

## PLANNING ASSESSMENT REPORT – APPENDIX A

### RECOMMENDED DRAFT CONDITIONS OF CONSENT

#### CONDITIONS:

##### General

1. The development shall be in accordance with the plans, specifications and Environmental Impact Statement and Appendices bearing the Snowy Valleys Council approval stamp and any amendments marked in red or otherwise modified by conditions of consent. The plans and documents referenced by this approval are as follows:

Sheet Description	Number	Date	Revision
Locality Plan	610.17372.D00	04/10/2019	C
Existing Site Layout	610.17372.D01	01/08/2019	A
General Arrangement Plan Subgrade - Stage 1 and Access Arrangement	610.17372.D02	04/10/2019	C
Typical Cross Sections Subgrade - Stage 1	610.17272.D03	01/08/2019	A
General Arrangement Plan Subgrade - Stage 2 and Access Arrangements	610.17272.D04	04/10/2019	C
Typical Cross Sections Subgrade - Stage 2	610.17372.D05	01/08/2019	A
Subgrade Cut & Fill Elevations - Stage 1 & 2	610.17372.D06	04/10/2019	C
Cell 10 Leachate Collection Pipework Layout	610.17372.D07	04/10/2019	C
Cell 10 Basal and Side Slope Lining System Typical Details	610.17372.D08	01/08/2019	A
Cell 10 Leachate Collection & Extraction System Construction Details	610.17372.D09	01/08/2019	A
Cell 10A Filling Plan and Sections (Stage 1)	610.17372.D10	04/10/2019	C
Cell 10A Filling Plan and Sections (Stage 2)	610.17372.D11	04/10/2019	C
Cell 10 Final Landform (CAP)	610.17372.D12	04/10/2019	C
Cell 10 Final Landform Typical Details	610.17372.D13	01/08/2019	A
Proposed Leachate Storage Pond	610.17372.D14	01/08/2019	A
Leachate Storage Pond Typical Sections and Details	610.17372.D15	01/08/2019	A
Proposed Surface Water Management Stage 1 & Typical Details	610.17372.D16	04/10/2019	C
Proposed Surface Water Management Stage 2	610.17372.D17	04/10/2019	C
Proposed Groundwater and Monitoring Locations	610.17372.D18	04/10/2019	D
Landfill Gas Extraction System Layout	610.17372.D19	04/10/2019	C
Landfill Gas Extraction System Detail	610.17372.D20	01/08/2019	A
Environmental Impact Statement and	SLR Ref:	14/11/2019	Final

Appendices	630.12698.0000 0-RO1		
Memo - Bellettes Landfill Expansion Council Response Landslide Risk Assessment		21/04/2020	

Management and mitigation measures included in Table 64 of the Environmental Impact Statement are to be implemented:

Table 64 Management and Mitigation Measures

Number	Aspect / Commitment	Timing
<b>Land Use Conflict</b>		
LU-1	A CEMP will be prepared to control potential off-site construction impacts.	Construction
LU-2	Appropriate erosion and sediment control measures will be installed in accordance with the Blue Book (Landcom, 2004) and Erosion and Sediment Control on Unsealed Roads (BCD, 2012) to ensure no off-site	Construction
LU-3	Disturbed areas will be temporarily stabilised and vegetated.	Construction
LU-4	A surface water (stormwater) management system will be implemented to provide long-term structural controls to manage surface water runoff and ensure no off-site impacts.	Construction/Operation
LU-5	Waste management practices will be implemented in accordance with the Waste Classification Guidelines (EPA, 2014) during the operation of the Development.	Operation
LU-6	A leachate management system will be constructed and operated to manage leachate and ensure no off-site impacts.	Construction/Operation
LU-7	Best management practices and mitigation measures will be implemented and maintained for chemical use and storage.	Construction/Operation
LU-8	A landfill gas system may be implemented to manage landfill gas and ensure no off-site impacts.	Operation
LU-9	Capping and rehabilitation of the final landform will be undertaken.	Closure
LU-10	A Complaints Protocol and Incidents Management Strategy will be incorporated and implemented as part of the CEMP and LEMP to ensure that all complaints and incidents relating to the Development are promptly and effectively addressed. This will include a Complaints	Construction/Operation
LU-11	Where complaints are received, work practices will be reviewed and feasible and reasonable mitigation measures will be implemented to minimise any further impacts.	Construction
LU-12	Bellettes will liaise with Council in regards to complaints received.	Construction/Operation
LU-13	Waste management measures will be undertaken to prevent litter, and to control vermin at the Development site.	Operation
LU-14	Good housekeeping practices will be undertaken to maintain a tidy site.	Construction/Operation
LU-15	Bellettes will consult with Council in regards to maintaining the tree line on Snowy Mountains Highway, near to the Development site.	Operation
LU-16	A truck wash bay and wheel shaker will be installed and used on-site by trucks to prevent debris being tracked onto the adjacent roadway.	Operation
LU-17	Signage will be installed on-site that will detail wastes permissible to be deposited at the landfill, as well as speed limits, hours of operation and other relevant information.	Construction
LU-18	The site will only operate during daylight hours.	Operation

