

**ADDITIONAL MATTERS TO BE CONSIDERED PRIOR TO DETERMINATION (POST MEETING
28/05/2020 – DEFERRAL DECISION)**

PPSSTH-12 - Cootamundra Gundagai Regional Council- DA2019/143 at Tumblong Reserve Road, Tumblong

MATTER DEFERRED	
PPSSTH-12 - Cootamundra Gundagai Regional Council- DA2019/143 at Tumblong Reserve Road. Tumblong - Tumblong Reserve Road, Tumblong (as described in Schedule 1)	
REASONS FOR DEFERRAL	
The panel agreed to defer the determination of the matter pending receipt of additional information from the Council which addresses the following matters:	
1. Further information from the Applicant on the overall size, location and volume of the proposed stockpile area. This should include a clear plan of the proposed stockpile area;	<p>The applicant has provided the following further information in relation to gravel stockpile and topsoil stockpile areas (Salvestro Planning letter dated 4 June 2020):</p> <ul style="list-style-type: none"> • Bearing in mind that this is a working quarry site providing gravel for Council works in accordance with the use of the land as a historic gravel quarry the stockpile quantity has reduced from the figure stated in the EIS. It is estimated that between 35,000 to 50,000 tonnes has been removed from site since the assessment contained in the EIS documentation. Whilst this has not reduced the overall footprint involved it allows for a topsoil stockpile (scrapped from the gravel stockpile site) within the footprint and also reduced the overall height and slope of the temporary gravel stockpile. • Figure 1 (applicant's reference Figure 21A) provides a revised stockpile layout. The yellow notes on the plan indicate that the topsoil stockpile site will be separated from the gravel stockpile site and used to rehabilitate the stockpile site. Further, topsoil to be used in the rehabilitation of the quarry void is to be stored within the cell 2 footprint; noting that some material is already in place in this area. This material is to be used in the rehabilitation of cells one and two. It is noted that this material will be required to be moved progressively as the quarry void is filled. • It should be noted that the footprint of the stockpile area has not changed from that assessed (being plans dated 19/12/2019 – included in additional information in response to EPA enquiry) and therefore has no bearing on the biodiversity offsets and BDAR assessment. • For the panel's ease of reference, the stockpile plan dated 19/12/2019 is shown below as figure 2. • The reduced volume of material in the stockpile will reduce the volume of trucks removing gravel over the lifetime of the operation. Truck movements are further assessed below.

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Figure 1 – Proposed Stockpile Layout

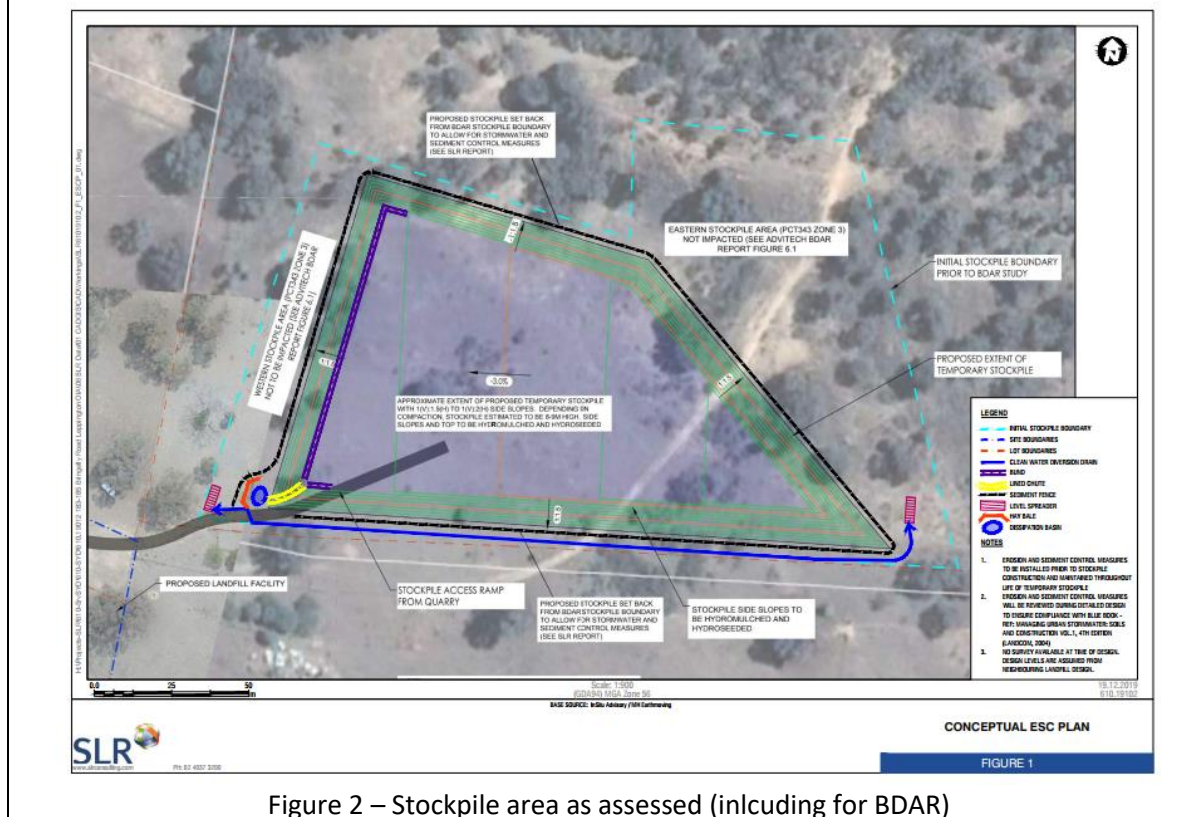


Figure 2 – Stockpile area as assessed (including for BDAR)

