SNOWY VALLEYS COUNCIL ASSESSMENT 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	**Particular designated development in accordance with:** **32. Waste management facilities or works** **(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—** **(a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste—** **(iv) that comprises more than 200 tonnes per year of other waste material**
List of all relevant s4.15(1)(a) matters	Relevant environmental planning instruments: - 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 Relevant development control plan: - Snowy Valleys Council Development Control Plan 2019
List all documents submitted with this report for the Panel's consideration	Development Application form and attachments including: - Owners' consent - Contaminated land search results - Protection of the Environment Operations Act Summary Licence Environmental Impact Statement and Appendices A – W

	Note: These documents have already been uploaded.
Report prepared by	**Paul May**
Report date	**30 April 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? *e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP*	**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)? *Note: Certain Das in the Western Sydney Growth Areas Special Contribution Area may require specific Special Infrastructure Contributions (SIC) conditions*	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**Yes**

1.0 INTRODUCTION

1.1 EXECUTIVE SUMMARY

Allspec and Partners are the applicants for the proposed landfill extension on Lots 62 and 94 in Deposited Plan 757252, No. 609 Snowy Mountains Highway, Gilmore NSW which is owned by John and Gail Bellette.

Bellettes Landfill Pty Ltd operates an existing landfill on the site which includes the operation of a landfill; waste transfer station (WTS) for collection, consolidation and transfer of municipal waste, and a resource recovery (recycling) depot.

Extension of the existing landfill is defined as a "waste disposal facility" and is permissible with consent under the Tumut Local Environmental Plan 2012. The proposed development falls within the bounds of "regionally significant development" that is both "designated" and "integrated" under the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). The proposal will require Development consent from the Southern Regional Planning Panel (SRPP) and an amended Environment Protection Licence (EPL) from the NSW Environment Protection Authority (EPA).

Basically, the proposal is to accept an increased to the landfill input rate from 5,000 to 40,000 tonnes per annum. The development will comprise a new landfill cell (Cell 10) and leachate pond. Cell 10 will have the capacity to accept 499,825 tonnes of general (non-putrescible) waste over an approximate lifespan of 12 years. This would result in the increased total amount of waste accepted at the landfill from 400,000 to 900,000 tonnes.

The development application has been assessed in accordance with the EP&A Act 1979 and relevant state, regional and local Environmental Planning Instruments.

The application was placed on public exhibition and one submission was received.

Referrals were sent to a range of NSW Government Agencies and staff internally for comment.

1.2 RECOMMENDATION

Based on the Section 4.15 assessment provided in the report, the development application DA 2019/0172 for land described as Lots 62 and 94 in Deposited Plan 757252, No. 609 Snowy Mountains Highway, Gilmore NSW is recommended for approval subject to the conditions contained in the draft consent included as Appendix 1.

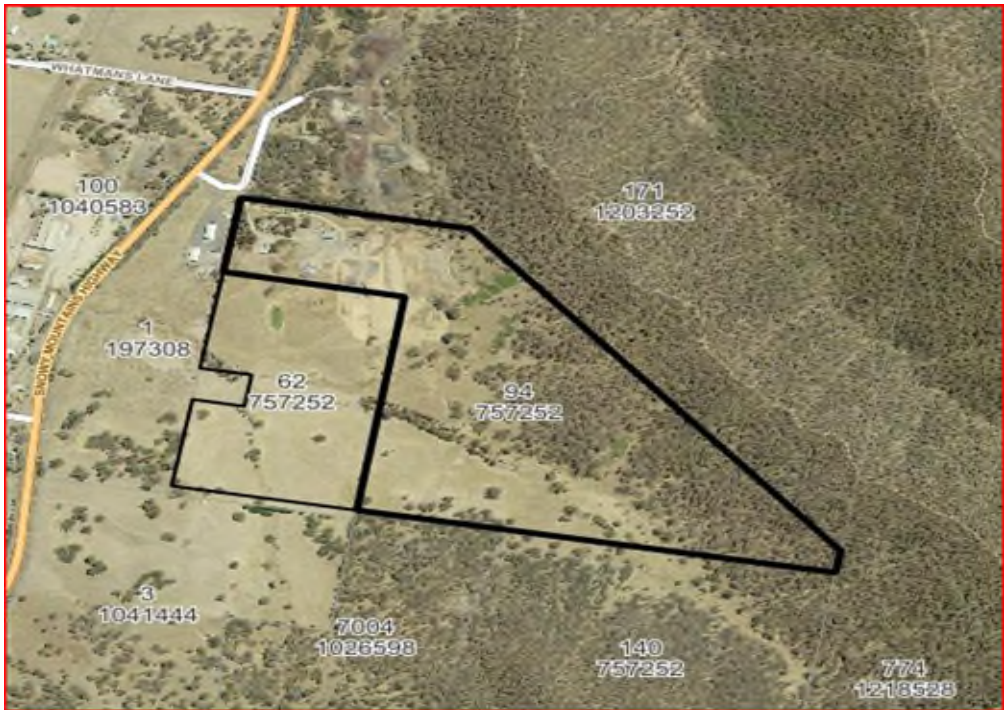
1.3 REASONS FOR CONSIDERATION BY JOINT REGIONAL PLANNING PANEL

The proposal has been referred to the (SRPP) as it constitutes "Regionally significant development" under Schedule 7 clause 7(c) of *State Environmental Planning Policy (State and Regional Development) 2011* as the proposed development comprises a waste management facility that meets the requirements for designated development under clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000.*

1.4 THE PROPOSED DEVELOPMENT

This application seeks approval for the extension of an existing waste management facility on Lots 62 and 94 in Deposited Plan (DP) 757252. The site is a 19.6 hectares (ha) property comprising a mixture of the landfilling operations and cattle grazing.

Subject Land



The site is bordered by Australian Native Landscapes and the Tumut State Forest to the north, by Wereboldera State Conservation Area to the north-east, by farmland to the south and Tumut Waste & Recycling Centre to the west.

Approval is sought for the expansion of the existing Bellettes Landfill through the construction, operation and rehabilitation of Cell 10 and ancillary infrastructure. The proposed development involves:

- Earthworks to form Cell 10 (in two stages).
- Proposed Cell 10 is expected to receive 499,825 tonnes of (compacted) waste over the life of the Development (12 years).
- Landfill Cell 10 to be constructed to the west of the existing landfill cells (Cells 1 – 9)
- Construction of Cell 10 entry ramp.
- Installation of leachate management system including the Cell 10 liner, pipe works and leachate pond.
- Installation of stormwater management system.
- Landfill gas management system.
- Decommission sediment dam.
- Construct replacement sediment basin to the south-west of Cell 10.
- Construction of ancillary infrastructure, including weighbridge, office, toilet, truck wash, wheel shaker and signage.
- Construction of laydown area and bunkers for sorting of waste.
- Demolition and removal of the existing buildings and infrastructure on the site, including sheds and homestead.
- Relocation and sealing of the entry road.
- Clearing of 0.1 ha of existing revegetation.
- Rehabilitation of existing cells.

The development would receive general solid waste (mostly non-putrescible waste) from commercial, construction and residential sources, within the immediate LGA and greater regional area. It would maintain the existing resource recovery service (continue to stockpile scrap metal, concrete and garden/wood waste to be sent off-site for recycling/re-use).