Number	Aspect / Commitment	Timing
LU-19	Staff will be trained in implementing appropriate environmental controls and waste management practices at the site.	Construction/Operation
LU-20	Up to 40,000 tpa of general waste (non-putrescible) waste would be landfilled at the site.	Operation
LU-21	Clearing will be kept to a minimum, where feasible.	Construction
<b>Air Quality</b>		
AQ-1	Cover material will be applied to the working area of the landfill on a daily and intermediate basis.	Operation
AQ-2	Putrescible waste not landfilled (i.e. >5% of the waste composition) will be removed from the site as soon as practicable.	Operation
AQ-3	The name and contact details of person(s) accountable for air quality and dust issues will be displayed on the site boundary.	Construction/Operation
AQ-4	A DMP will be development and implemented, as part of the CEMP.	Construction
AQ-5	All dust and air quality complaints will be recorded. The cause(s) will be identified, and appropriate measures undertaken to reduce emissions in a timely manner.	Construction/Operation
AQ-6	Any exceptional incidents that cause dust and/or air emissions, either on-site or off-site, and the action taken to resolve the situation will be recorded in the Complaints Register.	Construction/Operation
AQ-7	Daily on-site and off-site inspections will be undertaken to monitor dust.	Construction
AQ-8	The site layout will be planned so that machinery and dust causing activities are located away from receptors, as far as possible.	Construction
AQ-9	Solid screens or barriers will be erected around dusty activities or the site boundary that is at least as high as any stockpiles on site.	Construction
AQ-10	Site fencing and barriers will be kept clean, when wet methods are used.	Construction
AQ-11	Stockpiles will be covered, seeded or fenced to prevent wind erosion.	Construction/Operation
AQ-12	An adequate water supply will be provided on-site for effective dust management.	Construction/Operation
AQ-13	Enclosed chutes, conveyors and covered skips will be used.	Construction/Operation
AQ-14	Buildings will be soft stripped before demolition.	Construction
AQ-15	Effective water suppression will be used during demolition operations.	Construction
AQ-16	Scabbling (roughening of concrete surfaces) will be avoided, if possible.	Construction
AQ-17	Sand and other aggregates will be are stored in bunded areas and will not be allowed to dry out, unless this is required for a particular process, in which case additional control measures will be in place.	Construction
AQ-18	Water assisted dust sweeper(s) will be used on the access and local roads to remove, as necessary, any material tracked out of the site.	Construction/Operation
AQ-19	Dry sweeping of large areas will be avoided, where possible.	Construction
AQ-20	Vehicles entering and leaving sites will be covered to prevent escape of materials during transport.	Construction/Operation
AQ-21	A rumble grid will be installed to dislodge accumulated dust and mud prior to leaving the site.	Construction
Number	Aspect / Commitment	Timing

AQ-22	LFG controls will be incorporated into Cell 10 design (during detailed design) to manage LFG emissions in accordance with the Landfill Guidelines (EPA, 2016).	Operation
AQ-23	A LFG monitoring program to collect site-specific data for the proposed Cell 10 will be considered	Operation
AQ-24	A LFG extraction system may be installed progressively where rates of LFG generation permit.	Operation
AQ-25	LFG flaring may be considered to manage extracted LFG.	Operation
AQ-26	Progressive rehabilitation and aftercare management will be undertaken in accordance with the relevant statutory regime requirements, as stipulated by the NSW EPA.	Operation/Closure
<b>Greenhouse Gas</b>		
GHG-1	All on-road vehicles will comply with relevant vehicle emission standards, where applicable.	Construction/Operation
GHG-2	All vehicles will switch off engines when stationary i.e. no idling vehicles.	Construction/Operation
GHG-3	The use of diesel or petrol powered generators will be avoided, and mains electricity or battery powered equipment will be used, where	Construction/Operation
GHG-4	Truck movements will be minimised, where possible.	Construction/Operation
<b>Noise</b>		
N-1	Works and deliveries/removals will be undertaken during standard daytime construction hours.	Construction
N-2	Respite periods will be considered where high noise generating activities occur near receptors.	Construction
N-3	Work will be carried out in continuous blocks that do not exceed three hours, with a minimum respite period of one hour between each	Construction
N-4	Potentially affected receptors will be consulted to determine the need for respite periods.	Construction
N-5	Work compounds, parking areas and equipment and material stockpiles will be positioned away from noise sensitive locations.	Construction
N-6	All personnel will be trained on noise requirements for the Development.	Construction
N-7	Inductions and toolbox talks to be used to inform personnel of the location and sensitivity of surrounding receptors.	Construction
N-8	Noisy plant or processes will be replaced by less noisy alternatives where possible.	Construction/Operation
N-9	Plant and equipment will be operated in the quietest and most efficient way, including not idling vehicles or equipment	Construction/Operation
N-10	The distance between plant/equipment and the nearest receptors will be maximised, wherever possible.	Construction
N-11	Residential grade mufflers will be fitted on all plant/equipment utilised on site.	Construction/Operation
N-12	Effective maintenance of noise generating equipment will be undertaken regularly to ensure that seals are in good condition and doors close properly against seals.	Construction/Operation
N-13	Dropping materials from a height will be avoided, where possible.	Construction
<b>Number</b>	<b>Aspect / Commitment</b>	<b>Timing</b>
N-14	Noisy plant working simultaneously close together will be avoided, where possible.	Construction

