

General Terms of Approval - Issued



Notice No: 1594697

The General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2750
Email: council@penrith.city

Attention: Paul Anzellotti - paul.anzellotti@penrith.city

Notice Number 1594697
Date 11-May-2020

Re: Designated & Integrated Development Application – DA19/0470 – Alterations to Existing Approved Waste management and Resource Recovery Facility – Alterations to Finished Landform and Increase in Waste Capacity – Lot 1 DP542395, 1725a Elizabeth Drive, Badgerys Creek NSW 2555

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to Integrated Development Application No. DA19/0470 and accompanying information (the proposal) received by the Environment Protection Authority (EPA) on 31 July 2019. SUEZ Recycling & Recovery Pty Ltd (the applicant) is seeking development consent from Penrith City Council (Council) to expand the Elizabeth Drive Landfill facility which operates under Environment Protection Licence No.4068 (the Licence).

EPA has reviewed the information provided and has determined that it is able to vary the Licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to vary this Licence.

The general terms of approval for this proposal are provided at Attachment A and Attachment B. If Council grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

General Terms of Approval - Issued



Notice No: 1594697

In assessing the proposal EPA has also identified a number of environmental issues that Council may wish to consider in its overall assessment of the application. These issues are also conditioned in Attachment B and include the following:

1. The potential for dust to impact surrounding receivers
2. The potential for odour to impact surrounding receivers
3. The potential for noise to impact surrounding receivers

This application is subject the minimum standards that apply to general solid waste and restricted solid waste landfills set out in NSW EPA (2016) Environmental Guidelines: Solid Waste Landfill - second edition, unless otherwise stated.

If you have any questions, or wish to discuss this matter further please contact Ruth Owler on 02 9995 6154.

Yours sincerely

A handwritten signature in blue ink that reads 'B. Lake'.

.....
Belinda Lake

Unit Head

Sydney Waste Compliance

(by Delegation)

General Terms of Approval - Issued



Notice No: 1594697

ATTACHMENT A

Administrative conditions

1. Information supplied to the EPA

- A. 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 DA19/0470 submitted to EPA on 31 July 2019;
 - Environmental impact statement "Elizabeth Drive Landfill Expansion", prepared by AECOM, dated 2019 relating to the development; and
 - All additional documents supplied to the EPA in relation to the development, including:
 - Filling and capping schedules prepared by GHD (GHD Ref: 21-27038-SK003-RB and 21-27038-SK004-RB).
 - Elizabeth Drive Landfill Expansion Technical Advice, prepared by GHD, dated February 2020.

2. Environment Protection Licence required

- A. Prior to altering the existing approved waste management and resource recovery facility, altering finished landform and increasing waste capacity at the premises the applicant must apply to the Environment Protection Authority and be issued with a variation to the existing Environment Protection Licence no. 4068.

General Terms of Approval - Issued



Notice No: 1594697

ATTACHMENT B

Mandatory conditions to be included in existing Environment Protection Licence no. 4068

1. All activities occurring at the premises must be carried out in a manner that prevents or minimises the emission of air pollutants, including dust.
2. The waste delivery haul routes must be sealed to the tipping face. Only the final 50 metres of haul/turnaround may remain unsealed.
3. All unsealed roads must be serviced by an appropriate dust suppression system.
4. All sealed roads must be cleaned a minimum of twice per day using a high-pressure water spray.
5. Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)		
	Day	Night	
	LAeq(15 minute)	LAeq(15 minute)	LAMax
1669A Elizabeth Drive, Badgerys Creek (Lot 741, DP 810111)	50	48	52
1669-1723 Elizabeth Drive, Badgerys Creek (Lot 5, DP 860456)	46	43	52
26 Jones Street, Citizenville (Lot 115, DP 56789)	49	43	52
1745 Elizabeth Drive, Badgerys Creek (Lot 3, DP 240718)	45	43	52
1783-1789 Elizabeth Drive, Badgerys Creek (Lot 1, DP 240718)	46	43	52
5 Lawson Road, Badgerys Creek (Lot 10, DP 858140)	44	43	52
1953-2109 Elizabeth Drive, Badgerys Creek	43	43	52

General Terms of Approval - Issued



Notice No: 1594697

(Lot 101, DP 848215)			
22 Farmingdale Court, Luddenham (Lot 327, DP270417)	42	42	52

6. For the purposes of condition 5:

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- b) Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

7. Noise-enhancing meteorological conditions

- a) The noise limits set out in condition 5 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.
Evening	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Night	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 7(a), the noise limits that apply are the noise limits in condition 5 plus 5dB.

8. For the purposes of condition 7:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as **Bureau of Meteorology AWS at Badgerys Creek**
- b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):

General Terms of Approval - Issued



Notice No: 1594697

i. Pasquill-Gifford stability classification scheme (section D1.3.1).

9. To assess compliance:

- a) with the LAeq(15 minutes) or the LMax noise limits in conditions 5 and 7, 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 5.
- b) with the LAeq(15 minutes) or the LMax noise limits in conditions 5 and 7, 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 a location prescribed by condition L6.5 (a).

10. A non-compliance of conditions 5 and 7 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 conditions 9 (a) or 9 (b).

NOTE to 9 and 10: 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.

