigation is not necessary given the history of the site. See *Managing Land Contamination Planning Guidelines* 3.2

The site known as the "Bangus Quarry" has been operational since 1975.

State Environmental Planning Policy (State and Regional Development 2011)

It is noted that in schedule 4A of EPA Act 1979 that the Southern Regional Planning Panel is the consent authority

State Environmental Planning Policy (Primary Production and Rural Development)

This policy aims to reduce used land conflicts and the alienation of rural lands for primary production. The proposal will be consistent with the objectives of the policy subject to compliance with the conditions of consent. The relevant concerns are:

- biosecurity
- rehabilitation of the site
- dust control and
- noise

all have which have been addressed in the EIS

Riverina Murray Regional Plan 2036

The proposed development is consistent with and related to the following;

- *Goal 1: A growing and diverse economy*

- Direction 1: Protect the region's diverse and productive agricultural land
- Direction 4: Promote business activities in industrial and commercial areas
- Direction 12: Sustainably manage mineral resources

STRATEGIC CONTEXT

The following relevant strategy plans were considered in the EIS:

1. National Waste Policy.
2. NSW 2021 State Plan.
3. NSW Waste Avoidance and Resource Recovery Strategy (2014–2021).
4. NSW Forestry Industry Roadmap 2016.
5. Riverina–Murray Regional Plan 2036.
6. Riverina Eastern Regional Organisation of Councils – Regional Waste Management and Resource Recovery Strategy 2014-2021.
7. Riverina Eastern Regional Organisation of Councils - Regional Freight Transport Plan – Oct 2016.
8. Roads and Maritime Services – Tumut to Hume Highway Corridor Strategy 2016.
9. Cootamundra-Gundagai Regional Council - Community Strategic Plan 2018-2028
10. Cootamundra-Gundagai Regional Council - Economic Development Strategy (May 2017)




The EIS referred to how the proposed waste facility was complimentary and supportive to several the goals, objectives, targets and directions contained in the strategy plans above.

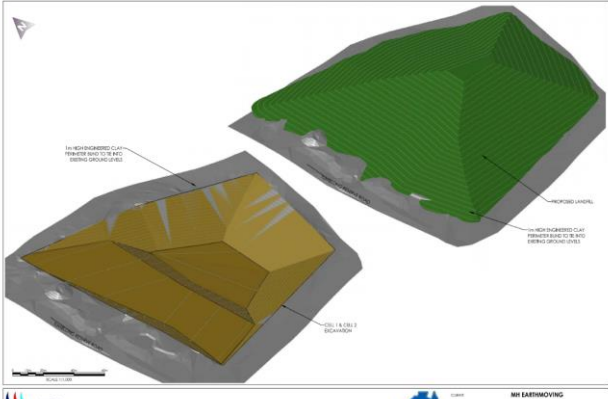
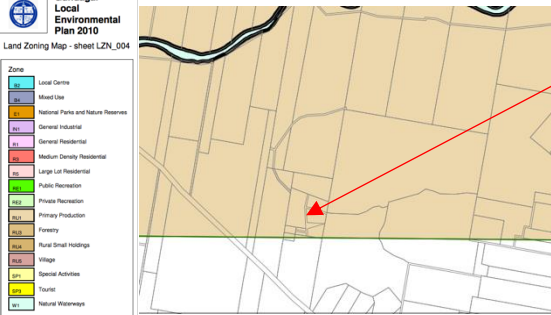
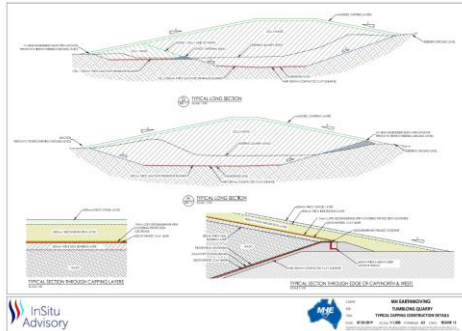
Response




The plans have been assessed to confirm the statements made in the EIS and found them to be accurate.

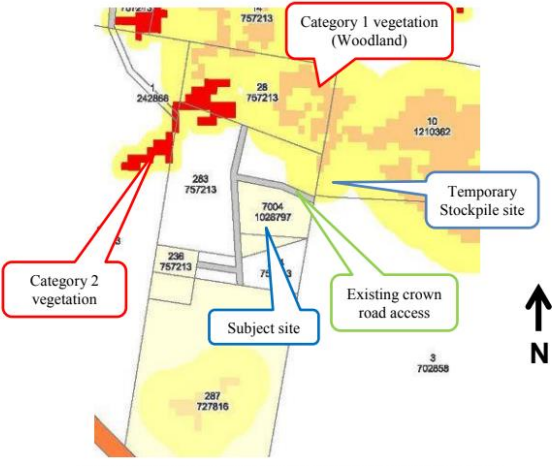
GUNDAGAI LOCAL ENVIRONMENTAL PLAN 2011




Provisions of the plans relevant to this application are identified in the table below:

Provision	Compliance / comment
Part 1 Preliminary	
1.1 Name of Plan	Noted
1.1AA Commencement	Noted
1.2 Aims of Plan	Noted
1.3 Land to which Plan applies	Noted
1.4 Definitions	<p>Noted The dictionary characterises the development as EXTRACTIVE INDUSTRY means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.</p> <p>Note: Extractive industries are not a type of industry—see the definition of that term in this Dictionary.</p> <p>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.</p>
<p>Note: <i>The assessment has been undertaken on the basis the development requiring consent is the waste disposal facility and the extractive industry (existing use) is ancillary to the change of use.</i></p> <div><div><div><p>Client: MR LATHROUING</p><p>Site: TUNNELING QUARRY</p><p>Area: EXISTING LANDFILL & NEW DEVELOPMENTS</p><p>Date: 07.03.2019 Scale: 1:1,000 Project: A3 Draw: FIGURE 01</p></div></div></div>	