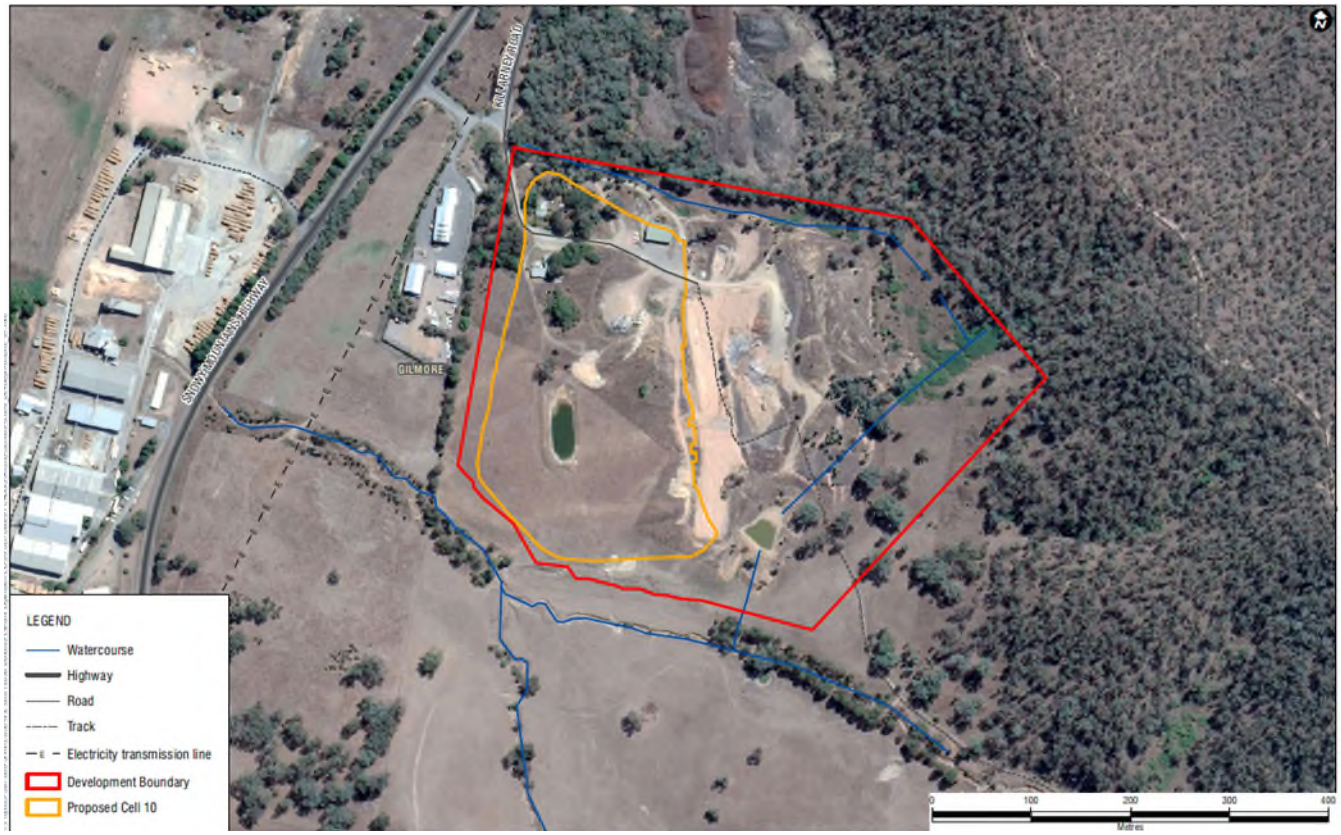
Sources of waste are anticipated to be 20,000 tonnes per annum from the nearby Visy Pulp and Paper Mill, 10,000 tonnes per annum of general commercial waste from local sources and 10’000 tonnes of general agribusiness waste (including up to 5% putrescible waste).

It is anticipated that the proposal would result in five construction and three operational jobs.

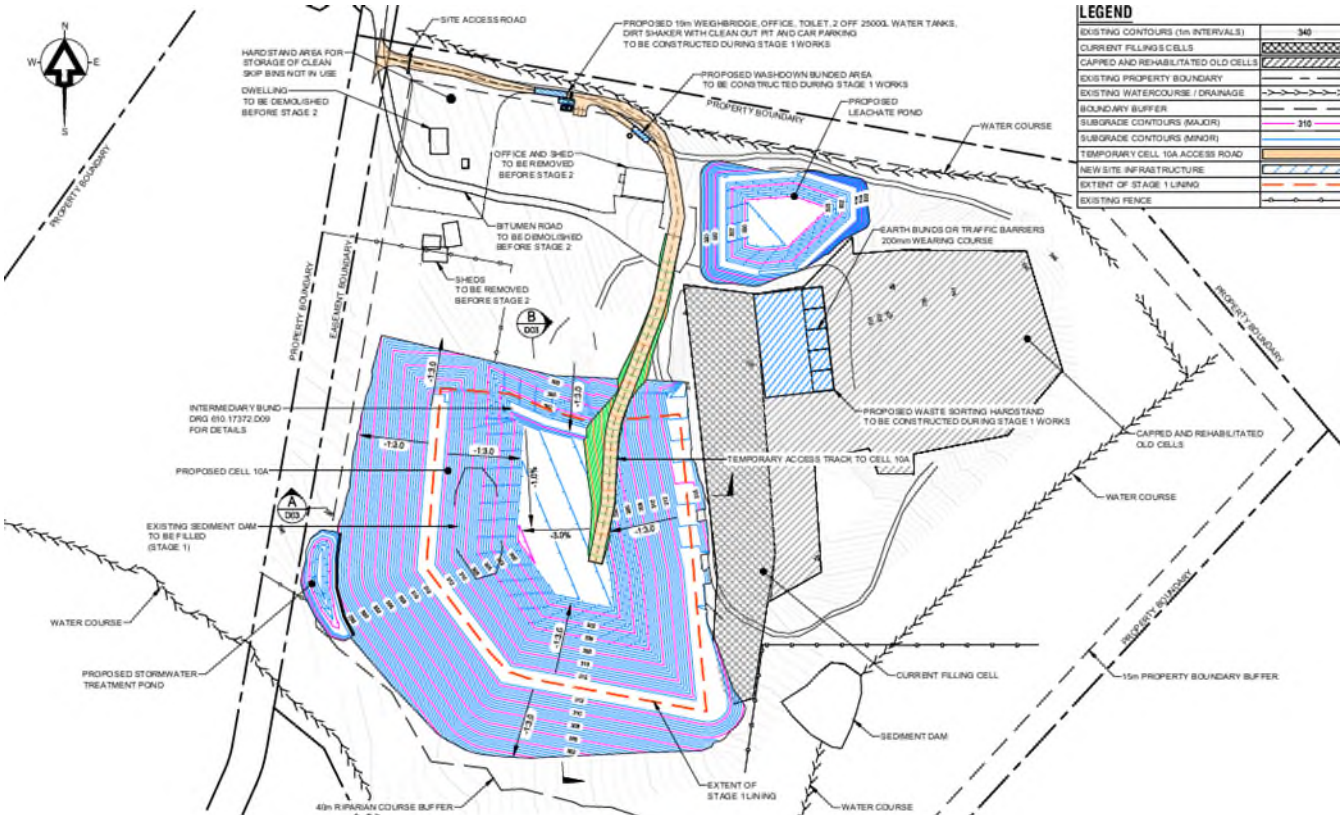
During construction works would only be undertaken between 7am - 6pm Monday to Friday and 8am - 1pm Saturday. No construction is proposed on Sundays and public holidays.

Hours of operation for the expanded landfill are proposed to be 6am - 6pm Monday to Friday 8am - 2pm on Saturday. The landfill would not operate on Sundays and public holidays.

