

SNOWY VALLEYS COUNCIL SUPPLEMENTARY REPORT – SOUTHERN REGIONAL PLANNING PANEL

Panel Reference	PPSSTH-25
DA Number	2019/0172
LGA	Snowy Valleys Council
Proposed Development	Increase general solid (non-putrescible) waste from 5,000 tonnes per annum to a limit of 40,000 tonnes per year resulting in the increased total amount of waste accepted at the landfill from 400,000 to 900,000 tonnes.
Street Address	10 Killarney Road, Gilmore NSW
Applicant/Owner	Allspec & Partners Pty. Limited/John & Gail Bellette
Date of DA lodgement	15 November 2019
Number of Submissions	One submission from a member of the public has been received in response to the exhibition of the application.
Recommendation	That DA2019/0172 be approved subject to conditions.
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	<p>Particular designated development in accordance with:</p> <p>32. Waste management facilities or works</p> <p>(1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and—</p> <p>(a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste—</p> <p>(iv) that comprises more than 200 tonnes per year of other waste material</p>
List of all relevant s4.15(1)(a) matters	<p>Relevant environmental planning instruments:</p> <ul style="list-style-type: none"> - State Environmental Planning Policy (State and Regional Development) - Infrastructure SEPP - State Environmental Planning Policy No. 33 – Hazardous and Offensive Development - State Environmental Planning Policy No. 44 – Koala Habitat Protection - State Environmental Planning Policy No. 55 – Remediation of Land - State Environmental Planning Policy (Primary Production and Rural Development) 2019 - Tumut Local Environmental Plan 2012 <p>Relevant development control plan:</p> <ul style="list-style-type: none"> - Snowy Valleys Council Development Control Plan 2019
List all documents submitted with this report for the Panel's consideration	N/A

Report prepared by	Paul May
Report date	9 July 2020

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain Das in the Western Sydney Growth Areas Special Contribution Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No. The original report referred the draft conditions to the applicant for comment. The amended list of conditions attached to this supplementary report are a response to the Panel's deliberations and its 'Reasons for Deferral'.

1.0 EXECUTIVE SUMMARY

This supplementary report is a response to reasons for deferral of the application raised by the Southern Regional Planning Panel (SRPP).

Additional cross sections and model videos have been provided to assist the SRPP to analyse potential visual impact. Documentation is provided to confirm that the site is not encumbered by any easements. Clarification has been provided by the applicants in respect of waste streams to be handled on the site in terms of compliance with the EPA General Terms of Approval L3.

Revision of the recommended consent has been undertaken to address the limits of on the development and proposed environmental management and reporting requirements. The EPA General Terms of Approval are now an attachment to Council's recommended conditions.

In addition the applicant has provided further information in respect of groundwater management as requested by the SRPP.

It is considered that the SRPP has sufficient information to determine the application.