N-15	Loading and unloading will be carried as far away from noise sensitive areas as possible.	Construction
N-16	Non-tonal reversing beepers (or an equivalent mechanism) will be fitted and used on all vehicles and mobile plant regularly used onsite and for any out of hours work.	Construction
N-17	Queuing of idling trucks will be avoided, where possible.	Construction
N-18	Truck drivers will avoid compression braking, where possible.	Construction
N-19	Truck movements will be kept to a minimum, where possible.	Construction
N-20	The site layout will take advantage of existing screening from local topography.	Construction
N-21	Stockpiles will be positioned between noisy equipment and sensitive receptors, where possible.	Construction
N-22	Noise monitoring may be undertaken in response to any complaints received, to verify that noise levels are not substantially above the	Construction/Operation
N-23	Notifications will be provided to the affected community where high noise impacts are anticipated or where out of hours works are required.	Construction
<b>Surface Water</b>		
SW-1	No construction activities will occur within the creek riparian zone, to the south of the Development site.	Construction
SW-2	During the first stage of the Development, most surface water runoff will report to a temporary sediment basin located in the base of the excavation.	Construction
SW-3	During Stage 1 a sediment basin located on the floor of the excavation will receive and contain stormwater runoff from areas inside the batter of the external bund.	Construction
SW-4	Following formation the outside batters of the external bund will be revegetated to limit the potential for ongoing erosion.	Construction/Operation
SW-5	Lined drains will be constructed to convey concentrated flows of water. Selection of lining materials will be subject to detailed design.	Construction
SW-6	A new sediment basin in the south-west corner of the Development site will be constructed to collect runoff from the external batters of the landfill.	Construction
SW-7	The final cap for Cell 10 will drain to an existing sediment basin located in the south-east corner of the site.	Closure
SW-8	Erosion and sediment control measures will be regularly inspected, particularly following rainfall events to ensure their ongoing	Construction/Operation
SW-9	An ESCP will be prepared as part of the site CEMP.	Construction
SW-11	Monitoring and reporting of surface water quality will be undertaken in accordance with the EPL 20596.	Construction/Operation
SW-12	Monitoring and treatment of water quality in the sediment basin prior to release from site.	Construction/Operation
SW-13	Inspection of site drains, sediment basin, and leachate pond will be undertaken following heavy rainfall.	Operation
SW-14	An appropriate level of resourcing will be provided at the site for environmental management and monitoring.	Construction/Operation
<b>Number</b>	<b>Aspect / Commitment</b>	<b>Timing</b>
SW-15	Diesel tanks will be bunded and located away from water courses or overland flow paths.	Construction
SW-16	All fuel storage tanks will be located within a bund or be self-bunded tanks.	Construction

SW-17	Hazardous materials and equipment will be stored in accordance with Australian Standards, in bunded areas under a roof, away from watercourses.	Construction/Operation
SW-18	Spill kits will be kept on-site, and staff trained in their use.	Construction/Operation
SW-19	Water quality monitoring of sediment dams will include a visual check for the presence of hydrocarbons.	Construction/Operation
SW-20	The site will have a PIRMP which details the emergency response and reporting requirements in the event of a spill.	Construction/Operation
SW-21	Leachate will be pumped to a leachate pond for management.	Operation
SW-22	The leachate pond will have adequate capacity to contain leachate from the landfill in accordance with water balance calculations and incorporate freeboard that can accept rainfall directly on the dam from a 24-hour rainfall event with a 1-in-25-year average recurrence interval (ARI).	Operation
SW-23	To prevent overtopping of the leachate pond, adequate freeboard will be maintained, by pumping the leachate back to Cell 10.	Operation
SW-24	The leachate pond will be checked after rainfall.	Operation
SW-25	The LEMP will contain clear procedures for separation of leachate and stormwater, with drainage from operational areas with exposed waste to be drained to the leachate system.	Operation
SW-26	Water quality monitoring at the sediment dam (replacement Dam 3) will include testing for the presence of ammonia, which is an indicator of the presence of leachate.	Operation
SW-27	Water quality monitoring will be undertaken in accordance with requirements stipulated in EPL 20596.	Operation
<b>Groundwater</b>		
GW-1	The existing groundwater monitoring program will continue (in accordance with EPL 20596 licence conditions) to identify any impact from Cell 10 or the leachate dam.	Operation
GW-2	The groundwater network will be supplemented with new groundwater monitoring bores.	Construction/Operation
GW-3	Cell 10 will be lined with a basal lining system and side-wall lining system, to prevent impacts to groundwater.	Construction/Operation
GW-4	The leachate pond will be lined to prevent impacts to groundwater.	Construction
<b>Biodiversity</b>		
B-1	Any priority weeds removed during the construction phase will be disposed of appropriately.	Construction
B-2	Ongoing weed management will be undertaken at the Development site.	Construction/Operation
B-3	Clearing of vegetation will be carried out with care, in order to minimise impacts on native fauna.	Construction
B-4	All vegetation removed will be stockpiled, mulched and used for revegetation or operational purposes.	Construction
B-5	Disturbance will be limited to the smallest practicable area to allow for essential site preparation and construction activities.	Construction
<b>Number</b>	<b>Aspect / Commitment</b>	<b>Timing</b>
B-6	Stockpiling of materials adjacent to native vegetation will be avoided, where possible.	Construction
B-7	Disturbed areas will be revegetated, as soon as possible.	Construction
B-8	Maximum speed limits will be set for all traffic within the Development site to limit dust generation.	Construction