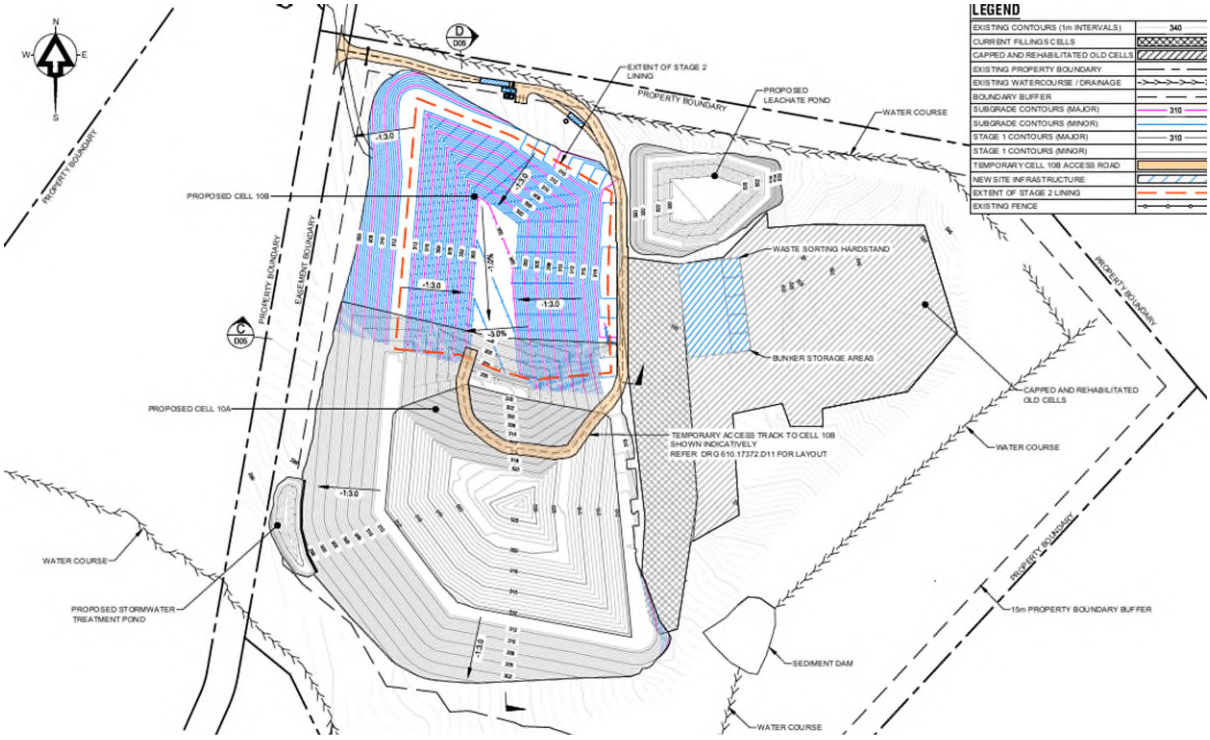
Site Plan (SLR)



Stage 1 of the Proposed Development (SLR)



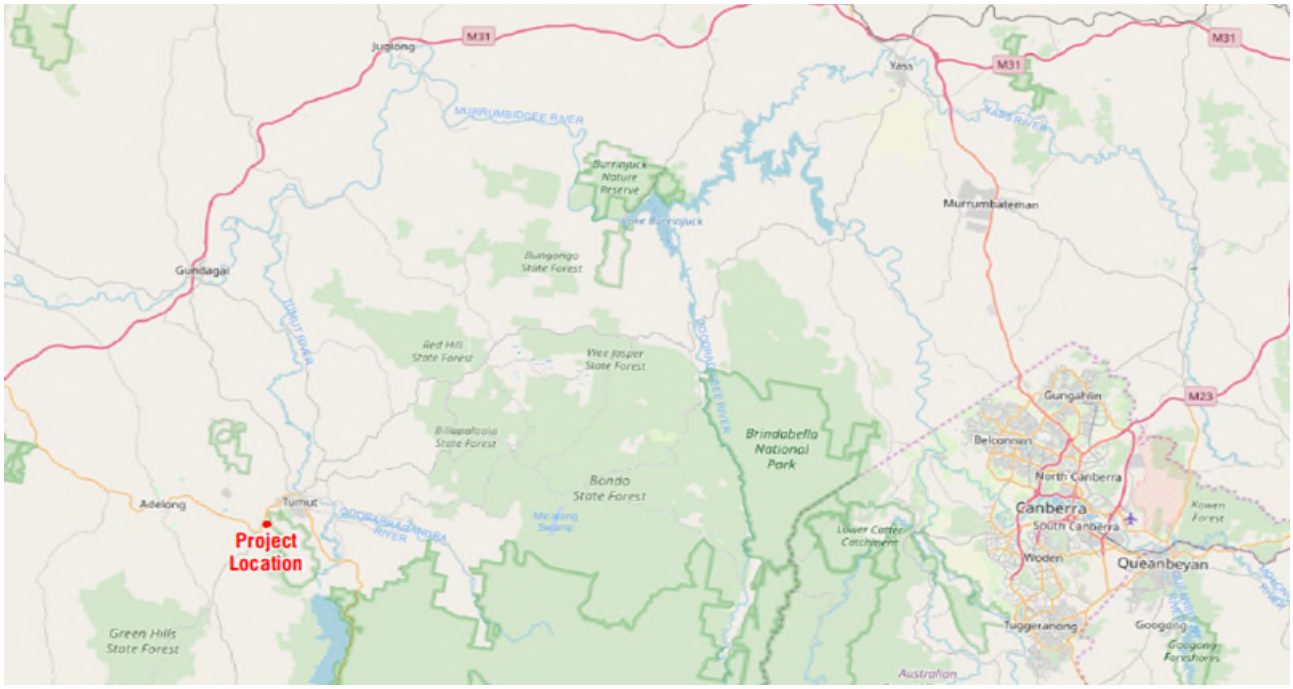
Stage 2 of the Proposed Development (SLR)



1.5 SITE DESCRIPTION AND THE EXISTING LANDFILL

The development site is located at Gilmore, 2 km south of Tumut and 10 km east of Adelong, in the South West Slopes region of NSW.