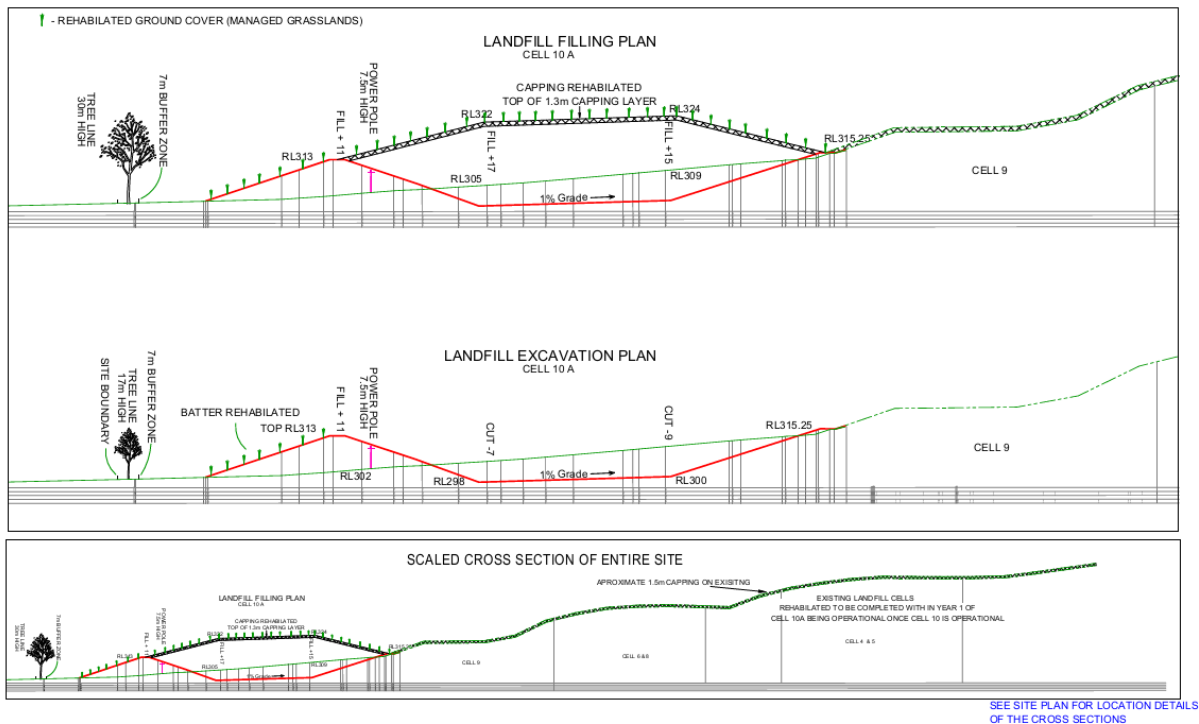
2.0 CROSS SECTIONS

Required information for the SRPP was:

'Cross sections through the development from the Snowy Mountains Highway to the eastern extent of the current landfill operations. The cross sections are to provide information on the RLs of the development at year 3, 6 and at completion relative to the existing landfill operations, the transmission lines to the west of the proposed development and the current trees along the western boundary of the site.'

Cross sections have now been provided by the applicant. There is a series of cross sections through proposed cell 10A for years 1, 3, 5, 6, 7 and 8. Also provided are cross sections of the final landscape filling plan for cell 10A, the landscape excavation plan for cell 10A and a scaled cross section of the entire site showing the finished landform.

The long cross section starts at the western boundary of the site (rather than the Snowy Mountains Highway) and extends to the eastern extent of the current landfill operations. Insufficient detail can be shown on the long cross section if it were to be extended from the Snowy Mountains Highway to the eastern extent of the current landfill operations. The cross sections of the final landscape filling plan for cell 10A, the landscape excavation plan for cell 10A and a scaled cross section of the entire site showing the finished landform are as follows:



It is considered that the cross section plans overall show more detail than required by the SRPP and facilitate an assessment of visual impact associated with the landfill extension. To further assist in this regard the applicant has provided some modelled video images taken. The link to these have been separately provided to the Panel.

The cross sections and associated plans are included in Attachment A to this report.

3.0 EASEMENTS

A copy of the title showing that Lots 94 & 62 are not encumbered by easements or rights of access has been provided by the applicant (See Attachment B).

4.0 WASTE STREAMS

Advice has been received in writing from the applicant that states:

‘The Landfill will not store any other waste streams onsite other than what is approved in the GTA L3 and compliance with EPA reuse/recycle conditions of construction waste streams.’

5.0 GROUNDWATER

Following on from the public meeting of the SRPP on 10 June 2020 it was requested by the Panel that the following matter be discussed at the meeting held on 16 June 2020 and whether a supplementary report would be required:

‘How the proposal is consistent or inconsistent with the List of Environmentally Sensitive Areas to be Avoided in Table 1 of the DUAP EIS Landfilling Guideline, specifically in relation to groundwater and surface water resources, that is:

Sites located:

- in or within 40 metres of a permanent or intermittent waterbody (including rivers, lakes, bays or wetlands)
- in an area overlying an aquifer which contains drinking water quality groundwater which is vulnerable to pollution'

In order to facilitate that discussion additional information was provided by the applicant and Council via a memo.

With regard to the 40m from a permanent or intermittent waterbody this issue is addressed in the EIS and EIS Appendices studies especially the Surface Water and Soils Assessment study. It is also addressed in the Council report on pages 5, 24, 28, 29, 35, 37 & 38.