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<p>2. Advice that Council is satisfied that the community consultation undertaken by the Applicant and reported in the environmental impact statement meets the requirements of the Secretary's Environmental Assessment Requirements;</p>	<p>The Secretary's Environmental Assessment Requirements for the Tumblong Landfill Environmental Impact Statement were issued on 2/4/19, signed Chris Ritchie. The consultation requirements are replicated from the EIS for the panel's reference:</p> <p>The authorities considered relevant to this project were invited to an onsite Planning Focus Meeting held on 15 May 2019. The authorities represented included Transport for NSW (NSW Roads and Maritime Services), NSW Environment Protection Authority, Office of Environment and Heritage and Cootamundra Gundagai Regional Council. Department of Primary Industries tendered an apology for the onsite meeting. NSW Rural Fire Service were consulted during the preparation of the EIS and a consultants report was submitted assessing the bushfire risk of the proposal; this report included recommendations that were imported into Council's recommended conditions of consent. Crown Lands provided feedback on the proposal (as well as landowner's consent), Agriculture also provided feedback. WaterNSW were not considered a relevant authority as no groundwater was to be intercepted, no watercourse were presented and no approval was required under the Water Management Act.</p> <p>The Local Aboriginal Land Council; being Brungle Tumut Land Council were consulted on the proposal and included in the consultation process in the development of the OzArk heritage assessment report.</p> <p>A 500m radius of the landfill site was applied to determine landowners/occupiers of land most likely to be visually impacted. The applicant indicates that each of those landowners were contacted individually and provided a flyer with an overview of the proposal. A copy of the flyer is attached for the panel's reference.</p> <p>Matters raised by the landowners included potential impacts to air (odour, dust), noise, water (groundwater, surface water), traffic, visual, amenity. It is noted that the applicant has recorded that as a result of the consultation, the consulted landowners would 'consider the proposal in more detail during the formal public exhibition period when all supporting reports and agency comments are available to view and comment on'.</p>
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	<p>Consultation</p> <p>During the preparation of the EIS, you must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult with the:</p> <ul style="list-style-type: none"> • Environment Protection Authority; • Office of Environment and Heritage; • Department of Primary Industries; • Department of Industry; • Roads and Maritime Services; • Rural Fire Service; • Local Aboriginal Land Council (Wiradjuri), • WaterNSW; • VISY; • Cootamundra Gundagai Regional Council; and • the surrounding landowners and occupiers that are likely to be impacted by the proposal. <p>Details of the consultation carried out and issues raised must be included in the EIS.</p>
3. Advice regarding the receipt of land-owners consent for all land subject to the Development Application	<p>Lot 7004 DP1028797 and Lot 7300 DP1149008 are Crown Land, with Cootamundra-Gundagai Regional Council having management rights over Lot 7004 for the purposes of a quarry. Crown provided written consent for the application to be lodged and assessed. These two lots will contain the landfill.</p> <p>Lot 10 DP1210362 is owned by Martin Hay and owners consent has been provided by way of letter. Lot 10 will contain the gravel stockpile. The lot is accessed by a right of way over Lot 3 DP702858, however as per North Sydney Council v Ligon 302 Pty Limited (1996) 185 CLR 470, no owner's consent is required from the owner's of Lot 3 as the court found <i>"no development of the land the subject of the easements is to be carried out and no development application relating to that land needs to be made"</i>.</p>
4 Advice regarding the status of the Right-of-Way proposed to be used to transport material from the quarry area to the stockpile area;	<p>The applicant has provided legal advice from Clarke Kann Lawyers (dated 4 June 2020) whose summary indicates that:</p> <p><i>"subject to your compliance with the terms of the right of access and section numeral 2 of part 14 schedule eight of the conveyancing act, as listed above, in our opinion your proposed use of the right of access is reasonable and within the contemplated use of the right of access in accordance with Section 1 schedule 8 part 14 of the Conveyancing Act"</i>.</p>
5. Advice as to whether any tree removal on the site, subsequent to the biodiversity assessment undertaken for the EIS, has impacted on the biodiversity offset calculations;	<p>Advitech Environmental undertook an assessment of the biodiversity contained on the site in November 2019. The report includes aerial photographs with trees to be removed and hollow bearing trees indicated. The trees that are being stated as being removed were present in those photographs and included in the biodiversity assessment. Dr Rod Bennison indicates that the value of the vegetation being disturbed by the quarrying and landfilling operation is less than 15. The BDAR was undertaken as a result of the SEARs requirements, in normal instances this site and volume of clearing would not trigger a BDAR assessment under the Biodiversity Conversation Act 2016 and Regulation 2017. Nonetheless an assessment under the Biodiversity Offset Scheme was undertaken that indicated the removal of three hollow bearing trees would trigger offset credit requirements.</p>