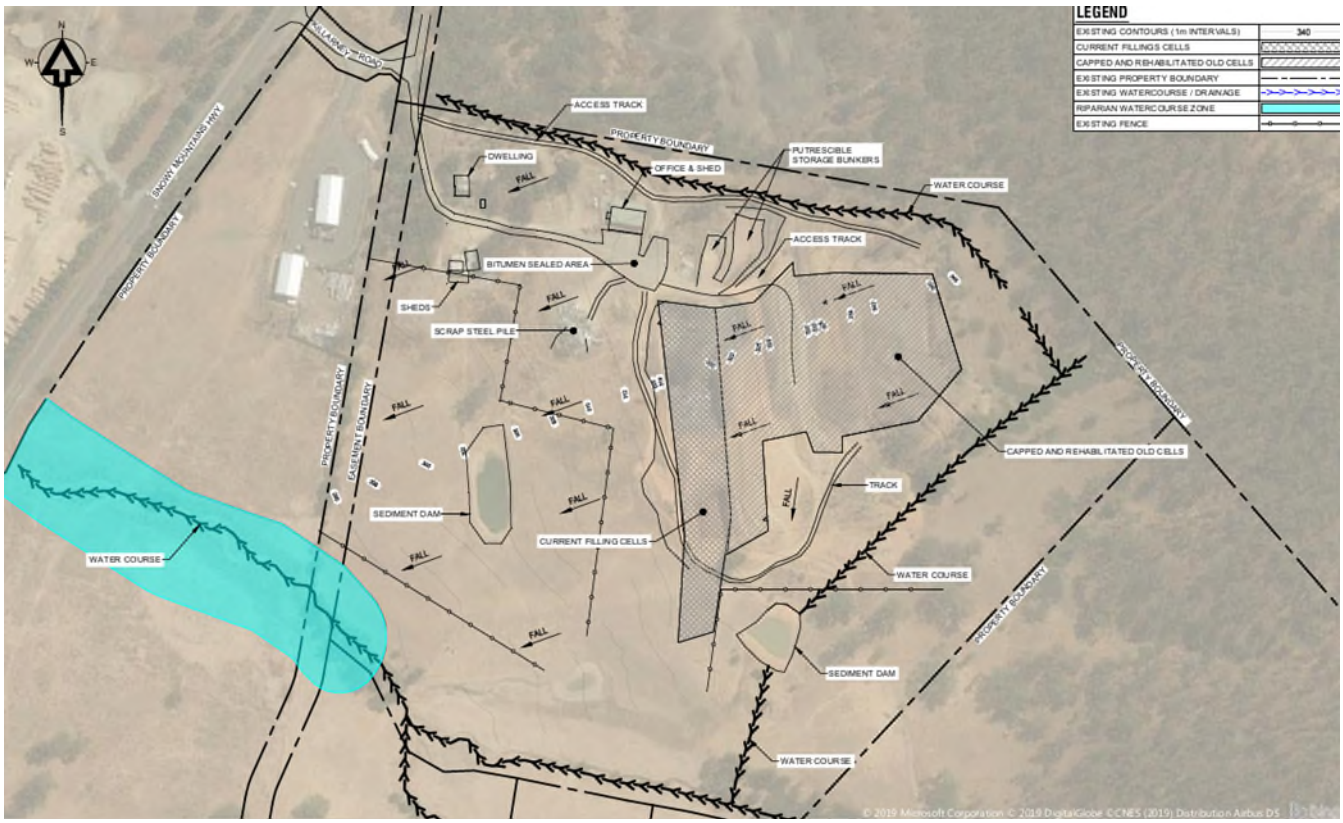
Site Location (SLR)



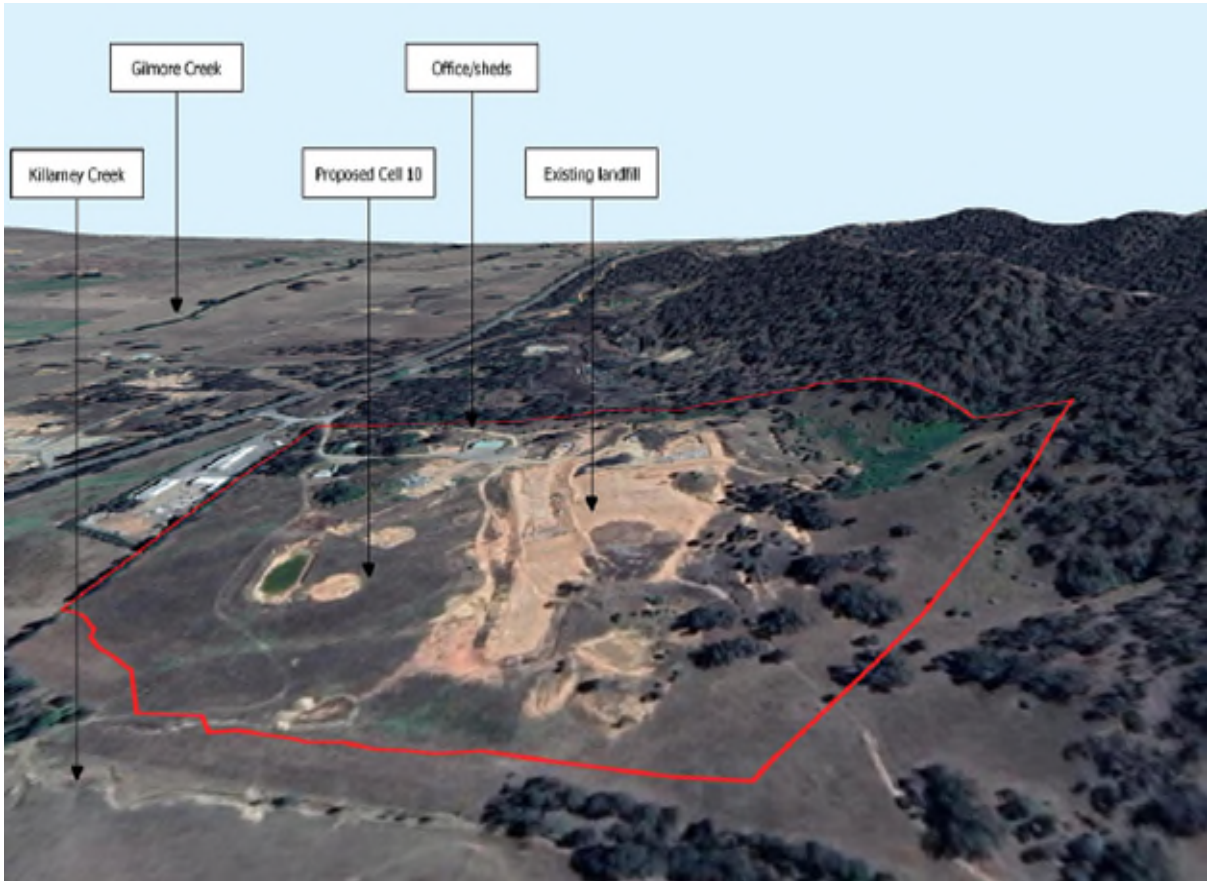
Overall the land surface gently slopes to the south-west, with a surface elevation from 345m Australian Height Datum (AHD) to 295m (AHD). The visual amenity of the development site is that of a rural property that has been significantly modified by historic land clearing, agricultural production and waste management and disposal activities. However, the development site does contain small areas (0.1 ha in total) of degraded native woody vegetation.

The existing landfill currently comprises of nine trench-fill cells excavated into natural clay soils. Cells are approximately four to five metres deep, 30 metres wide and 120 metres long. Bellettes Landfill currently has approval to accept and landfill 5,000 tonnes per annum of general solid (non-putrescible) waste. The site is also approved to dispose 5 tonnes per year of waste tyres. Putrescible wastes arriving in waste loads are temporarily stored at the site prior to transfer to an appropriately licensed facility. Putrescible wastes are not landfilled at the site except as a minor (<5%) constituent of general solid waste. The existing landfill is expected to be at capacity by mid-2020.

Existing Landfill Plan (SLR)