B-9	A water tanker or similar will be used to spray unpaved access tracks to reduce dust, where required.	Construction
B-10	Dust suppressants or covers will be applied on soil stockpiles.	Construction
<b>Aboriginal Heritage</b>		
AH-1	All land and ground disturbance activities must be confined to within the Development site, as this will eliminate the risk of harm to Aboriginal objects in adjacent, unassessed, landforms.	Construction
AH-2	All staff and contractors involved in the proposed Development should be made aware of the legislative protection requirements for all Aboriginal sites and objects.	Construction/Operation
AH-3	If Aboriginal artefacts or skeletal material are discovered at the Development site, all work should cease and the procedures in the Unanticipated Finds Protocol will be followed.	Construction
AH-4	An Unanticipated Finds Protocol for Aboriginal heritage will be included in the CEMP.	Construction
AH-5	Work crews will undergo cultural heritage induction to ensure they recognise Aboriginal artefacts and are aware of the legislative protection of Aboriginal objects under the NPW Act and the contents of the Unanticipated Finds Protocol.	Construction/Operation
<b>Non-Aboriginal Heritage</b>		
NAH-1	All staff and contractors involved in the proposed work will be made aware of the legislative protection requirements for all historic heritage sites and items under the <i>Heritage Act 1977</i> .	Construction
NAH-2	During works, if items are encountered that are suspected to be of significant historic heritage value, or that previously unrecorded or unanticipated historical heritage object(s) are encountered, a Unanticipated Finds Protocol for Historic Heritage will be followed.	Construction
NAH-3	An Unanticipated Finds Protocol for historic heritage will be included in the CEMP.	Construction
<b>Hazard and Risk</b>		
HR-1	If contamination is found at the Development site, it will be managed in accordance with an Unexpected Finds Protocol, to be included in the	Construction
HR-2	All chemicals will be kept in clearly marked bunded areas.	Construction/Operation
HR-3	Vehicles and mechanical plant will be regularly checked for leakage of fuel or oil.	Construction/Operation
HR-4	Re-fuelling of vehicles, washing of vehicles or maintenance of vehicles and plant will not be undertaken within 20 m of natural drainage lines.	Construction/Operation
<b>Bushfire and Incident Management</b>		
BIM-1	Access for fire fighting vehicles will be provided around the perimeter of the Development, as per the specifications in PBP.	Construction/Operation
BIM-2	The road or access track will be located between the proposed buildings and the bush fire hazard on each side of the Development.	Construction
<b>Number</b>	<b>Aspect / Commitment</b>	<b>Timing</b>
BIM-3	APZs will be established around the perimeter of the site, as a means of reducing the risk and severity of bush fire attack from the north, east and south-east.	Construction
BIM-4	The IPA will be cleared to remove the shrub layer, canopy trees pruned or selectively felled to achieve a canopy cover of 10 %, and ground layer periodically slashed and/or mown (subject to prevailing ground conditions) to maintain low fuel loads.	Construction/Operation

BIM-5	Level 2 building measures will be considered for the outer facades of the site office, including BCA bush fire protection provisions.	Construction
BIM-6	Water supply and hydrants will be installed to the provisions of PBP (2006) and Australian Standard AS 2419.1 – 2005 (Standards Australia, 2005).	Construction
BIM-7	All necessary connection points within the site will be clearly marked and visible to facilitate quick and efficient action by the RFS.	Construction/Operation
BIM-8	Landscaping will be designed to minimise the potential of flame contact with buildings, as per Appendix 5 of the PBP.	Construction
BIM-9	Any plants considered for landscaping will possess characteristics that allow them to be fire resistant and not drop excessive amounts of litter.	Construction
BIM-10	Bush fire management measures will be detailed in a Bushfire Management Plan.	Construction/ Operation

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below. In the event of any inconsistency between the consent documentation and the consent conditions, the conditions of this consent prevail.

**REASON:** It is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

## 2. Environment Protection Authority (EPA General Terms of Approval)

### Conditions:

#### Administrative conditions

##### A1. Information supplied to the EPA

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

- The Development Application 2019/0172 submitted to Snowy Valleys Council dated 14 November 2019;
- The Environmental Impact Assessment titled '*Bellettes Landfill Expansion*' (November 2019) relating to the development; and
- All addition documents supplied to the EPA in relation to the development, including the '*Updated Noise and Vibration Report*' (March 2020).