	<p>Note: Waste disposal facilities are a type of waste or resource management facility—see the definition of that term in this Dictionary.</p> <p>Note: The development could be defined as either of the above land uses, however the dominant use is waste disposal facility with the stock piling and use of materials for Council purposes is ancillary.</p>
1.5 Notes	
1.6 Consent authority	Southern Regional Planning Panel
1.7 Maps	Extracts used
1.8 Repeal of planning instruments applying to land	N/A
1.8A Savings provision relating to development applications	N/A
1.9 Application of SEPPs	YES – See relevant SEPPs identified above
1.9A Suspension of covenants, agreements and instruments	N/A
Part 2 Permitted or prohibited development	
2.1 Land use zones	RU1 Primary Production
<p>2.2 Zoning of land to which Plan applies</p> 	<p>subject site</p>
<p>2.3 Zone objectives and Land Use Table</p> <p>Zone RU1 Primary Production</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> 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 encourage the efficient use and conservation of water resources. To protect significant scenic landscapes. To encourage development that does not adversely impact nearby agricultural activities. To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat. To ensure development prevents or mitigates land degradation. <p>2 Permitted without consent</p> <p>Extensive agriculture; Environmental protection works; Home occupations; Intensive plant agriculture</p> <p>3 Permitted with consent</p> <p>Aquaculture; Dwelling houses; Extractive industries; Farm buildings; Function centres; Intensive livestock agriculture; Open cut mining; Roads; Roadside stalls; Any other development not specified in item 2 or 4</p> <p>4 Prohibited</p> <p>Amusement centres; Attached dwellings; Business premises; Cemeteries; Centre-based child care facilities; Community facilities; Dual occupancies; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Hardware and building supplies; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Marinas; Mooring pens; Mortuaries; Multi dwelling housing; Office premises; Public administration buildings; Registered clubs; Residential flat</p>	<p>WASTE DISPOSAL FACILITY is a <u>use permitted with consent</u> being classified as; <i>Any other development not specified in item 2 or 4.</i></p> <p><i>The proposed development does not compromise the achievement of the zone objectives and the zone objectives bolded opposite.</i></p> 

buildings; Respite day care centres; Restricted premises; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shop top housing; Specialised retail premises; Storage premises; Timber yards; Vehicle body repair workshops; Vehicle sales or hire premises; Wharf or boating facilities; Wholesale supplies	
2.4 Unzoned land	N/A
2.5 Additional permitted uses for particular land	N/A
2.6 Subdivision—consent requirements	N/A
2.7 Demolition requires development consent	N/A
2.8 Temporary use of land	N/A
Land Use Table	Noted
Note	
Zone RU1 Primary Production	Applies to the site
Part 4 Principal development standards	
4.6 Exceptions to development standards	No Exemptions requested
Part 5 Miscellaneous provisions	
<p>5.10 Heritage conservation</p> <p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Gundagai,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>  <p>Subject site</p> <p>114 Nangus Station Group 97 Soldier-Settlers Road</p> <p>Eastern boundary of Lot 7004 looking south</p> 	<p>Complies</p> <p><i>OzArk Environment & Heritage prepared the Aboriginal Archaeological Impact Assessment Report: Bangus Quarry Landfill, Cootamundra Gundagai LGA.</i></p> <p>Executive Summary</p> <p><u>No Aboriginal sites were recorded as a result of the field survey.</u> In addition, due to the extent of past landform modification in some portions of the study area and the sloping nature of the unmodified landforms, it was assessed that there was a low possibility for subsurface archaeological deposits in the study area. Recommendations concerning Aboriginal cultural values within the study area are as follows:</p> <ol style="list-style-type: none"> 1. No Aboriginal objects will be harmed by the proposal. As such, an Aboriginal Heritage Impact Permit is not required, and the works can proceed without further archaeological investigation. 2. As no Aboriginal cultural heritage values will be impacted by the proposal, undertaking the Aboriginal cultural heritage consultation requirements for proponents or the development of an Aboriginal Cultural Heritage Assessment Report are not required. 3. This assessment is confined to within the assessed study area. Should the parameters of the proposed work extend beyond these assessed locations, the further archaeological assessment may be required. 4. All staff involved with the Bangus Quarry landfill activities should be aware of the legislative protection of Aboriginal objects under the NPW Act and the contents of the Unanticipated Finds Protocol (Appendix 3). 5. In the event of skeletal remains being identified during the works, the Unanticipated Skeletal Remains Protocol (Appendix 4) should be followed. 6. All staff involved with the Bangus Quarry landfill activities should undergo cultural heritage induction to ensure they recognize Aboriginal artefacts. A sample guide is provided in Appendix 5. <p>Response</p> <p>No aboriginal objects or cultural heritage values have been identified in respect to the site. A condition of consent will be imposed to ensure that in the event that any aboriginal objects or relics are unearthed during excavation all excavation and site activity will stop and the</p>

	<p>matter referred to the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the <i>National Parks and Wildlife Act 1974</i>.</p> <p>Note: The AHIMs report has been superseded by the Aboriginal Archaeological Impact Assessment.</p> <p>A condition of consent will ensure that if any relics are discovered during construction all work will cease and the appropriate authorities notified.</p>
<p>5.11 Bush fire hazard reduction</p> <p>Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without development consent. Note.</p> <p>The <i>Rural Fires Act 1997</i> also makes provision relating to the carrying out of development on bush fire prone land.</p>  <p>Image 02: Extract from the current CGRC bushfire prone land map</p> <div data-bbox="188 1182 798 1232"> <p>Tumblong Waste Disposal Facility – Bushfire Hazard Assessment 201158</p> </div> <p>14.0 Conclusion</p> <p>The investigation area including the landfill, crown road and temporary stockpile area are currently abutting CGRC's Bushfire Prone Land Map indeed it could be argued that the buffer zone to the woodland land ceases at the top of 20m wide Crown Road access commencing off Tumblong Reserve Road. However the temporary stockpile site is the subject of bushfire prone mapping.</p> <p>Notwithstanding the whole of the proposed facility has been desk top assessed and assumed to be bushfire prone. As a consequence the aim and objectives of Planning for Bush Fire Protection – 2006 have been applied and suitable recommendations provided.</p> <p>It is of our opinion that should the proposed development comply with the recommendations contained herein the facility will have successfully met the aim and objectives of Planning for Bush Fire Protection – 2006.</p> <p>Comments provided are based on the requirements of the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Rural Fires Act 1997</i>, the <i>Rural Fires Regulations 2013</i>, <i>Planning for Bush Fire Protection 2006</i>, and Australian Standard 3959 'Construction of buildings in bushfire-prone areas' 2009.</p>	<p>Complies</p> <p>Part of the site (Lot 10) has been identified as bush fire prone land. A bushfire assessment report has been prepared by Bushfire Hazard Assessment report recommended (13.0 Recommendations) a range of bushfire protection measures. The recommendations will be a condition of development of consent.</p> <p><i>The following sets out our recommendations for the Bushfire Protection Measures (BPM's) with respect to the aims and objectives of Planning for Bushfire Protection - 2006.</i></p> <p>a) Bushfire Asset Protection Zone; Landfill site: <i>The use of the Crown Road corridor for access to the landfill facility will meet the required 10m wide APZ along the north eastern corner boundary. No other APZ's are required. A cleared area around the Office building shall be maintained to a maximum of 3.0m. This shall be equivalent to an Inner Protection Area (paved or close mown).</i></p> <p>Temporary Stockpile Area: <i>The temporary stockpile area will not contain any combustible materials or buildings. PBP does not require any APZ's for this site.</i></p> <p>b) Access <i>The use of the Crown Road corridor for access to both the landfill and temporary stockpile sites will meet the required access provisions for heavy fire fighting vehicle access. Clear access across the landfill site will also assist.</i></p> <p>c) Utility Services <i>No utility services shall be provided therefore: A dedicated firefighting water cart will be provided. The capacity of the water cart should exceed 2500lts. The water cart is to be provided with a rubber hose reel of minimum 30m in length and a cab controlled water monitor located on the front bumper bar, cab roof or tank. Additionally, a dedicated fire service water tank having a capacity of 10,000lts is to be provided. The tank shall be non-combustible, be fitted with a 65mm 'storz' coupling suitable to local fire services and be freely accessible to attending fire service trucks.</i></p> <p>d) Structures <i>All structures other than the portable toilet shall be non-combustible. All structures shall be located on the southern boundary of the Crown road access to provide for the required 10m APZ. The office and amenities building shall be located on a reinforced concrete slab and provided with metal mesh screens to all openable doors, windows and vents. Carports are exempt.</i></p> <p>e) Bushfire Emergency Management Plan <i>The facility operators are to develop a bushfire emergency management plan to ensure the safety of both staff and</i></p>