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	The payment of credits for these are replicated in the recommended conditions of consent.
6. Confirmation that clay material will not be imported to the site;	The applicant has indicated that no clay material will be transported to site. It is intended to use material from the site for the liner and where that material is not suitable an artificial liner is proposed. The details of the landfill cell and leachate dam liners have been reported to, assessed and accepted by, the NSW Environment Protection Authority. This is reflected in the General Terms of Approval issued by that Authority and included in the recommended conditions of consent.
7. Further information, prepared by the Applicant and assessed by Council, by way of a supplementary traffic assessment of the cumulative impact of concurrent truck movements bringing waste material to the site with truck movements removing excavated material from the stockpile area. The supplementary traffic assessment should include proposed measures to minimise such occurrences.	<p>The applicant has provided a supplementary report prepared by Seca Solutions dated 4 June 2020. The applicant acknowledges that Tumblong Reserve Road will need to be constructed to cater for two way heavy vehicle traffic. This road will be subject to design and construction oversight of Cootamundra-Gundagai Regional Council as Council will become the owner of the road upon completion. Accordingly, trucks entering and exiting the site along this road will not result in any traffic safety issues. Similarly, the impact of inward and outward vehicle movements on the Hume Highway and old Hume Highway were assessed as part of the original assessment as well as by Transport for NSW. That authority provided recommended conditions of consent to limit traffic conflict and ensure traffic safety. The requirements of this authority have been included in the recommended conditions of consent.</p> <p>Due to the amount of material that has been removed from the quarry void since the commencement of the EIS preparation will have an impact on the life of the gravel. Whilst the yearly volumes are unlikely to alter from Council's stated extraction volumes of 8,000 to 12,000 tonnes per year the length of time till exhaustion is likely to be less than original estimated. This is due in part to a large, one off construction project being undertaken by the Council.</p> <p>Nonetheless, Council will not extract gravel continuously but will operate on an intermittent basis for short sporadic, but potentially high intensity periods. It is considered that the maximum volume of Council trucks visiting the site in any given day would be 5. It is estimated that the maximum volume of trucks entering the site of the purposes of landfilling would be 15 a day. A worse case scenario would be 20 trucks per day visiting the site at approximately 1 truck every 25 minutes. However this is likely to be a very unusual situation given the limited days the landfill will be operating and the intermittent use of the site by Council. Nonetheless, in the event that both landfill and gravel</p>

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	<p>extraction operations are occurring on site at the same time it is proposed that:</p> <ul style="list-style-type: none">• Council provide 48 hours notice to the landfill operator, confirming days and times when gravel is proposed to be extracted;• Communication between landfill and gravel extraction vehicles (either by radio or in person) is to occur to avoid overlap on site;• Clear segregation of vehicles (landfill and gravel extraction) on site is required at all times to minimise impacts inside the site boundary;• Council to optimise gravel extraction from the site on days when landfilling operations are not occurring.
information should be provided within 14 days of the date of this document. 12 June 2020	

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Flyer provided to landholders as part of consultation by applicant



MH Earthmoving Pty Ltd

PO Box 227

Gundagai NSW 2722

P: 02 6944 1418

M: 0417 246 381

Email: martin@mhem.com.au

ABN 65 524 037 490

Contact: Marty Hay

SEARS 1321 Extracts: 2/4/19

Proposed Waste Management Facility (Landfill)

**Lot 7004 DP1028797, Lot 7300 DP1149008, Tumblong Reserve Road, Tumblong, NSW
Cootamundra-Gundagai Regional Council**

Proposal Summary

Proposal: Use of the site as a waste disposal facility by landfilling of up to 60,000 tonnes per year of non-putrescible waste material and an overall capacity of 485,000m3

General Requirements: The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.

Key Issues:

- Strategic Context
- Suitability of the site
- Waste management
- Soil & water
- Traffic & transport
- Air quality & odour
- Hazard & Risk
- Noise & Vibration
- Biodiversity
- Agricultural land impacts
- Heritage
- Visual
- Fire & incident management
- Landfill closure
- Biosecurity

Other Relevant Matters: Environmental Planning Instruments and Policies

Guidelines: Landfill and other relevant guidelines – see online at planning.nsw.gov.au

Consultation: Various local State and Commonwealth government authorities, service providers, community groups and neighbouring landholders/occupiers.

Further details on EIS content are included in attached SEARs document.

Refer to draft plans attached.

Formal consultation per EP&A Act & Regulations, minimum 30 day period for the receipt of public submissions.

Further information available from Martin Hay 0417 246 381 or Alan Dyer (Insitu Advisory) 0409 169 661

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