##### A2 Fit and Proper Person

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

#### Discharges to Air and Water and Application to Land

##### P1 Location of monitoring/discharge points and areas

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

##### *Water and land*

EPA	Type of Monitoring	Type of Discharge	Location Description
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identification	Point	Point	
1 - 11	Groundwater quality monitoring		Groundwater monitoring bores – exact locations to be negotiated with the EPA
12 - 13	Wet weather discharge Discharge water quality monitoring	Wet weather discharge Discharge water quality monitoring	Overflow from sediment dam – exact locations to be negotiated with the EPA
14	Leachate quality monitoring		Leachate storage dam – exact locations and number of monitoring points to be negotiated with the EPA

**P1.2** The following points referred to in the table are identified for the purposes of the monitoring and/or setting of limits for the emission of noise from the premise.

#### Noise

EPA identification	Type of Monitoring Point	Type of Discharge Point	Location Description
15 - 20	Noise monitoring		Noise monitoring to be at sites representative of the nearest sensitive receptors – exact locations to be negotiated with the EPA

## Limit Conditions

### L1. Pollution of waters

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

### L2. Concentration Limits

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

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

**L2.3** To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table.

#### Point 12, 13

Pollutant	Unit of Measure	100 percentile concentration limit
pH	pH	6.5 – 8.5

Total suspended solids	milligrams per litre	50
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**L2.4** The Total Suspended Solids concentration limits specified in the table above may be exceeded for water discharge from the sediment basin provided that:

- a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 33 millimetres (mm) over any consecutive 5 day period immediately prior to the discharge occurring; and
- b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 33 mm, 5 day rainfall event

### L3. Waste

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

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

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

This condition does not limit any other conditions in this licence

Code	Waste	Description	Activity	Other Limits
NA	Waste tyres	As defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> , as in force from time to time	Waste disposal (application to land)	Total quantity of waste disposed by application to land in each reporting period must not exceed 5 tonnes
NA	General solid waste (non-putrescible)	As defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> , as in force from time to time	Waste disposal (application to land)	Total quantity of waste disposed by application to land in each reporting period must not exceed 40,000 tonnes

**L3.2** The volume of waste disposed within Cell 10 at the premises must not exceed a total airspace capacity of 499,825 cubic metres (m<sup>3</sup>).

### L4. Noise Limits

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

Location	Noise Limits in dB(A)		
	Morning Shoulder	Morning Shoulder	Day
	L <sub>Aeq</sub> (15minute)	L <sub>Amax</sub>	L <sub>Aeq</sub> (15 minute)
40 Whatmans Lane, Gilmore (Lot 101, DP 1129158)	42	52	40
21 Gilmore Mill Road,	43	52	45

Gilmore (Lot 1, DP 500263)			
25 Gilmore Mill Road, Gilmore (Lot 1, DP 1041444)	43	52	45
49 Gilmore Mill Road, Gilmore (Lot 4, DP 1041444)	42	52	40
53 Gilmore Mill Road, Gilmore (Lot 147, DP 757229)	42	52	40
66 Gilmore Mill Road, Gilmore (Lot 1, DP 46590)	42	52	40

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

- a) Morning Shoulder means the period from 6am to 7am Monday to Friday.
- b) Day means the period from 7am to 6pm Monday to Friday and 8am to 2pm Saturday.

**L4.3** Noise-enhancing meteorological conditions

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

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Morning Shoulder	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level; or Stability Category F with wind speeds up to and including 2m/s at 10m above ground level.

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

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

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Tumut, NSW
- b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
  - i. Pasquill-Gifford stability classification scheme (section D1.3.1).

**L4.5** To assess compliance:

- a) with the  $L_{Aeq(15minute)}$  or the  $L_{Amax}$  noise limits in condition L4.1 and L4.3, the noise measurement equipment must be located:
  - i. approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
  - ii. in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
  - iii. in an area within 50 metres of the boundary of a National Park or Nature Reserve,
  - iv. at any other location identified in condition L4.1

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

**L4.6** A non-compliance of conditions L4.1 and L4.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L4.5 (a) or L 4.5 (b).

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

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

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

**L4.9** The noise limits in L4.1 do not apply at 40 Whatmans Lane, Gilmore and 49 Gilmore Mill Road, Gilmore during simultaneous capping, construction and filling activities where a negotiated agreement is in place.

## **L5. Hours of Operation**

**L5.1** All construction work at the premises must only be carried out between 7am to 6pm Monday to Friday and 8am to 1pm on Saturday. No construction work is to occur on Sundays or Public Holidays.

**L5.2** Activities at the premises, other than construction work, may only be carried out between 6am and 6pm Monday to Friday and 8am to 2pm on Saturday and no operational activities are to occur on Sundays or Public Holidays.