11. For the purpose 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.

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

13. Attended noise monitoring must be undertaken in accordance with condition 9 and must:

- a) occur quarterly in a reporting period;
- b) occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:
 - 1.5 hours during the day;
 - 30 minutes during the evening; and

General Terms of Approval - Issued



Notice No: 1594697

- 1 hour during the night.
 - c) occur for three consecutive operating days.
14. The applicant must provide a noise compliance assessment report to the EPA within 30 days of the completion of the quarterly monitoring.
15. The assessment required by condition 14 must be prepared by a suitably qualified and experienced acoustical consultant and include:
- a) an assessment of compliance with noise limits presented in Conditions 5 and 7; and
 - b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition 5 and 7.
16. The applicant must provide a plan to the EPA which details the design, construction, operation and rehabilitation for:
- a. General Solid Waste Cells F6; and
 - b. Restricted Solid Waste Cells A10.
17. The plan required by condition 16 must be submitted to the EPA at least six (6) months before the applicant intends to construct the proposed new landfill cell.
18. The plan required by condition 16 must also include details of a quality assurance/quality construction (QA/QC) program which can demonstrate that the landfill cell will be constructed to meet its design specifications.
19. The applicant must provide a QA/QC report to the EPA that details construction and design details of any new landfill cell, new sediment pond, or new leachate pond at the premises.
20. The QA/QC report required by condition 19 must include survey and works as executed drawings, and results of a QA/QC program to verify that the cell and any sediment or leachate pond for landfill cells F6 and A10 was constructed in accordance with its design.
21. The applicant must notify the EPA at least six (6) months before the applicant intends to deposit General Solid Waste in Stages 1, 2, 3, 4, 5, 6 and 7.
22. The notification required by condition 21 must include details that demonstrate that Stages 1, 2, 3, 4, 5, 6 and 7 will be operated in accordance with the information supplied to the EPA and referenced:
- a. Environmental Impact Statement, Elizabeth Drive Landfill Expansion, prepared by AECOM, dated 2019;
 - b. Development Application No. DA 19/0470, Elizabeth Drive Landfill Expansion Technical Advice, prepared by GHD, dated February 2020; and
 - c. Filling and capping schedules prepared by GHD (GHD Ref: 21-27038-SK003-RB and 21-27038-SK004-RB)
23. The applicant must manage the disposal of waste at the premises in accordance with the progressive filling plan as specified in Section 1.7.5 of the LEMP and the GHD Filling Plans (GHD Ref: 21-27038-SK003-RB and 21-27038-SK004-RB).
24. The final capping of the Restricted Solid Waste Cells must commence within 12 months of final landform contours for waste being achieved for each waste cell and be completed within 18 months of commencement.

General Terms of Approval - Issued



Notice No: 1594697

25. The applicant must provide a plan to the EPA that details the design, construction and rehabilitation for all final capping of Restricted Solid Waste at the premises.
26. The plan required by condition 25 must be submitted to the EPA at least six (6) months before the applicant intends to construct the proposed final cap.
27. The plan required by condition 25 must include details of a quality assurance/quality construction (QA/QC) program that can demonstrate that the final cap will be constructed to meet its design specifications.
28. The applicant must provide a QA/QC report to the EPA that details the construction and design details of any new final cap at the premises.
29. The QA/QC report required by condition 28 must include surveys and works as executed drawings, and results of a QA/QC program to verify that the final cap was constructed in accordance with its design.
30. The final capping of the general solid waste (non-putrescible) landfill cells must be undertaken in accordance with (GHD Ref: 21-27038-SK003-RB and 21-27038-SK004-RB) and comprise of the following layers (bottom to top):
 - a. A 300mm thick seal-bearing layer; the material should meet recognised specifications for engineered materials, such as QA Specification 3071: Selected Material for Formation (NSW Roads and Maritime Services, December 2011), as amended time to time (as the site has an active gas collection system, gas collection trenches underneath seal bearing layer are not required);
 - b. A 600mm thick sealing layer, comprising of a compacted clay layer, with an in situ saturated hydraulic conductivity of less than 1×10^{-9} m/s (compacted clay layer may be substituted for a geosynthetic clay layer subject to detail for construction);
 - c. A LLDPE geomembrane liner;
 - d. A drainage geonet geocomposite (subsurface drainage layer would be included on general waste batters and all restricted waste cells. Layer may be substituted for a gravel drainage layer. Details to be determined in the design for construction); and
 - e. A 1000mm thick revegetation layer. The upper 200mm should be a topsoil layer.
31. The applicant must provide a plan to the EPA which details the design, construction and rehabilitation for all final capping of General Solid Waste at the premises.
32. The plan required by condition 31 must be submitted to the EPA at least six (6) months before the applicant intends to construct the proposed final cap.
33. The plan required by condition 31 must include details of a quality assurance/quality construction (QA/QC) program which can demonstrate that the final cap will be constructed to meet its design specifications.
34. The applicant must provide a QA/QC report to the EPA that details the construction and design details of any new overall final cap at the premises.
35. The QA/QC report required by condition 34 must include surveys and works as executed drawings, and results of a QA/QC program to verify that the final cap was constructed in accordance with its design.

General Terms of Approval - Issued



Notice No: 1594697

36. As filling progresses in restricted solid waste cells A6, A7, A8, A9 and A10, interface capping must be installed on the western batter of the landfilled waste.

The interface capping must comprise of the following:

- a. A 300mm thick layer of compacted soil;
- b. A geotextile protection layer;
- c. A 2mm LLDPE geo membrane; and
- d. A drainage geo composite with geotextile bonded to the upper side only.

Definition of Terms

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- Noise – 'sound pressure levels' for the purposes of conditions 5 to 12.
- LAeq (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (AS1055.1-1997).
- LAFmax – the maximum sound pressure level of an event measured with a sound level meter satisfying AS IEC 61672.1-2004 set to 'A' frequency weighting and fast time weighting.