

PLANNING ASSESSMENT REPORT – ATTACHMENT C

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	15/06/2020	D
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
Layout Plan Site Plan; Landfill Filling Plan Cross Section (Years 6 to 8); Landfill Filling Plan Cross Section (Years 1 to 5); Landfill Construction Plan Cross Section (Construction Final) Sheets 1-4		6/07/2020	
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 Appendices	SLR Ref: 630.12698.0000 0-RO1	14/11/2019	Final
Noise and Vibration Assessment	SLR Ref: 630.12698.0070 0-RO1	March 2020	v.3
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.

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.

Limits of Consent

2. Landfill capacity for the extension to the landfill disposal area Cell 10 shall:

- Receive a maximum of 499,825 tonnes in total of non-putrescible material
- Receive a maximum of 40,000 tonnes of waste per annum
- Not exceed total airspace capacity for waste disposal as stipulated by an Environment Protection Licence (EPL)
- Not receive, store, handle or dispose of General Solid Waste or other classes of waste that are not authorised for receipt on site by an EPL

3. Hours of operation are limited to:

3.1 During Construction

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.

3.2 Operation

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.

4. Construction extraction of material for the creation of Cell 10A must not exceed 76,460m³ and the formation of Cell 10B must not exceed 147,462m³.

5. Protection of the creek riparian corridor immediately to the south of the development site is to occur and no construction activity whatsoever, including the manoeuvring and temporary parking of vehicles, or any other activity that has the potential to detrimentally impact upon the riparian corridor, is to encroach the riparian corridor zone.

Any interruption to the natural overland flow of stormwater which could result in the disruption of amenity, or drainage or deterioration to any other property is prohibited. All development works are to be located a minimum of 40m from the existing banks of the creek located immediately to the south of the development site.

Environment Protection Authority (EPA General Terms of Approval)

6. The development must be carried out in accordance General Terms of Approval provided by NSW Environmental Protection Authority attached to correspondence dated 7 April 2020 and attached to this consent.

The applicant will need to make a separate application to the NSW Environmental Protection Authority to obtain a licence variation to the existing environment protection licence No 20596. Waste cannot be disposed within any new landfill cell (Cells 10A and 10B) until the licensee has obtained written approval from the NSW Environmental Protection Authority to dispose of waste in those cells. This requirement is stated within 'Attachment 1', the General Terms of Approval.

Transport for NSW Conditions:

7. 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.
8. 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.
9. 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.
10. 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 e.g. 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

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

NSW Rural Fire Service Conditions:

12. 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.
- Firefighting 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 firefighting operations and procedures to manage identified hazards during the firefighting 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.

13. 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.

14. 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.

15. 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.'

Prior to Commencement of Construction of Cells 10A and 10B

16. Detailed engineering drawings and construction specifications, specific to the works, prepared in accordance with appropriate Australian Standards and design/construction documentation (AUS-SPEC and Austroads) shall be submitted for approval to Snowy Valleys Council prior to the issue of a Construction Certificate. Documentation shall be submitted for the following at a minimum:

- Stormwater Infrastructure servicing the development, including detailed design and construction specifications of the proposed stormwater diversion drains and associated embankments.
- Detailed design and construction specifications of the proposed internal drainage area and associated surface water pond/sediment basin.
- Road design including a pavement design detail and stormwater Infrastructure design associated with the proposed road network.

A Construction Certificate shall not be issued until written confirmation is provided from Council's Growth and Development Department to confirm that the requirements of this condition has been satisfied.

REASON: Because it is in the public interest that the design of those aspects of the development comply with Council's requirements. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

17. Prior to the issue of a Construction Certificate a Construction Management Plan shall be developed, lodged with and approved by Council and implemented prior to the commencement of demolition, excavation or building works. The plan must include but not be limited to the following measures, as applicable to the type of development:

- Location and construction of protective fencing / hoardings to the perimeter of the site.
- Aboriginal heritage management.
- Bush fire management.
- Location of site storage areas / sheds / equipment.
- Location of building materials for construction.
- Provisions for public safety and site security.
- Site access location and construction.
- Details of methods of disposal of demolition materials.
- Protective measures for tree preservation and the creek riparian corridor immediately to the south of the development site.
- Location and size of waste containers / bulk bins.
- Details of proposed sediment and erosion control measures.
- Construction noise, dust and vibration management.
- Construction traffic management details.
- Hours of operation

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council. A copy of the approved Construction Management Plan must be maintained on site and be made available to Council officers upon request.