	<p>others. A template can be downloaded from the NSW Rural Fire Services web page.</p>
<p>6.1 Biodiversity protection</p>  <p>Natural Resources Sensitivity- BIODIVERSITY map: Sheet NRB_004</p> <p>Natural Resource Sensitive Land</p> <p>Subject site</p>	<p>Complies</p> <p>Response Refer to Advitech's Biodiversity Development Assessment Report on Bangus Landfill Development.</p> <p>The report concluded <i>"in total the proposal has a footprint of approximately 6.17 hectares (including 1.78 hectares for the stock pile site and 4.45 hectares for the landfill site) and may result in clearing up of up to 3.45 hectares of existing native vegetation....."</i> Key safeguard and management measures and avoid biodiversity impacts include, but not limited to , detailed delineation of vegetation clearing limits, including marking trees that are to be retained, development of protocols/management plans to control invasion and spread of pathogens and weeds and completion of a site rehabilitation plan" The management measures above will be a condition of development consent.</p> <p>Refer to Environmental Impacts table.</p>
<p>6.2 Land protection</p>  <p>Natural Resources Sensitivity- LAND map: Sheet NRL_004</p> <p>Natural Resource Sensitive Land</p> <p>Subject Site</p>	<p>Complies</p> <p>A number of reports have been produced to ensure there is no degradation of the soils on the site or adjacent as a product of the waste facility.</p> <p>Refer to the following reports; 3. Construction Quality Assurance Plan 4. Technical Specification 8. Leachate Generation Assessment 9. Surface Water Assessment</p> <p>Response The site is not identified as "Sensitive land"</p>
<p>6.3 Water protection</p>  <p>Natural Resources Sensitivity- WATER map: Sheet NRW_004</p> <p>Natural Resource Sensitive Land</p> <p>Subject Site</p>	<p>Complies</p> <p>See 11. Ground Water Impact Assessment PROPOSED SOLID WASTE LANDFILL GROUNDWATER IMPACT ASSESSMENT TUMBLONG RESERVE ROAD, TUMBLONG NSW 2729 NOVEMBER 2019 REPORT NO. 5985 DM MCMAHON PTY LTD</p> <p><i>" In summary, McMahon assesses that the site is suitable for the development of the proposed landfill with low risk to the underlying groundwater system owing to:</i></p> <ul style="list-style-type: none"> <i>• The low hydraulic conductivity of underlying geology that will act as a natural barrier (in addition to the engineered liner) that will significantly reduce the likelihood of potential contamination of groundwater from the proposed landfill.</i> <i>• The deep depth to groundwater beneath the site.</i> <i>• The groundwater is not suitable for drinking water, therefore is unlikely to be used as a resource for such.</i>

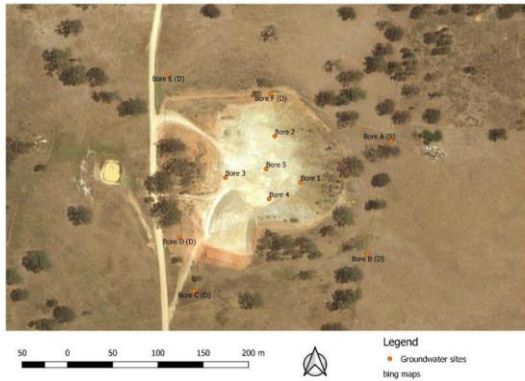


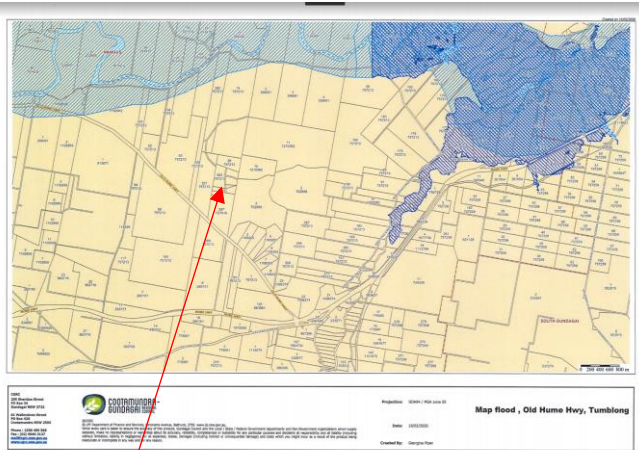
Figure 9: Location of site investigation and monitoring bores

Based on the above and adoption of the recommendations for the groundwater management plan, the site is assessed to be suitable for the proposed landfill development with low risk to groundwater."

Response

The report satisfies the requirement that ground water contamination is not likely to occur. Noting a monitoring program will be a condition of consent and required by the NSW EPA GTA's.

6.4 Flood planning



Subject Site

Complies

Key findings from this report are as follows:

- During operation of the landfill, the total catchment area draining to the overland flow path under Tumbalong Reserve Road may be reduced by up to 5ha. This will have only a **minor impact on catchment yield and environmental flows**. Runoff collected in the Sediment Basin will be released downstream if there is sufficient volume collected for water to enter the Settlement Zone.
- **The site is not subject to flooding from watercourses.** Minor sheet flows running onto the site will be diverted around the site with a Clean Water Diversion Drain. There will be a decrease in runoff rate to downstream property during light rainfall, and a very minor increase during heavy rainfall that causes the Sediment Basin to overtop.