**L5.3** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L5.1 or L5.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L5.4** The hours of operation specified in conditions L5.1 and L5.2 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

## **L6. Extraction Limits**

**L6.1** The total material extracted for the construction of Cell 10A must not exceed 76,460m<sup>3</sup>.

**L6.2** The total material extracted for the construction of Cell 10B must not exceed 147,462m<sup>3</sup>.

## **Operating Conditions**

### **O1. Stormwater/sediment control – Construction phase**

**O1.1** An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

### **O2. Stormwater/sediment control – Operation Phase**

**O2.1** A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

### **O3. Waste Management**

**O3.1** Cover material must be applied in accordance with the following requirements unless otherwise approved by the EPA:

- a) Daily Cover – cover material must be applied to a minimum depth of 15 centimetres over all exposed landfilled waste prior to ceasing operations at the end of the day.
- b) Intermediate Cover – cover material must be applied to a depth of 30 centimetres over surfaces of the landfilled waste at the premises which are to be exposed for more than 90 days.
- c) Cover material stockpiled – at least two weeks cover material must be available at the premises under all weather conditions.

### **O4. Leachate Management**

**O4.1** The proposed leachate storage dam must be lined with 1000mm of compacted low permeability clay in addition to the geosynthetic liner as specified for landfills receiving >20,000 tonnes of waste per year, as specified within the *Environmental Guidelines: Solid Waste Landfills* (NSW EPA, 2016).

**O4.2** Water which contacts waste, other than virgin excavated natural material, must be managed as leachate.

**O4.3** Leachate must only be disposed of by:

- a) Evaporation;
- b) Irrigation within the active cell of the landfill; or
- c) Disposal at a facility licensed to accept such waste.

**O4.4** Irrigation of leachate within an active cell must only be undertaken:

- a) During dry weather; and
- b) Such that ponding or run off within the active cell does not occur and if the active tipping face is enclosed by a 300mm high earthen bund.

**O4.5** Use of leachate as a dust suppressant outside of the active cell is prohibited.

## Monitoring and Recording Conditions

### M2. Requirement to monitor concentration of pollutants discharge

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

### M2.2 Water and/or Land Monitoring Requirements

#### Point 1 – 11 Groundwater Quality Monitoring

Pollutant	Units of measure	Frequency	Sampling Method
Alkalinity (as calcium carbonate)	Milligrams per litre	Yearly	Grab sample
Calcium	Milligrams per litre	Yearly	Grab sample
Chloride	Milligrams per litre	Quarterly	Grab sample
Conductivity	Milli-siemens per centimetre	Quarterly	Grab sample
Nitrate + Nitrite (oxidised nitrogen)	Milligrams per litre	Quarterly	Grab sample
Nitrogen (ammonia)	Milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample
Potassium	Milligrams per litre	Yearly	Grab sample
Sodium	Milligrams per litre	Yearly	Grab sample
Standing water level	Metres	Quarterly	In situ
Sulphate	Milligrams per litre	Yearly	Grab sample
Total dissolved solids	Milligrams per litre	Quarterly	Grab sample
Total organic carbon	Milligrams per litre	Quarterly	Grab sample
Total Phenolics	Milligrams per litre	Yearly	Grab sample

#### Point 14 Leachate Quality Monitoring

Pollutant	Units of measure	Frequency	Sampling Method
Alkalinity (as calcium carbonate)	Milligrams per litre	Every 6 months	Grab sample
Calcium	Milligrams per litre	Every 6 months	Grab sample
Chloride	Milligrams per litre	Every 6 months	Grab sample
Conductivity	Milli-siemens per centimetre	Every 6 months	Grab sample

Fluoride	Milligrams per litre	Yearly	Grab sample
Lead	Milligrams per litre	Yearly	Grab sample
Magnesium	Milligrams per litre	Every 6 months	Grab sample
Manganese	Milligrams per litre	Yearly	Grab sample
Nitrate + Nitrite (oxidised nitrogen)	Milligrams per litre	Every 6 months	Grab sample
pH	pH	Every 6 months	Grab sample
Potassium	Milligrams per litre	Every 6 months	Grab sample
Sodium	Milligrams per litre	Every 6 months	Grab sample
Sulphate	Milligrams per litre	Every 6 months	Grab sample
Total dissolved solids	Milligrams per litre	Every 6 months	Grab sample
Total organic carbon	Milligrams per litre	Every 6 months	Grab sample
Total phenolics	Milligrams per litre	Every 6 months	Grab sample

Point 12 -13 Discharge from sedimentation pond

Pollutant	Units of measure	Frequency	Sampling method
pH	pH	Special Frequency 1	Representative sample
Total suspended solids	Milligrams per litre	Special Frequency 1	Representative sample

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

Note: The frequency of monitoring and the pollutant/s to be monitored may be varied by the EPA once the variability of the water quality is established.

**M2.3** Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M2.2 must be done in accordance with the Approved Methods Publications unless another method has been approved by the EPA in writing before any tests are conducted.

### M3. Noise Monitoring

**M3.1** To assess compliance with the noise limits specified in condition L4.1, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below during a period of time representative of typical operating conditions and not undertaken during a shutdown period.