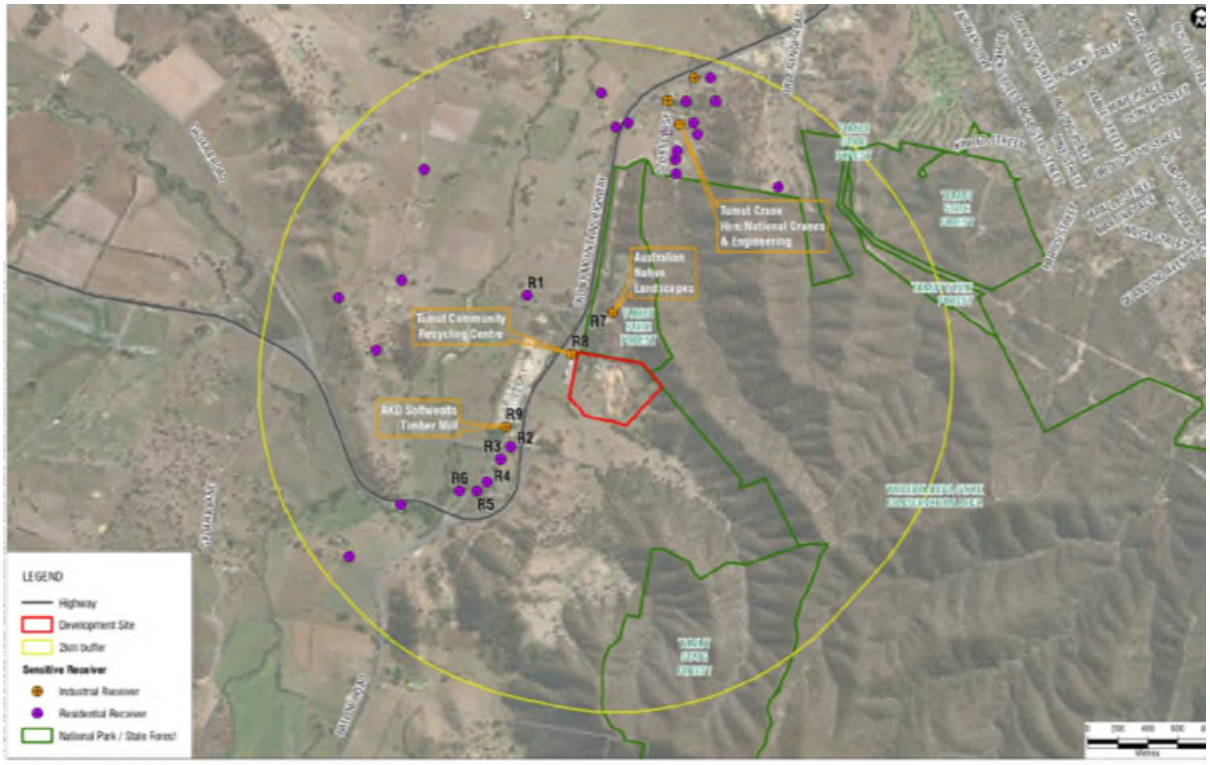
Aerial Showing Topography of the Site (OzArk Environment & Heritage)



Land uses surrounding the development site are characterised by waste management; the existing landfill operations, the Council operated Tumut Community Recycling Centre and ANL, a recycling facility for the forest industry and green waste for the Council. The site is also surrounded by traditional agricultural production, forestry and nature conservation areas. Additionally, there is AKD Softwoods Timber Mill located to the west of the development site, and on the other side of the Snowy Mountains Highway.

The development site is removed from major urban areas and there is a relatively low density of surrounding residential dwellings.

Site Location and Sensitive Receptors (SLR)



Details of services available to the site are as follows:

- Electricity - The site is currently serviced by overhead powerlines owned and managed by Origin/Red Energy. Prior to Stage 2 of the development the powerlines would be moved, to provide power to the proposed site office and weighbridge. Approval would be sought from Origin/Red Energy prior to these works being undertaken. Solar panels would provide power to the pump at the groundwater bore.

- Water - Groundwater would be used for hosing out the bunkers, fire control and office amenities (toilets). Groundwater would be extracted from a licenced groundwater bore and pumped to a holding tank. Rainwater harvested from the office roof and stored in a rainwater tank would be used for drinking purposes. Water pumped from the sediment dams would be used for dust suppression.

- Sewage - A septic tank currently treats sewage at the site. This sewage system is located behind the existing office/shed. Sewage would continue to be treated at this septic tank until it is decommissioned and another reinstated at the proposed office. This would occur prior to Stage 2 of the development.

1.6 CONSULTATION DURING THE FORMULATION OF THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

An application for the Secretary's Environmental Assessment Requirements (SEARs) was lodged with the Department of Planning, Industry and Environment (DPIE) in April 2018. SEARs 1272 issued on 3 December 2018 outlined the general requirements and key issues to be addressed in the EIS.

In preparing the SEARs, the DPIE consulted with the following agencies and sought their input:

- Biodiversity Conservation Division of Department of Planning, Industry and Environment (BCD);
- Department of Primary Industries – Agriculture (DPI Agriculture);
- Department of Primary Industries – Fisheries (DPI Fisheries);
- Department of Primary Industries – Crown Lands (DPI Crown Lands);
- Roads and Maritime Services (RMS) (now Transport for NSW); and
- Environment Protection Authority (EPA).

It was noted that the Rural Fire Service (RFS) was unable to respond in time so direct consultation was required with them.

The SEARs are addressed in the EIS.

During preparation of the EIS, the SEARs required consultation with the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise. Consultation was required with:

- EPA.
- Office of Environment and Heritage.
- Department of Primary Industries.
- RMS (now Transport for NSW).
- Water NSW.
- Rural Fire Service.
- Snowy Valleys Council.
- Surrounding landowners and occupiers that are likely to be impacted by the proposal.

No response was provided by the National Parks and Wildlife Service (an adjoining landowner), the RFS or Water NSW.

A site inspection and meeting undertaken with the EPA, Council and Transport for NSW (TfNSW) on 25 March 2019 regarding the proposed development identified potential issues that should be addressed in the EIS.

On 20 May 2019, consultation letters were sent out to nearby residences and businesses, within 2 km of the development site. Letters were posted to 24 residents and four (4) businesses. These letters included details of the proposed development and invited the recipient to contact SLR if they had any questions about the development.

A community consultation event was held in the neighbouring town of Tumut, on 28 August 2019. The community event was advertised twice in the local paper (the Tumut and Adelong Times). Six (6) people attended the event. Two (2) people were from local businesses, three (3) people were from the local community and one was a reporter from the local paper. Issues raised are summarised as follows:

- A resident was concerned about the general impacts of the proposal.
- Support of the development was expressed by a local business representative whilst another enquired about current and future monitoring of surface and ground water.

1.7 PUBLIC NOTIFICATION AND REFERRALS

The application was placed on public exhibition and one submission received on 20 February 2020 divided into 14 parts was received. The submission is considered in a later section of this report under the heading 'Section 4.15 1(d) – Submissions'.

NSW Government Agencies and internal Council officers provided comment and responses are summarised in the following table.

Table 1: Comments Provided by NSW Government Agencies and Snowy Valleys Council Staff

Agency	Comment
Environment Protection Authority (EPA)	Correspondence dated 31/1/2020 asserted: "Although the NIA (Noise and Vibration Assessment) describes some activities as 'construction' and assesses these in accordance with the Interim Construction Noise Guideline (ICNG), all activities should be regarded and assessed as an operational noise source in accordance with the Noise Policy for Industry. This is because it will not be possible to distinguish 'construction' and 'operational' noise sources at the nearest receiver locations due to similar equipment being used for all activities. Further, the 'construction' and 'capping' activities are a necessary part of the operation (landfilling) rather than being temporary construction activities such as the construction of a haul road or bunding. Furthermore, the inability to distinguish between 'operation' and 'construction' would mean that it would be very challenging to determine compliance with any noise limits when these activities occur concurrently. We are particularly concerned about the period between 2025 and 2026 where numerous operations are taking place at once which could lead to significant noise impacts on the community. During this time, noise levels at the receiver locations are predicted to be significantly elevated above the operational levels derived from the Noise Policy for Industry, particularly the activities attributed to the construction of Cell 10B as well as the capping and closure of 10A. We request the NIA be updated to consider all 'construction' activities as an operational noise source with reference to the Noise Policy for Industry Project Noise Trigger Levels. Once the NIA is updated proposed noise mitigation measures should be identified in the EIS where appropriate." An updated Noise and Vibration Assessment was submitted to Council and the EPA on 6 March 2020. The proposed noise mitigation measures are identified in the EIS. On 7 April 2020 the EPA advised: 'We wrote to Council on 31 January 2020 seeking further information in relation to our assessment of the proposed development. Additional information in response to our letter was received by the EPA on 6 March 2020. The EPA has responsibilities for pollution control and environmental management under the Protection of the Environment Operations Act