Table 64 Management and Mitigation Measures in the EIS includes the following undertakings:

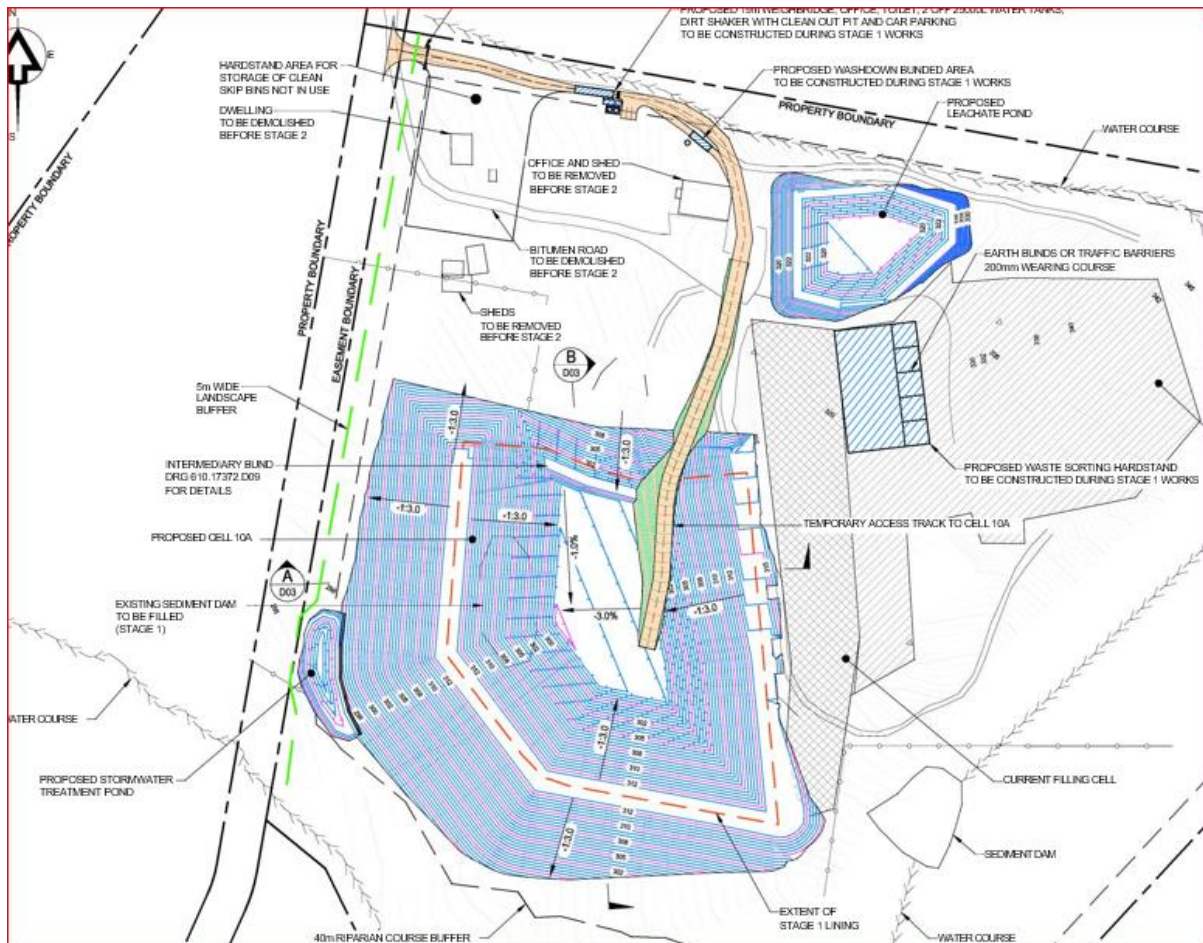
- No construction activities will occur within the creek riparian zone, to the south of the Development site.

SLR Consulting in correspondence dated 15 June 2020 stated:

'As outlined below, the proposed Development does not coincide with any Environmentally Sensitive Areas listed in Table 1 of the DUAP EIS Landfilling Guideline (1996), specifically in relation to surface and groundwater resources.

2.1 Surface Water

The Development site is not located in or within 40 metres of a permanent or intermittent waterbody (including rivers, lakes, bays or wetlands). The only waterbody located near to the Development site is a small ephemeral creek (Killarney Creek), as described in Section 2.11.1 of the EIS. As indicated by the Drawings there is a 40m buffer between this water body and the Development boundary.' (See drawing immediately below).



In respect of Groundwater this issue is addressed in the EIS and EIS Appendices studies especially the Groundwater Assessment study. It is also addressed in the Council report under the heading Clause 6.1 Earthworks commencing on page 20 and Clause 6.5 Riparian lands and watercourses starting on page 35.