Point 15 - 20

Assessment Period	Minimum frequency in a reporting period	Minimum duration within an assessment period
Day	Special Frequency 2	15 minutes
Morning Shoulder period	Special Frequency 2	15 minutes

Note 'Special Frequency 2' means noise monitoring occurring at the following times:

- a) During construction activities – Monthly (a minimum of 4 weeks)
- b) During times when operational activities are only occurring - Quarterly

## **Special Conditions**

### **E1. Cell Design and Construction Quality Assurance**

**E1.1** Prior to the commencement of construction of Cell 10A and Cell 10B, the licensee must submit to the EPA's Manager Regional Operations – Riverina Far West by email to [riverina.farwest@epa.nsw.gov.au](mailto:riverina.farwest@epa.nsw.gov.au) the following information for approval:

- a) The design of the proposed leachate barrier system, the leachate collection system and leachate storage dam; and
- b) A Construction Quality Assurance Plan that meets or exceeds the standards in *Environmental Guidelines: Solid Waste Landfills* (NSW EPA, 2016), Minimum Standards, Part 11.

**E1.2** Following construction of Cell 10A and Cell 10B, the licensee must submit to the EPA's Manager Regional Operations – Riverina Far West by email to [riverina.farwest@epa.nsw.gov.au](mailto:riverina.farwest@epa.nsw.gov.au) for approval a Construction Quality Assurance (CQA) Report. The CQA report must be prepared by an independent and suitably qualified person and must contain:

- a) Details and evidence of the works installed, the testing conducted, and the quality assurance procedures implemented;
- b) An account of any variations to the approved designs, methods and specifications; and
- c) An opinion by an appropriately qualified and experienced construction quality assurance practitioner that the works conform to the approved designed, methods and specifications.

**E1.3** Waste must not be placed in Cell 10A or Cell 10B until written approval is granted by the EPA.

### **E4. Annual Environmental Monitoring Report**

**E4.1** The licensee must submit to the EPA an Annual Environmental Monitoring Report concurrently with the submission of the Annual Return.

The report is to supplement the Annual Return and must include but need not be limited to:

- a) Results of all monitoring data in graphical and tabulated format. This data is to include both historical monitoring data and data from current reporting periods.
- b) An analysis and interpretation of monitoring results; and
- c) Actions to correct identified adverse trends.

### **E5. Complaints Handling Procedure**

**E5.1** The proponent must prepare a complaint handling procedure for implementation at the premises. The procedure must include details of proposed actions to be taken upon receipt of a complaint at the premises.

**Advice Note:** The above conditions are in addition to the existing licence conditions and therefore the applicant will need to make a separate application to the Environment Protection Agency to vary their Environment Protection Licence (No 20596).



### **3. Transport for NSW Conditions:**

3. 1. Access to the landfill site via the intersection of the Snowy Mountains Highway and Killarney Road is restricted to general access vehicles only. The transportation of materials/goods to or from the landfill site is restricted to general access vehicles.
3. 2. The Proponent shall maintain accurate records of the amount of material imported to and exported from 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 Council or Transport for NSW.
3. 3. A landscaped buffer (at least 5 metres in width planted with a variety of species endemic to the area and growing to a mature height ranging from 2 metres to at least 5 metres) shall be established and maintained within the subject property to minimise distraction of the travelling public on the Snowy Mountains Highway.
3. 4. 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 Snowy Mountains Highway with Killarney Road,
  - 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.
3. 5. Works associated with the development shall be at no cost to Transport for NSW.

### **4. NSW Rural Fire Service Conditions:**

4. 1. A draft Fire Management Plan (FMP) shall be prepared for the proposed development and provided to the local NSW RFS District Office for comment.

Any return comment from the District shall be adopted into an amended FMP. As a minimum, the FMP shall include:

- 24 hour emergency contact details including alternative telephone contact.
  - Site infrastructure plan.
  - Fire fighting water supply plan.
  - Site access and internal road plan.
  - Construction of asset protection zones and their continued maintenance.
  - Location of hazards (physical, chemical, and electrical) that will impact on the fire fighting operations and procedures to manage identified hazards during the fire fighting operations.
  - Mitigation measures designed to prevent fire occurring within the site, and prevent fire escaping the site and developing into a bush/grass fire risk to the surrounding area; and
  - Such additional matters as required by the NSW RFS District Office.
4. 2. As recommended in the submitted bushfire report, to allow for emergency service personnel to undertake property protection activities, a 10m defendable space shall be provided around all buildings and built assets, a minimum 20 metre defendable space shall be established along the northern elevation of the development and a minimum 10m defendable space on all other elevations of the development. APZs shall be established and maintained as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.
4. 3. All internal roads shall comply with the design and construction specifications outlined in section 7.4 of 'Planning for Bush Fire Protection 2019', excluding the provision of providing an alternative property access road.
4. 4. The provision water, electricity and gas services shall comply with Section 7.4 of 'Planning for Bushfire Protection 2019' including provision of hydrants to be installed in accordance with AS 2419.1 – 2005.'

### **During Demolition**

5. All services (water, sewer, telephone and electricity) shall be disconnected by appropriate tradespeople.
6. All Demolition work shall be carried out in accordance with the provisions of the Australian Standards 2601- 1993 *The Demolition of Structures*.
7. The person having the benefit of the demolition approval shall ensure that any contractors employed to carry out demolition work or the removal of asbestos are suitably licensed by the Safe Work NSW and / or NSW Department of Fair Trading.
8. Should asbestos material be found, on the development site it must be handled, transported and disposed of in accordance with the legislative requirements and standards determined by Safe Work NSW.