Tumbalong Quarry Surface water assessment
-SLR Ref 601.19102-R01

Response

The land is not subject to flooding as shown, however this map indicates that the site is more than 250 metres away from any streams or water courses.

6.5 Earthworks

- (1) The objectives of this clause are as follows—
 - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
 - (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless—
 - (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters—
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Complies

The development will be conditioned to be carried out in accordance with the following documents and plans

A Construction Quality Assurance (CQA) Plan is required to meet the requirements of Section 11 of the NSW EPA Environmental Guidelines: Solid Waste Landfills, Second Edition 2016. Was prepared by InSitu P/L dated 22/10/2019

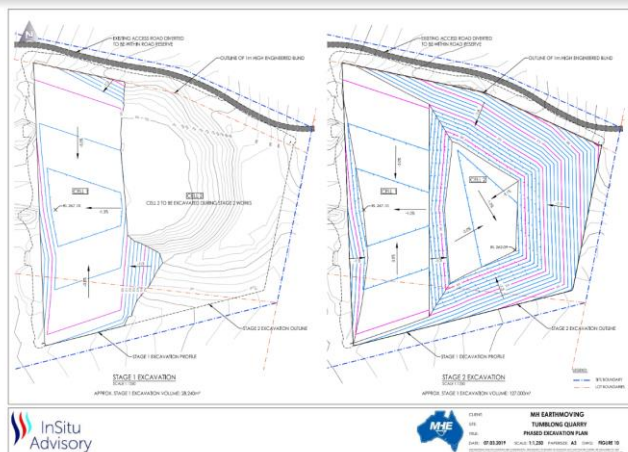
1.3 Scope of Construction Works

The proposed landfill works incorporate the following main elements of work:

- General site clearance including removal of minimal vegetation and hauling to locations shown on the drawings;
- Selective removal of existing subsoils and topsoils and placement in designated perimeter windrows/bunds for future reuse;
- General excavation of in-situ materials to achieve formation levels within Cells 1 & 2 with generation of additional gravel resource for Council and site use;
- Haulage of excess and unsuitable materials to stockpile locations shown within the drawings;

Note.

The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.



- Placement of suitable compacted engineered clay-rich fill from within quarry to achieve design floor, lower side wall and peripheral intercell bunds to subgrade levels;
- Supply and installation of Geosynthetic Clay Liner (GCL) on the landfill side slopes, bunds and landfill floor within Cells 1 & 2 and within the proposed leachate dam;
- Supply and installation of 2.0mm double rough sheet (DRS) geomembrane on the cell base, side slopes and adjoining intercell bunds, and within the proposed leachate dam;
- Installation of a suitable protection (cushion) geotextile above the geomembrane lined surfaces;
- Installation of 300mm minimum thickness suitable aggregate leachate drainage blanket;
- Supply and installation of leachate collection pipework, including 250mm and 150mm internal diameter perforated pipes and 400mm internal diameter leachate collection side slope risers;
- Supply installation of separation geotextile above granular leachate drainage blanket; and
- Construction of landfill access roads, hoppers etc.

Note:

- See Design Drawings Figures no. 00-20
- See **1.4.1 Leachate Barrier Containment System** for details

Response

The above will be a condition of consent.

6.6 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

Proposed Bangus Quarry Landfill

6 February 2020

Proposed (or suitable similar) crib hut, lock-up tool shed, toilet and vehicle parking area to be installed at Bangus Quarry landfill - side elevation



Note: These buildings to be established on the site will be subject to a construction certificate and occupation certificate prior to use.

Complies

Subject to preparation of the plans underlined below.

(a,b,c) The site is not proposed to be connected to essential services, such as power or water. The site will rely on a small portable generator to provide any electrical services as required. Potable water shall be brought into the site from outside. No connections are proposed to gas services or to Council's sewer or stormwater infrastructure. A portable toilet will be set up on site for staff and visitors use, the proposed toilet will be pumped out when required by an external contractor. See EIS 4.2.8

d) Complies subject to preparation of the plans **bolded** below.

A Sediment Basin to collect stormwater runoff from disturbed areas within both Stages 1 and 2. The Sediment Basin will contain runoff from a 5 day, 90th percentile design storm. During Stage 1 water will be pumped from a temporary sump located on Cell 2 footprint to the proposed Sediment Basin; additional details can be found in **Construction Quality Assurance (CQA) Plan and the Water Surface Assessment**

The following plans will be prepared: **A Construction Environmental Management Plan (CEMP)** will be prepared to manage potential environmental impacts during the construction phase. The CEMP will include a detailed Erosion and

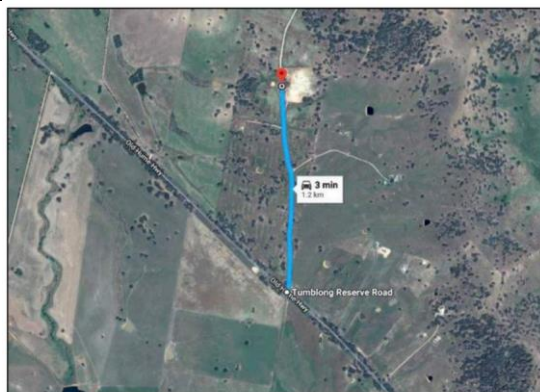


Figure 55: Tumblong Reserve Road to site entrance (Source: Google Maps)

Conditions of Development Consent – Transport for NSW

1. Access to the landfill site via the intersection of the Hume Highway and Old Hume Highway is restricted to general access vehicles only. The transportation of materials/goods to or from the landfill site is restricted to general access vehicles.

2. The Proponent shall keep accurate records of the amount of material imported to the site and associated traffic movement numbers to and from of the subject site (on a monthly basis). These records shall be made available on the operator's website at the end of each calendar year or at the request of either of the Cootamundra Gundagai Regional Council or Transport for NSW.