Table 64 Management and Mitigation Measures includes the following undertakings:

- 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.
- The groundwater network will be supplemented with new groundwater monitoring bores.
- Cell 10 will be lined with a basal lining system and side-wall lining system, to prevent impacts to groundwater.
- The leachate pond will be lined to prevent impacts to groundwater.

SLR Consulting in correspondence dated 15 June 2020 also stated:

2.2 Groundwater

The DUAP EIS Landfilling Guideline (Table 1, page 16) lists environmentally sensitive areas to be avoided, including sites located in an area overlying an aquifer which contains drinking water quality groundwater which is vulnerable to pollution (consult DLWC for criteria to determine the vulnerability of groundwater).

The Groundwater Assessment Report (Section 3.5.2) (SLR, 2019b) presents the mapped area of “Groundwater Vulnerability” sourced from the Tumut Local Environmental Plan (LEP)(2012). This shows the site is outside the mapped area of groundwater vulnerability. This is consistent with the main water-bearing zone in the bedrock aquifer at the site being confined beneath lower permeability material, and the significant depth to groundwater below the site. Accordingly, it is considered that the site is not an environmentally sensitive area to be avoided as listed in the EIS Landfilling Guideline.

In addition, the Groundwater Assessment report (Section 5) (SLR, 2019b) discusses the risk of groundwater impact at the site from the proposed cell, factors that minimise the risk, and also the proposed enhanced groundwater monitoring network at the site. To minimise the risk of impact on groundwater from landfill leachate, the landfill has been designed in accordance with the NSW landfill guidelines (EPA, 2016). The design incorporates measures which include lining of the cell and extraction of leachate from the cell. The risk of impact to groundwater quality from the proposed landfill cell and leachate dam is considered to be very low and acceptable (Section 5.3 of the Groundwater Assessment Report [SLR, 2019b]), for a number of listed reasons.

In addition, as outlined in Section 2.2 of the EIS (SLR, 2019a) there is an existing landfill at the Development site. This landfill has been in operation since 1998 and consists of nine (9) trench and cover cells excavated into clay soils (SLR, 2019a). These cells are unlined. Based on available data from groundwater monitoring at the Development site, there appears to be negligible impact of leachate from the existing cells (cells 1 – 9) on the groundwater in the regional aquifer at the site (SLR, 2019b).’

It is also pertinent to note that the EPA has issued its General Terms of Approval. In doing so the EPA has stated:

‘Following review of the information provided, including submissions, we are able to issue our General Terms of Approval (GTA) for the proposed expansion.’

It is therefore considered unnecessary and unreasonable to delay the determination of the Application on the basis of the need for a further report.

Further clarifying information was provided by the applicant’s consultant SLR by email on 17 June 2020:

‘Both J. Bartley and A. Lane (who prepared the Groundwater Assessment) have responded to Councils query in regards to the groundwater, and their response is below:

The groundwater under the landfill extension is considered not an aquifer vulnerable to contamination from the landfill and is not used for drinking water for the following reasons:

1. The site overlies an aquifer that contains groundwater of potentially drinking water quality based on the groundwater salinity range but is not used for that purpose.
2. The SLR Groundwater Assessment report, section 3.5.2, shows the site does not overly the area considered to be vulnerable groundwater under the Tumut Local Environment Plan (LEP).
3. In addition, this vulnerability classification is supported by SLR observation of low permeability (clayey) earth material between the aquifer and the base of the landfill.
4. In other words the aquifer containing the groundwater is confined and protected by the overlying clayey soil.

The proposal is therefore consistent with the List of Environmentally Sensitive Areas to be Avoided in Table 1 of the DUAP EIS Landfilling Guideline.'

6.0 CONDITIONS OF CONSENT

As part of the reasons for deferral the SRPP required a revised recommended consent in a format with clear Council drafted conditions addressing the limits on the development and proposed environmental management and reporting requirements. The conditions are to include required matters to be addressed in the following management plans:

- A Construction Environmental Management Plan
- A Landfill Environmental Management Plan
- A Landscape and Rehabilitation Management Plan including measures to minimize active disturbance areas and measures to enhance visual screening through tree planting and revegetation of completed landfill cell areas

The revised recommended consent is to include the EPA General Terms of Approval as an attachment to Council's recommended conditions.

A revised recommended consent is provided in Attachment C to this report. Conditions 1 and 6 have been altered. Conditions that have been added to the recommended consent are 2, 3, 4, 5, 16, 17, 18, 19, 20 and 21.

7.0 CONCLUSION

It is considered that the SRPP has sufficient information to determine the application.