	1997. Following review of the information provided, including submissions, we are able to issue our General Terms of Approval (GTA) for the proposed expansion. The GTA are provided in Attachment A and relate to the development as proposed in the documents and information provided by the applicant. Should development consent be granted for this proposal we recommend that these conditions be incorporated into the conditions of consent. The conditions are in addition to the existing licence conditions and therefore the applicant will need to make a separate application to us to vary their Environment Protection Licence (No 20596).' General Terms of Approval Conditions are extensive so are not included in this table but can be perused in Attachment B to this report.
Transport for NSW	A letter dated 6/2/2020 specified: 'Transport for NSW has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved):- 2. 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. 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. 4. 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. 5. 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 6. Works associated with the development shall be at no cost to Transport for NSW.'
Biodiversity Conservation Division of Department of Planning, Industry and Environment	Correspondence dated 6 April 2020 advised: "Biodiversity The biodiversity assessment report provides sufficient evidence that the proposal does not trigger entry into the Biodiversity Offset Scheme and that it is unlikely to have an impact on threatened species. Given the area of native vegetation to be removed the Biodiversity Offset Scheme Entry Threshold (BOSET) report and the Test of Significance provided in the assessment, in addition to the description of values on site, would have been sufficient evidence to allow Council to discharge its assessment duties under the Biodiversity Conservation Act 2016 (BC Act). We note that in the Biodiversity Assessment (SLR 2019) there are references to the proponent requesting a BDAR waiver (pages 5 and 21). A BDAR can only be requested for a Major Project, as per s.7.9 of the BC Act. In this instance this is irrelevant as the evidence provided indicates that this proposed designated development does not trigger the Biodiversity Offset Scheme. Aboriginal Cultural Heritage The Department has a statutory role under the National Parks and Wildlife Act 1974 (NPW Act) for the protection and preservation of Aboriginal sites. It is an offence to do any of the following things without an exemption or defence provided for under the NPW Act and penalties apply: • knowingly harm or desecrate an Aboriginal object (the 'knowing' offence) • harm or desecrate an Aboriginal object or Aboriginal place (the 'strict liability' offence). We note the Aboriginal & Historic Archaeological Impact Assessment (AHAIA) report contains information relating to European historic heritage which should be kept separate from Aboriginal cultural heritage assessments (ACHA). Historic heritage assessments or approvals and any questions relating to historic heritage should be sent separately to the Department of Premier and Cabinet – Heritage (heritage@heritage.nsw.gov.au) if a copy has not already been provided.

	We also note that Point 2 of the Unanticipated Finds Protocol (Appendix 2) identifies a process in the event 'Aboriginal burials' are unexpectedly encountered however this is not consistent with previous advice. The identification of Aboriginal burials requires some specialist skills and experience and it is our recommendation that the protocol refer to 'skeletal remains'. We recommend the following condition to ensure compliance with legislation in place to protect Aboriginal sites and objects in NSW and ensure that no additional harm is caused if Aboriginal cultural heritage is encountered: 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. 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."
Department of Primary Industries – Agriculture	Advice received on 27 March 2020 espoused: 'DPI has considered the Bellettes Landfill Expansion EIS prepared by SLR Consulting Pty. Ltd, dated 14 November 2019 and considers that the SEARs requirements in correspondence OUT18/18389, dated 22 November 2018 have been adequately addressed.'
Department of Primary Industries – Fisheries	Communication dated 30 March 2020 stated: 'I understand that the applicant wishes to increase the annual general solid waste limit … The information has been reviewed and I am pleased to advise that DPI Fisheries does not object to Council granting Development Consent for the proposal. Despite the absence of a 7 part test of significance, I do not consider that the works are likely to have a significant adverse impact upon threatened fish species, populations or the aquatic ecological community which reside in the river in this area provided the works are carried out as stated and all conditions are faithfully implemented.'
Water NSW	No reply received
Rural Fire Service	An email received on 13 March 2020 advised that the NSW RFS received a referral request on 03/03/2020 regarding the above Development Application. A response will be forwarded following consideration of the information provided. Correspondence received on 30 April 2020 states:

	‘I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 03/03/2020. 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. 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. 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. 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.’

Snowy Valleys Council Accredited Certifier	‘Reference is made to the above development application for expansion of the existing landfill (New Cell 10, leachate dam, Land Fill Gas Management and Flare Unit and ancillary development) and a recent perusal of the submitted EIS from SLR dated 14 November 2019. The application refers to ancillary development and is described in the EIS as: • Site office/Shed (transportable building), • Toilet, • Two water storage tanks, • New eight (8) water monitoring bores existing seven (7) monitoring bores to be decommissioned, • 19m Weighbridge, • Truck Wash, • Wheel Shaker (Cattle Grid), • Relocated Access Road, • Laydown area and bunkers for sorting of waste, • Signage, • Stock proof fence, and • Demolition of existing dwelling and sheds No detail drawings have been provided for the ancillary development although the site shed, weighbridge, wheel shaker, relocated road and bunkers are noted on one of the site plans as is the existing dwelling and existing sheds. The EIS states that an existing septic tank will be used until it is decommissioned, and a new septic tank will be installed. From Councils mapping no reticulated town water or sewer is provided to the land, the EIS states that water will be provided from a new bore and rainwater storage tanks (two 25,0001 water storage tanks). The bores will need to be licensed in accordance with the Water Management Act. The land is mapped as bushfire prone land and the bushfire assessment states that a bushfire management plan for the site will be provided after development consent which will provide an alternative solution to the NSWRFS Guidelines for "The Fire Safety in Waste Facilities 2019". No Wastewater Report has been provided for the proposed on-site sewerage management system or use of the existing septic tank to ensure such existing septic tank can handle any additional loads, It is difficult to provide specific building comments without detail plans of the ancillary development proposed but I have provided general comments below for your consideration as requirements for any proposed Construction Certificate Application. 1. Soil Classification and Wastewater report to be provided, 2. Fire Management Plan to be provided, 3. Section 68 Application required for proposed plumbing and drainage works, 4. Fire Safety Schedule to be provided of the proposed essential fire safety measures, 5. Accessible details to the proposed office and amenities to be provided to AS1428, 6. Copy of bore water licenses to be provided,

	7. Demolition of existing dwelling and sheds to be undertaken in accordance with the requirements of AS2601-2001 Demolition of Structures, 8. Stormwater Management and Sediment Control details to be provided in accordance with Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom, 2004) and Volume 28 (DECC, 2008), 9. Full details of the Land Fill Gas Management and Flare Unit to be provided, 10. Full details of the proposed truck wash to be provided including wastewater treatment and disposal, and 11. Full working drawings to be provided with any Construction Certificate Application for the ancillary development proposed including full details of proposed signage.' It is worth noting that the authors of the EIS have advised: "The drawings presented are 'Concept Design' drawings, not (yet) 'for construction' detailed design drawings. After the Development is approved (if consent is granted) the detailed design drawings will be prepared."
Snowy Valleys Council Engineer	Council's Engineer has advised that there are no issues with the landfill extension proposal.

2.0 SECTION 4.15 PLANNING ASSESSMENT

Section 4.15 1(a)(i) Environmental Planning Instruments

Those provisions of Environmental Planning Instruments considered to be off sufficient importance to the Panel's consideration of the DA are discussed. The EIS includes further information.

2.1 TUMUT LOCAL ENVIRONMENTAL PLAN 2012 (LEP 2012)

Relevant Clauses of LEP 2012 are discussed below.