3. The Proponent shall prepare and implement a Transport Management Plan, in consultation with Council and Transport for NSW of the development and haulage of material. This plan shall focus on the management of traffic generated by the development, the potential impacts, the measures to be implemented, and the procedures to monitor and ensure compliance. As a minimum it shall address, but not necessarily be limited to, the following:

- measures to ensure heavy vehicles adhere to the designated haulage route,
- measures to maximise the use of a low frequency (regular) trucking schedule rather than an intermittently-high frequency (campaign) trucking schedule,
- plans to address poor visibility due to adverse weather eg heavy rain periods, fog etc at the intersection of the Old Hume Highway with the Hume Highway,
- contingency plans to address disruptions to haulage or closure of the haulage route,
- measures to ensure that all loaded vehicles leaving the site are covered, and are cleaned of materials that may fall onto public roads,
- details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the quarry,
- measures to be employed to limit disruption to other motorists, emergency vehicles and school bus timetables,
- a Driver Code of Conduct to address such items as; appropriate driver behaviour including adherence to all traffic regulations and speed limits, safe overtaking and maintaining appropriate distances between vehicles, etc and appropriate penalties for infringements of the Code,
- the management of worker fatigue during trips to and from the site,
- appropriate vehicle maintenance and safety, and
- procedures to provide for training and compliance with and enforcement of the plan.

4. Works associated with the development shall be at no cost to Transport for NSW.

Sediment Control Plan (ESCP) that meets minimum requirements outlined in this report.

• Potential environmental impacts during the operational phase will be managed in accordance with a **Landfill Environment Management Plan** that will comply with requirements outlined in this report.

e) Complies subject to conditions.

Access to the site after leaving the Hume Highway will be via the Old Hume Highway and Tumblong Reserve Road, which will be sealed as part of this project. Tumblong Reserve Road provides access to two rural residences, one of which is located between the Old Hume Highway and the proposed facility. The Tumblong travelling stock reserve is also accessed immediately upon entering Tumblong Reserve Road. **EIS 9.4.2**

There are two aspects; being a road's "fit for purpose" and safety to consider in terms of access including local access roads and the haul roads to be used in the operation and construction of the proposed facility. Consideration and assessment of impacts has been made by the RMS and SECA Solutions with a traffic impact study. Copies of which are attached.

Conclusions

SECA Solutions – Correspondence 25/12/19
P1489 Bangus landfill quarry report

"From our study work it is concluded that the proposed development can operate in a safe and satisfactory manner. Discussion with the RMS has highlighted the safety concerns at the key intersection of the Hume Highway and Old Hume Highway and the project will allow for suitable vehicle use and the control of vehicles at this location to maintain road safety. Overall it is considered that the proposed development should be approved with respect to traffic and road safety."

Transport for NSW – Correspondence dated 6/12/2019
SWT19/00039

"Transport for NSW has assessed the Development Application based on the documentation provided and would raise **no objection to the development proposal** subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved)"

The Transport for NSW recommended conditions of consent are listed in the opposite column.

Schedule 5 Environmental heritage

Relevant – See comments above

Dictionary

Relevant

DEVELOPMENT CONTROL PLANS

Response

There is **NO DEVELOPMENT CONTROL PLAN** that applies to this area.

SECTION 7.11 PLANS

GUNDAGAI SHIRE COUNCIL Contributions Plan in accordance with Section 94 of the Environmental Planning & Assessment Act 1979.

- **Development Generating Heavy Vehicle Usage of Local Roads June 2015.** Date of Adoption: 8 Sept 2015

DEVELOPER CONTRIBUTIONS

Development Generating Heavy Vehicle Usage of Local Roads

Response

Contribution for development generating heavy vehicle usage of local roads under Council Policy Contribution rate for a Class 9 (7 axle) heavy vehicle will be set at **\$1.75** per vehicle trip.

(Based on ESA of 9.24 x 0.054 Marginal Cost for Rural Collector Road x 3.504km distance)

Based on the figures in the SECA Solutions TIA are maximum number of trips per day equals 30 truck movements = \$33.90 per day. Nonetheless the rates shall be \$1.75 per inward waste carrying vehicle.

EIS 4.1.3 Temporary stockpile

Council will also be taking excavated material from the proposed stockpile, at a rate of 8,000m³ to 12,000m³ per year which would also attract a contribution. The contribution would be calculated under the same plan as the imported waste material.

Council traditionally hauls gravel material in a truck and dog configuration being a tipper truck and tipper trailer (maximum 19m in length). Based on ESA of 4.77 x 0.054 Marginal Cost for Rural Collector Road x 3.504km distance a contribution rate of \$0.91 per vehicle trip is applicable.

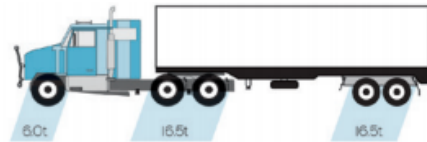
The proponent and the Council will need to keep accurate records of imports and exports as per condition 2 of the recommended conditions of consent provided by Transport for NSW. The NSW EPA condition of consent requires the installation of a weighbridge for this purpose (E5 Weighbridge Requirements). *“As the quarried materials in stockpile are a valued resource and historically used for Council construction requirements, Council have committed to the continued use of gravel by removing between 8,000m³ to 10,000m³ of material from stockpile until the stockpiled materials were exhausted.”*

Given the limited available storage within the median crossover on the Hume Highway at its intersection with Old Hume Highway it is considered appropriate that the approved haulage vehicles be restricted to a length comparable to a general access vehicle (19 metre truck and dog combination or 19 metre semi-trailer). The operational activities on the site will include the use of the following plant and machinery:

- Haulage Heavy Vehicles (truck and Trailer).
- Loader
- Excavator
- Water cart
- Plus firefighting water vehicle

It is considered that the typical daily traffic flows per direction will be between 10-15 truck movements (300-450 tonnes per day). Based on the site observations, it is considered that these trucks will have a minimal and acceptable impact upon the road network between the two sites, with 2 truck movements per hour per direction created by the project.

Common 5 Axle Semitrailer



Type of Mass Limits	Maximum Length (metres)	Allowable CVM/CCM (tonnes)	Single Steer Axle (tonnes)	Twin Steer Axle Group (tonnes)	Single Axle (tonnes)	Tandem Axle Group (tonnes)	Triaxle Group (tonnes)
GML	19.0m	39.0t	6.0t*	N/A	N/A	16.5t per tandem axle group	N/A
CML	19.0m	40.0t	6.0t*,#	N/A	N/A	17.0t per tandem axle group	N/A
HML	19.0m	40.0t	6.0t*	N/A	N/A	17.0t per tandem axle group	N/A

National heavy vehicle mass and dimension limits

*, #, a For disclaimer clarification please refer to page 4

Common 6 Axle Semitrailer



Type of Mass Limits	Maximum Length (metres)	Allowable CVM/CCM (tonnes)	Single Steer Axle (tonnes)	Twin Steer Axle Group (tonnes)	Single Axle (tonnes)	Tandem Axle Group (tonnes)	Triaxle Group (tonnes)
GML	19.0m	42.5t	6.0t*	N/A	N/A	16.5t	20.0t
CML	19.0m	43.5t	6.0t*,#	N/A	N/A	17.0t	21.0t
HML	19.0m	45.5t	6.0t*	N/A	N/A	17.0t	22.5t

Extract from National heavy vehicle mass and dimension limits – July 2016

(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), and

Response

No proposed instruments

(iii) ANY DEVELOPMENT CONTROL PLAN,

Response

No development control plan

(iiia) 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, and

Response

No planning agreements entered into.