REASON: Because of the requirement to comply with appropriate standards for environmental control. Section 4.15 of the Environmental Planning and Assessment

Act 1979, as amended.

18. Prior to the issue of a Construction Certificate a Landfill Environmental Management Plan (LEMP) shall be developed, lodged with, and approved by Council prior to the commencement of demolition, excavation or building works. The plan must include but not be limited to the following information, as applicable to the type of development:

- Objectives of the LEMP.
- Landfill site and layout.
- Site access and signage.
- Nominated contacts and personnel on site.
- Approvals and licences.
- Hours of operation.
- Permitted waste activities.
- Staff training and occupational health and safety.
- Complaints protocol.
- Financial assurance for closure.
- Waste handling procedures.
- Environmental safeguards and procedures including surface water management, groundwater management, leachate management, landfill gas management, preventing hazards and loss of amenity, and emergency response procedures.
- Site closure including end of life capping, final site rehabilitation, emergency closure and post closure monitoring and maintenance.
- Documentation and records protocols.
- A Pollution Incident Response Management Plan.

A copy of the approved Landfill Environmental Management Plan must be maintained on site and be made available to Council officers upon request.

REASON: Because of the requirement to comply with appropriate standards for environmental control. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

19. Prior to the issue of a Construction Certificate a Landscape and Rehabilitation Management Plan shall be developed, lodged with, and approved by Council. The plan must include but not be limited to the following measures, as applicable to the type of development:

- Minimisation of active disturbance areas.
- Methods to enhance visual screening.
- Tree planting and revegetation schedules of species including the proposed density of planting.
- Timing of proposed planting.
- Pest, weed and plant disease control.
- Hedging and pruning requirements.
- Watering, lawn mowing, edging and maintenance.
- Mulching details.
- Replacement of dead plants.
- Use of fertilizers.

The proposed visual screening landscaping approved in this development consent

shall be installed prior to the issue of any Occupation Certificate. A copy of the approved Landscape and Rehabilitation Management Plan must be maintained on site and be made available to Council officers upon request.

REASON: Because of the requirement to comply with appropriate standards for environmental control. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

20. An Erosion and Sediment Control Plan (ESCP) must be prepared and approved by Council prior to the issue of a Construction Certificate and must be subsequently 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.
21. A Stormwater Management Scheme must be prepared and approved by Council prior to the issue of a Construction Certificate for the development and must be subsequently 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).

During Demolition

22. All services (water, sewer, telephone and electricity) shall be disconnected by appropriate tradespeople.
23. All Demolition work shall be carried out in accordance with the provisions of the Australian Standards 2601- 1993 *The Demolition of Structures*.
24. 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.
25. 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

26. 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*.

- 27.** 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.

- 28.** 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.

- 29.** 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.

- 30.** 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.

- 31.** 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.

32. A copy of the bore water licences are to be provided to Council.
33. Full details of the Land Fill Gas Management and Flare Unit is to be provided to Council.
34. 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 6.6 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) hardcopies may be obtained from Council.
35. 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

36. 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

37. 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.
38. 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

39. 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).

- 40.** 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.
- 41.** 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.
- 42.** 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.

Attachment 1 – Environmental Protection Authority General Terms of Approval

Environment Protection Authority (EPA General Terms of Approval)

Conditions:

Please note, the condition numbers outlined below may change when incorporated into the Environment Protection Licence.

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 identification	Type of Monitoring Point	Type of Discharge Point	Location Description
1 - 11	Groundwater quality monitoring		Groundwater monitoring bores – exact locations to be negotiated with the EPA
12 - 13	Wet weather discharge water quality monitoring	Wet weather 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\ 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

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 (m³).

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 _{Aeq} (15minute)	L _{Amax}	L _{Aeq} (15 minute)
40 Whatmans Lane, Gilmore (Lot 101, DP 1129158)	42	52	40
21 Gilmore Mill Road, Gilmore (Lot 1, DP 500263)	43	52	45
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:

- 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 LAeq(15minute) or the LMax 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 LMax 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 located 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 76,460m³.

L6.2 The total material extracted for the construction of Cell 10B must not exceed 147,462m³.

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:

- During construction activities – Monthly (a minimum of 4 weeks)
- 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 the following information for approval:

- 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 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).