Clause 1.2 Aims of Plan

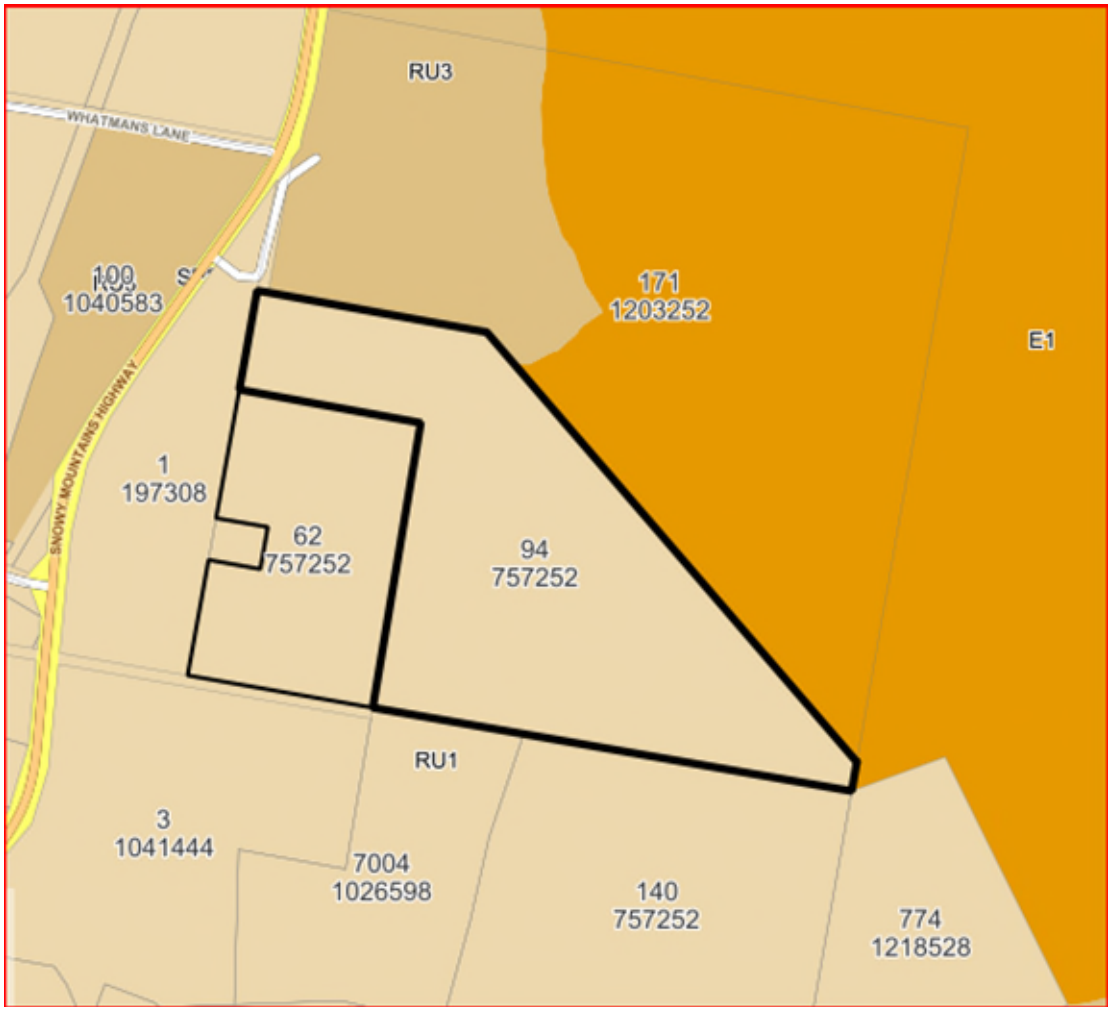
Pertinent aims are met as:

- Agricultural production is not affected as the site already is utilised as a waste disposal facility.
- Employment opportunities are created.
- Due regard has been given to the effects of natural hazards.
- It is established in the EIS that environmentally sensitive land and important fauna and flora habitat can be protected.

Land Use Table

Lots 62 and 94 of DP 757252 are zoned RU1 Primary Production under LEP 2012. The proposed development is defined as a "waste disposal facility" and is permissible with consent in the RU1 zone.

Land Zoning



The proposal is generally consistent with the objectives of the RU1 zone because:

- Sustainable primary industry production is not affected as the site already is utilised as a waste disposal facility.
- Fragmentation and alienation of resource lands is not facilitated.
- Conflict between land uses can be minimised through mitigation measures.
- It is demonstrated in the EIS that the natural environment can be preserved, and potential land degradation can be mitigated against.
- Extension of the existing landfill would not impact upon significant landscapes.

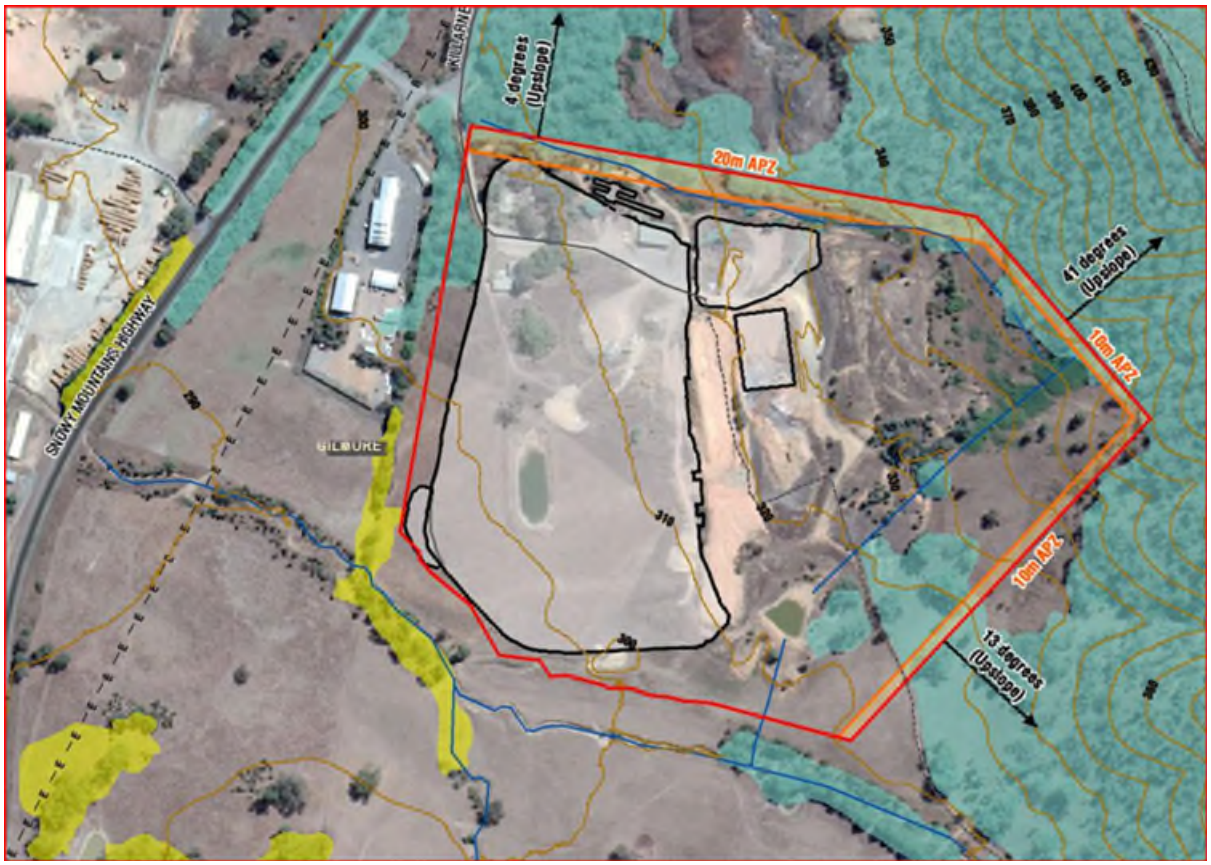
Clause 5.11 Bush fire hazard reduction

Part of the site is identified as being bushfire prone. A Bushfire Hazard Assessment has been undertaken as part of the formulation of the EIS. The assessment confirms that subject to adopting the bushfire mitigation measures recommended in the EIS, and consideration of

the site-specific bushfire risk assessment, the proposed development will provide a reasonable and satisfactory level of bushfire protection.