Note:

- Council has an ongoing commitment to win gravel resources from the existing Tumblong Quarry for the purpose of existing and future road maintenance, road construction and other civil works requiring quality gravel and fill material. The volume of material required to meet the needs of Council would typically range in the order of 8,000m³ to 12,000m³ per year to be won from the existing pit or excavated stockpiles. Council will continue to take gravel from the quarry footprint or adjacent stockpiles concurrently with MHE landfilling operations until such a time that available quarry or stockpiled materials were exhausted.

- There is no indication of a draft planning agreement or commercial arrangement mentioned in the documentation. There will be a need to determine the most appropriate legal mechanism to capture and clarify the responsibilities of the applicant and the Council in regard to the removal of excavated gravel from the site.

Note: it is strongly recommended the legal contract or agreement needs to be made public for the purposes transparency and probity as a condition of consent.

- It is a condition of consent that council's removal of the gravel from the quarry would also need to make the contribution levy under the *GUNDAGAI SHIRE COUNCIL Contributions Plan in accordance with Section 94 of the Environmental Planning & Assessment Act 1979 Development Generating Heavy Vehicle Usage of Local Roads June 2015. Date of Adoption: 8 September 2015*

(IV) THE REGULATIONS

(to the extent that they prescribe matters for the purposes of this paragraph),

Environmental Planning and Assessment Regulation 2000 - Schedule 3 Designated development

32 Waste management facilities or works

- (1) *Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and—*
 - (a) *that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste—*
 - (i) *that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*
 - (ii) *that comprises more than 100,000 tonnes of “clean fill” (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or*
 - (iii) *that comprises more than 1,000 tonnes per year of sludge or effluent, or*
 - (iv) that comprises more than 200 tonnes per year of other waste material, or**
 - (b) *that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and—*
 - (i) *that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*
 - (ii) *that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or*
 - (iii) *that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or*
 - (c) *that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or*
 - (d) *that are located—*
 - (i) *in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or*
 - (ii) *in an area of high water table, highly permeable soils, acid sulphate, sodic or saline soils, or*
 - (iii) *within a drinking water catchment, or*
 - (iv) *within a catchment of an estuary where the entrance to the sea is intermittently open, or*
 - (v) *on a floodplain, or*
 - (vi) *within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.*
- (2) *This clause does not apply to—*
 - (a) *development comprising or involving any use of sludge or effluent if—*
 - (i) *the dominant purpose is not waste disposal, and*
 - (ii) *the development is carried out in a location other than one listed in subclause (1)(d), above, or*
 - (a1) artificial waterbodies located on relevant irrigation land, or**

Note.

The term **relevant irrigation land** is defined in clause 38.

- (b) *development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or*
- (c) *(Repealed)*

Response

The proposed development satisfies the criteria above to be considered to be designated development/waste management facility or works. According to the regulations the Southern Regional Planning Panel (SRPP) is the consent authority. The determination of the application, expert reports referred authorities GTA conditions and public submissions will be considered by the panel.

(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,

The EIS on page 4 concludes the nature of environmental impacts created by the proposed waste facility which in my view are an acceptable assessment based on the assessment method used.

Environmental Impact Assessment

An environmental risk assessment was undertaken based on initial investigations and consultation to identify and prioritise issues for further detailed analysis. The table below lists the key issues and summarises the resultant environmental assessment undertaken.

Key Issue	Assessment Method	Impact Determination		
		Construction	Operation	Post Remediation
Time Frame		0 - 2 Months	2mths – 15 Years	15 Years +
Ground Water	Expert Report	Nil	Negligible	Negligible
Surface Water	Expert Report	Minimal	Negligible	Moderate Positive
Noise and Vibration	Expert Report	Negligible	Negligible	Nil
Air Quality	Expert Report	Moderate	Negligible	Nil
Odour	Expert Report	Negligible	Minimal	Nil
Traffic and Transport	Expert Report	Minimal	Minimal	Nil
Biodiversity	Expert Report	Minimal	Negligible	Minor Positive
Local Character and Amenity	Expert Report	Minimal	Minimal	Negligible
Soil	Expert Report	Minimal	Negligible	Negligible Positive
Greenhouse and Landfill Gas	Expert Report	Negligible	Negligible	Negligible
Hazards and Risk	Expert Report	Nil	Nil	Nil
Socio-Economic	Expert Report	Minor Positive	Moderate Positive	Negligible Positive
Visual Amenity	Expert Report	Minimal	Minimal	Moderate Positive
Cumulative Impact	Expert Report	Minimal	Negligible	Negligible Positive

Note: Impact Determination based on relevant expert responses.

IMPACT TABLE / RANKING ISSUES

The following impact table refers to the key issues identified by those who made submissions on the DA 2019/143.

Key Issues	Comments
Suitability of The Site	Acceptable – subject to compliance with the recommendations within the assessment documents and EPA GTA's
Inadequate Justification for proposal on the site	<p>Section 2.7 of the EIS sets out the options and alternatives to the proposal. The section considers the options of:</p> <ol style="list-style-type: none"> 1. Waste to Energy 2. Do – Nothing 3. Redirection to another existing facility 4. Develop a new waste disposal facility. <p>A number of alternative sites were listed with current EPA licenses. Each were found to have conditions that would negate their use for the current proposed landfill (Refer to pages 34-39). Section 2.8 of the EIS establishes the preferred option of the Bangus facility. The EIS considered the criteria listed in the EPA guidelines "Siting Restrictions"</p> <p>There have been no impediments identified in the reports that would render the site unsuitable subject to the recommended safe guards and conditions listed in this assessment being put in place during construction and operation. The other alternative sites listed have EPA licenses that would</p>