NOTE: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility.

## Prior to Commencement of Building Works

9. Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
- a) A portable chemical closet;
  - b) a standard flushing toilet connected to a public sewer, or
  - c) if that is not practicable, a sewage management facility approved by Council

**REASON:** To provide adequate sanitary facilities during the construction phase. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

10. A Construction Certificate must be obtained pursuant to Section 6.3 of the *Environmental Planning and Assessment Act 1979* for the proposed ancillary buildings and structures, from either Council or an accredited certifying authority prior to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fit out must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: You must not commence work until you have received the Construction Certificate, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

NOTE 4: An application for a Construction Certificate will need to be supported by full working drawings demonstrating compliance with the NCC.

**REASON:** To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

11. An On-site Wastewater Management Report prepared by a suitably qualified consultant must be submitted prior to commencement of works. The report must address the suitability of the existing on-site sewage management system to service the needs and increased loadings of the proposed development in accordance with *Australian Standard 1547:2012 Onsite Domestic Wastewater Management*.

Where either upgrades to the existing on-site sewage management system or installation of a new system is required approval must be obtained from Council in accordance with Section 68 of the Local Government Act 1993.

12. Approval shall be obtained from Council under Section 68 of Local Government Act 1993 for proposed water supply, sewer and stormwater work.

NOTE: Application must be supported by plans showing proposed water, sewer and stormwater works demonstrating compliance with the Plumbing and Drainage Act 2011 and the Plumbing Code of Australia.

13. Prior to commencement of building works plans and details must be submitted to Council demonstrating how the proposed water supply for potable purposes will comply with the NSW Private Water Supply Guidelines; Public Health Act 2010 and Public Health Regulation 2012.
14. To ensure ongoing safety of the drinking water to the development evidence that the landowner will implement a Quality Assurance Program as agreed upon by NSW Health shall be submitted to Council prior to commencement of any works.
15. A copy of the bore water licences are to be provided to Council.
16. Full details of the Land Fill Gas Management and Flare Unit is to be provided to Council.
17. At least 2 days prior to any work commencing on site Council must be informed, by the submission of a Notice of Commencement in accordance with Section 81A of Environmental Planning & Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. The required form may be completed online at Council's website ([www.snowyvalleys.nsw.gov.au](http://www.snowyvalleys.nsw.gov.au)) hardcopies may be obtained from Council.
18. Under section 9 of the Plumbing and Drainage Act 2011, the prescribed fee shall be paid and a related Notice of Work shall be submitted for the required plumbing/sanitary drainage works. This notification shall be lodged a minimum of forty-eight (48) hours prior to starting any plumbing/drainage works. Plumbing and drainage shall be carried out by a Licensed Plumber and Drainer and be in accordance with the National Plumbing and Drainage Code.

### **During Construction**

19. The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed beyond those retaining walls considered as exempt development under SEPP (Exempt and Complying Development codes) 2008 on the allotment, except where indicated on approved plans or where separate development consent has been obtained.

### **Prior to Occupation**

20. Approval to Operate the On-site Sewage Management System servicing the development must be obtained under Section 68 of the Local Government Act 1993 prior to issue of an Occupation Certificate.
21. An Occupation Certificate must be obtained pursuant to Section 6.4 of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building/s.

Where Council is appointed PCA for the development, in order to obtain this, Occupation Certificate Application Form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

**REASON:** It is in the public interest that an Occupation Certificate be issued prior to

occupation of the building. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

### **Prescribed Conditions**

22. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).
23. On completion of the building work, the owner of the building shall cause the Council to be furnished with a certificate from a competent person with respect to each essential fire safety measure in the Fire Safety Schedule. The certificate shall be in accordance with the relevant provisions of the Building Code of Australia and Part 9 of the Environmental Planning and Assessment Regulation 2000.
24. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
  - Not further harm the object.
  - Immediately cease all work at the particular location.
  - Secure the area to avoid further harm to the Aboriginal object.
  - Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location; and
  - Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.
25. In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department of Planning, Industry and Environment contacted.

### **REASONS FOR CONDITIONS:**

1. To ensure compliance with the Environmental Planning and Assessment Act 1979 and Building Code of Australia.
2. To ensure that the development complies with the provisions of relevant Environmental Planning Instruments and Council's Codes and Policies.
3. To minimise adverse environmental impact.
4. To maintain the amenity and character of the neighbourhood.
5. To ensure that the development does not conflict with the public interest.

### **RIGHT OF APPEAL:**

If you are dissatisfied with the decision Sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Section 8.10 of the *Environmental Planning and Assessment Act 1979* provides objectors who are dissatisfied with the determination of a consent authority to grant consent to a development application for designated development, the entitlement to appeal the determination to the Land and Environment Court. The appeal must be made within 28 days after the date on which notice of the determination was given.

### **RIGHT OF REVIEW:**

Section 8.2 of the *Environmental Planning & Assessment Act 1979* gives you the right to request the Council to review the determination, other than a complying development

certificate, designated development, integrated development or a determination in respect of an application by the Crown, within six (6) months after the date on which you receive this notice. The prescribed fee must be paid in connection with a request for a review.