	<p>need to be amended to accommodate the proposed development waste stream which would require full assessment of the environmental impacts and may or may not prove suitable.</p> <p>The subject site has the added advantage of being an extractive industry (although operating without any environmental control plans). The existing quarry provides good utilisation of the land as a multiple use (extractive industry and waste management facility) with the benefit to the community and the region.</p> <p>The EPA issued their general terms of approval on the 18/2/2020 (REF DOC 19/212921-60) copy attached. The fact that the EPA has given approval subject to conditions having assessed the development in the terms of the Environmental Guidelines Solid Waste Landfills Second Edition 2016 confirms that the site is suitable for this purpose subject to conditions.</p>
Waste Management/Human health	<p>Acceptable – subject to compliance with the recommendations within the assessment documents and EPA GTA's</p> <p>Waste management impacts of ground water and surface water contamination as well as air quality assessment (odour, gas and dust) were considered. The findings were as follows:</p> <p>SLR Consulting Australia Leachate Generation Assessment 5. Conclusion <i>"In summary, the model has been prepared in accordance with the Environmental Guidelines: Solid Waste Landfills, Second edition (NSW EPA, 2016) and Environmental Guidelines: Use of Effluent by Irrigation (NSW DEC, 2004b). The water balance models prepared account for all predicted leachate inputs and outputs from the leachate management system. The leachate pond volume allows for rainfall infiltration into the waste that becomes leachate (rainfall depth x surface area), rainfall onto the leachate dam, less evaporation from the leachate dam. The model incorporates rainfall volumes from a historically wet year (90th percentile wet year) in the locality. The model was run using monthly time intervals and estimates the changes in the cumulative volume with each month over a period of one year.</i> <i>Based upon this assessment, the results indicate the minimum volume (including freeboard allowance) of the leachate storage pond for Scenario 1 should be 3.06 ML with a surface area of 1,250 m² and 6.86 ML with a surface area of 2,436 m² for Scenario 2. Should a larger or smaller pond surface area be adopted, the pond sizing may change due to increased or decreased evaporation."</i></p> <p>The EPA in their GTAs, at 08 Leachate Management, appear to have accepted the above minimum volumes. They will be specified in their license when issued. Subject to meeting EPAs conditions of consent.</p> <p>- Memorandum report (REF 610.1902-Leachate Generation Assessment-v1.3.docx)- Leachate Generation Assessment – SLR Consulting Australia Pty Ltd. – submitted 1 Nov 2019 this provided additional information requested by EPA enabling them to prepare the general terms of approval and conditions.</p> <p>Northstar Air Quality Pty Ltd 8. CONCLUSION <i>"InSitu Advisory Pty Ltd (InSitu) on behalf of MH Earthmoving Pty Ltd (MHE) has engaged Northstar Air Quality Pty Ltd (Northstar) to perform an air quality and odour impact assessment (AQIA) for the proposed repurposing of a quarry into a waste disposal facility (the Proposal). The Proposal will be located at Lot 7004 DP 1028797 & Lot 7300 DP 1149008 on Tumblong Reserve Road, Tumblong, NSW (the Proposal site). This AQIA forms part of the Environmental Impact Statement (EIS) prepared to accompany the development application for the Proposal under Part 4 of the Environmental Planning and Assessment Act 1979. The AQIA presents an assessment of the impacts of the proposed construction and operational activities at the Proposal site which has been performed using a quantitative dispersion modelling approach, and in accordance with relevant NSW guidelines. The results of the assessment are presented as predicted incremental and cumulative impacts, accounting for prevailing background air quality conditions, where applicable.</i></p> <p><i>In the case of particulate matter, the concurrent construction and operation of the Proposal would not result in any additional exceedances of short term (24-hour) or longer term (annual average) deposition or concentration criteria. In the case of odour, predicted impacts have been assessed assuming that odour emissions from the non- putrescible waste accepted would be similar to emissions from putrescible waste. Even under this highly conservative assumption,</i></p>

	<p>compliance with the NSW EPA odour criterion is easily achieved. Odour during actual operation of the landfill is anticipated to be significantly lower than that predicted. The results of the air quality impact assessment indicate that the granting of Development Consent for the Proposal should not be rejected on the grounds of air quality.”</p> <p>“Given the nature and scale of the Proposal, and that the proposed sole-sourced waste is general solid waste (non-putrescible), the generation of landfill gases are anticipated to be negligible, and have not been considered within this AQIA.”</p> <p><i>Proposed Bangus Quarry Landfill Development – Tumblong, NSW</i> <i>Air Quality Impact Assessment</i> <i>Report Reference: 19.1084.FR1V1</i> <i>Date: 2/10/2019</i></p> <p>The safeguards contained in the EPA conditions of consent are designed to mitigate any impacts. The operations will be subject to monitoring onsite and by the surrounding neighbours with a telephone complaints line established to report any issues.</p>
Soil/Right To Farm	<p>Acceptable – subject to compliance with the recommendations within the assessment documents and EPA GTA’s</p> <p>The following reports confirm that the site is suitable for the development subject the works, operations, monitoring and rehabilitation requirements are met. That is based on the investigations there is likely to be very little harm to the environment nor agricultural pursuits existing on the adjoining properties.</p> <p>Northstar Air Quality Pty Ltd - Air Quality Impact Assessment SLR Consulting P/L - Leachate Generation Assessment Waves Consulting - Noise and Vibration Impact Assessment McMahon Earth Science - Groundwater Impact Assessment InSitu Advisory - Construction Quality assurance plan InSitu Advisory - Technical specification (Cells 1 & 2 And Leachate Dam Construction) identify impacts and the remedial measures required.</p> <p>Note1: Biosecurity issues associated with the proposed development have been considered in section 5.9 Biosecurity pg 63-64 of the EIS.</p> <p>Note 2: A condition of consent will be required for the applicant to submit evidence of having consulted with NSW Department of Primary Industries regarding biosecurity issues that may arise for the proposed landfill operation and to comply with any requirements the Department may have to the satisfaction of the Council.</p> <p>Note 3: The DPI in the letter dated 18 march 2019 listed the potential impacts and implications the site may have for surface run off, ground water, adjacent agriculture, and bisecurity that must be assessed.</p> <p>The expert reports address all the matters apart from the “biosecurity”. As such note 2 above is to ensure that the DPI recommendations in <i>Attachment 1 – Biosecurity Standards Met</i> specifies what is required which the applicant will need to address in greater detail and submit to the DPI and Council for approval prior to any onsite activity.</p>
Water/Leachates/ground water & surface run off	<p>Acceptable – subject to compliance with the recommendations within the assessment documents and EPA GTA’s</p> <p>SLR Consulting P/L - Leachate Generation Assessment McMahon Earth Science - Groundwater Impact Assessment InSitu Advisory - Construction Quality assurance plan InSitu Advisory - Technical specification (Cells 1 & 2 And Leachate Dam Construction) identify impacts and the remedial measures required.</p>
Traffic & Transport/ School Buses	<p>Acceptable – subject to compliance with the recommendations within the assessment documents and Transport for NSW GTA’s</p>

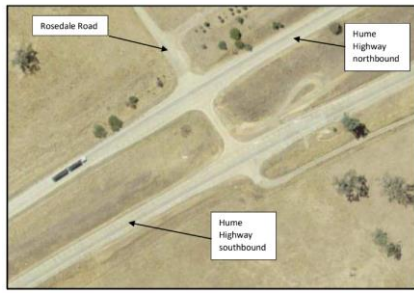


Figure 3 – Intersection of Hume Highway and Rosedale Road. Central median approximately 40 metres

Physical limitations at this intersection create the necessity to restrict the length of vehicles hauling materials from the waste facility to max 19m in length

In addition to the conditions stated below Transport for NSW recommend that *“the haulage vehicles be restricted to a length comparable to a general access vehicle (19 metre truck and dog combination or 19 metre semi-trailer.)”*

“Transport for NSW has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved):-

1. *Access to the landfill site via the intersection of the Hume Highway and Old Hume Highway is restricted to general access vehicles only. The transportation of materials/goods to or from the landfill site is restricted to general access vehicles.*
2. *The Proponent shall keep accurate records of the amount of material imported to the site and associated traffic movement numbers to and from of the subject site (on a monthly basis). These records shall be made available on the operator's website at the end of each calendar year or at the request of either of the Cootamundra Gundagai Regional Council or Transport for NSW.*
3. *The Proponent shall prepare and implement a Transport Management Plan, in consultation with Council and Transport for NSW of the development and haulage of material. This plan shall focus on the management of traffic generated by the development, the potential impacts, the measures to be implemented, and the procedures to monitor and ensure compliance. As a minimum it shall address, but not necessarily be limited to, the following:*
 - *measures to ensure heavy vehicles adhere to the designated haulage route,*
 - *measures to maximise the use of a low frequency (regular) trucking schedule rather than an intermittently-high frequency (campaign) trucking schedule,*
 - *plans to address poor visibility due to adverse weather eg heavy rain periods, fog etc at the intersection of the Old Hume Highway with the Hume Highway, contingency plans to address disruptions to haulage or closure of the haulage route, measures to ensure that all loaded vehicles leaving the site are covered, and are cleaned of materials that may fall onto public roads,*
 - *details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the quarry,*
 - *measures to be employed to limit disruption to other motorists, emergency vehicles and school bus timetables,*
 - *a Driver Code of Conduct to address such items as; appropriate driver behaviour including adherence to all traffic regulations and speed limits, safe overtaking and maintaining appropriate distances between vehicles, etc and appropriate penalties for infringements of the Code,*
 - *the management of worker fatigue during trips to and from the site,*
 - *appropriate vehicle maintenance and safety, and*
 - *procedures to provide for training and compliance with and enforcement of the plan.*
4. *Works associated with the development shall be at no cost to Transport for NSW.”*

InSitu Advisory - Construction Quality assurance plan

InSitu Advisory - Technical specification (Cells 1 & 2 And Leachate Dam Construction) identify impacts and the remedial measures required.

Seca Solutions - Traffic assessment

Any improvements or alterations required to the local roads to accommodate the development to provide access in a safe an efficient manner will be at the cost of the applicant as a condition of consent. This is in addition to the developer contribution referred to above.

Air Quality & Odour/ Dust

Acceptable – subject to compliance with the recommendations within the assessment documents and EPA GTA's

Northstar Air Quality Pty Ltd - Air Quality Impact Assessment

InSitu Advisory - Construction Quality assurance plan

InSitu Advisory - Technical specification (Cells 1 & 2 And Leachate Dam Construction) identify impacts and the remedial measures required.

Hazards & Risk

Acceptable - All operations associated with the proposed landfill involving plant and machinery will be subject Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2017 requirements. Also refer to compliance with SEPP no. 33 Hazardous and Offensive Development.

Noise & Vibration	<p>Acceptable – subject to compliance with the recommendations within the assessment documents and EPA GTA's</p> <p>Waves Consulting - Noise and Vibration Impact Assessment InSitu Advisory - Construction Quality assurance plan InSitu Advisory - Technical specification (Cells 1 & 2 And Leachate Dam Construction) identify impacts and the remedial measures required.</p>
Biodiversity	<p align="center">SEE COMMENTS IN ATTACHED DOCUMENT “BANGUS SUBMISSION RESPONSE” as prepared by the applicant</p>
Agricultural Land Impacts	
Heritage	
Visual/Views	
Fire & Incident Management	
Landfill Closure	
Biosecurity	
Consultation	
Councils Role/ Conflict of interest	
Property values	
Litter control	
EIS adequacy	
Local amenity	
Alternate site investigation limited	
Hours of operation	
Monitoring	

(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT, RESPONSE

The proposed development satisfies the criteria to be characterised as either *Designated Development/Waste Management Facility or Works* or as an *Extractive Industry*. The site has been used as an extractive industry (gravel pit) since 1975 and still is a valuable resource for Cootamundra Gundagai Regional Council for civil works. The proposal provides an opportunity to dispose of regional waste in a sustainable manner (EPA license required) with a by-product of the development producing surplus gravel as a resource for the local community.

(D) ANY SUBMISSIONS MADE

in accordance with this Act or the regulations,

RESPONSE

- Bangus Submission Response 161219.docx
- Refer to above table
- The EIS 7.3 Community Consultation quotes “adjoining owners were contacted”.

(E) THE PUBLIC INTEREST.

RESPONSE

The public interest has been met by;

- The community notification undertaken by council and the informal workshop (no record available) by the applicant.
- By the investigations in respect to the environmental impacts identified by the plans, supportive documentation to the EIS and the remedial action recommended.
- EPA and Transport for NSW conditions of consent and Department of Primary Industries NSW requirements. These conditions require specific site works and monitoring of performance, auditing of environmental controls, rehabilitation plan and monetary contribution to the maintenance to the road used to haul the material to and from the site.
- The licence requirements to be imposed by the EPA to ensure there is no harm to the environment or if it occurs there are actions that can be taken to be remediated.
- The applicant is required to establish a “complaints hotline” for the general public to report any incidents or problems created by the operations of the waste facility.

RECOMMENDATION

THAT APPLICATION 2019/143 **PROPOSED NON-PUTRESCIBLE WASTE DISPOSAL FACILITY (LANDFILL)** – TUMBLONG RESERVE ROAD, TUMBLONG LOT 7004 DP 1028797, LOT 7300 DP 1149008 AND LOT 10 DP 1210362 BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS;

Prepared by Ian Graham (M.Plan MPIA)