Mitigation measures recommended are as follows:

- Access for fire fighting vehicles will be provided around the perimeter of the Development, as per the specifications in Planning for Bushfire Protection 2006 (PBP).
- The road or access track will be located between the proposed buildings and the bush fire hazard on each side of the Development.
- 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 as displayed in the following map.



- The Inner Protection Area (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.
- Level 2 building measures will be considered for the outer facades of the site office, including BCA10 bush fire protection provisions. In particular, metal framing and cladding materials will be considered instead of timber, automatic sprinkler systems installed, a hose reel and hydrant installed at a selected location around the building (on the alignment of the internal access road, where possible) and gutter guards installed on the outer facades.
- Water supply and hydrants will be installed to the provisions of PBP (2006) and Australian Standard AS 2419.1 – 2005 (Standards Australia, 2005).

- All necessary connection points within the site will be clearly marked and visible to facilitate quick and efficient action by the RFS.
- Landscaping will be designed to minimise the potential of flame contact with buildings, as per Appendix 5 of the PBP.
- Any plants considered for landscaping will possess characteristics that allow them to be fire resistant and not drop excessive amounts of litter.

With regards to water supply the EIS states:

'In the case that reticulated water is not feasible for the proposed development, then provision of a dedicated static water supply is essential. This would be through the installation of above ground water tanks. In the case of the subject site, static water supply is available in the form of detention basins and two above ground water tanks. As part of the proposal, water will be sourced from a licenced groundwater bore and pumped to a holding tank. This water will be available for fire control.'

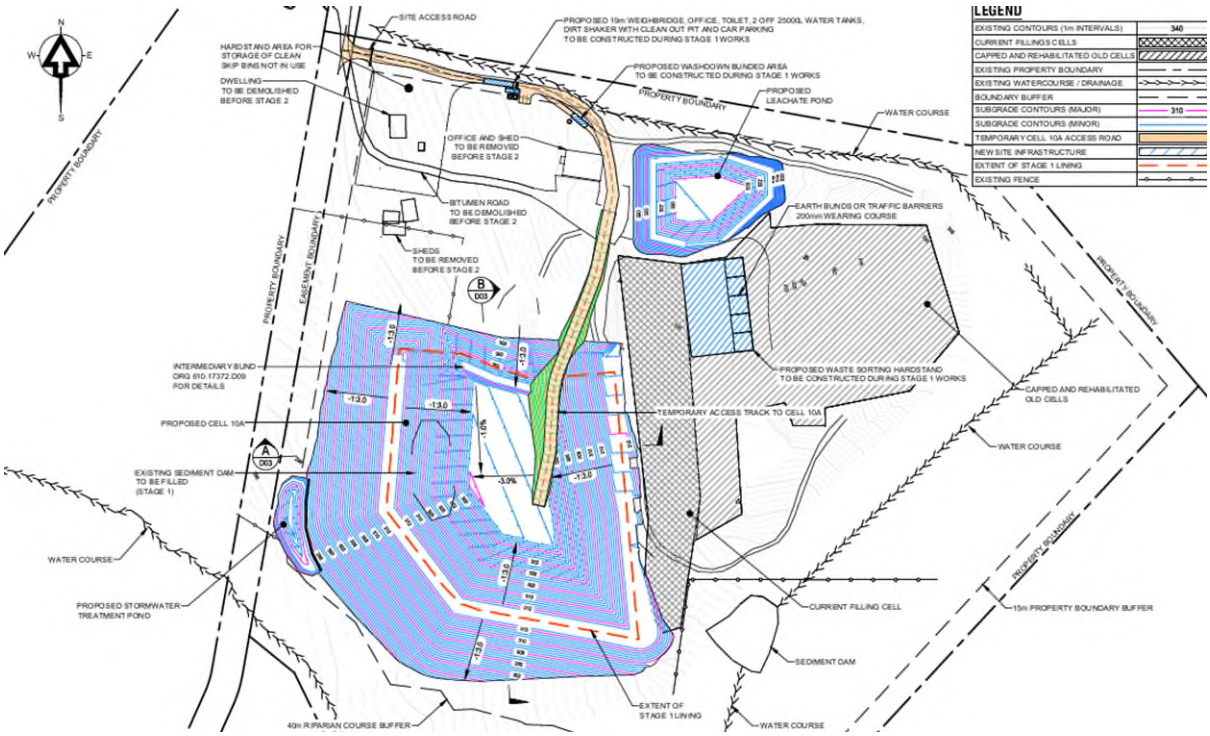
Bush fire management measures, including the above listed measures, for the ongoing operation of the Development will be detailed in a Bushfire Management Plan, which will be prepared if development consent is granted and prior to commissioning of the Development.

The NSW Rural Fire Service (RFS) requires:

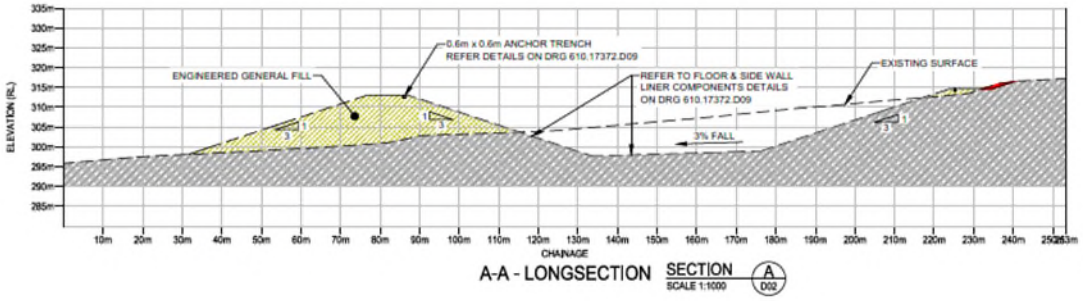
<u>Clause 6.1 Earthworks</u>

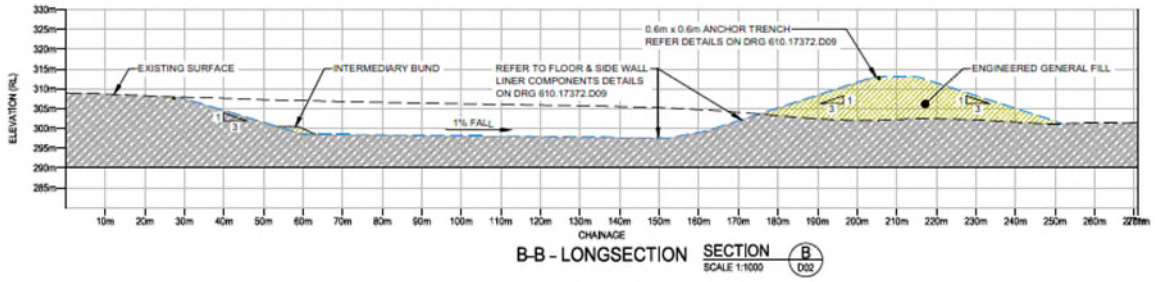
Consent is required for earthworks. The following plans and sections describe the staging and earthworks associated with the proposed Cell 10 landfill.

General Arrangement Plan Subgrade-Stage 1 and Access Arrangement (SLR)

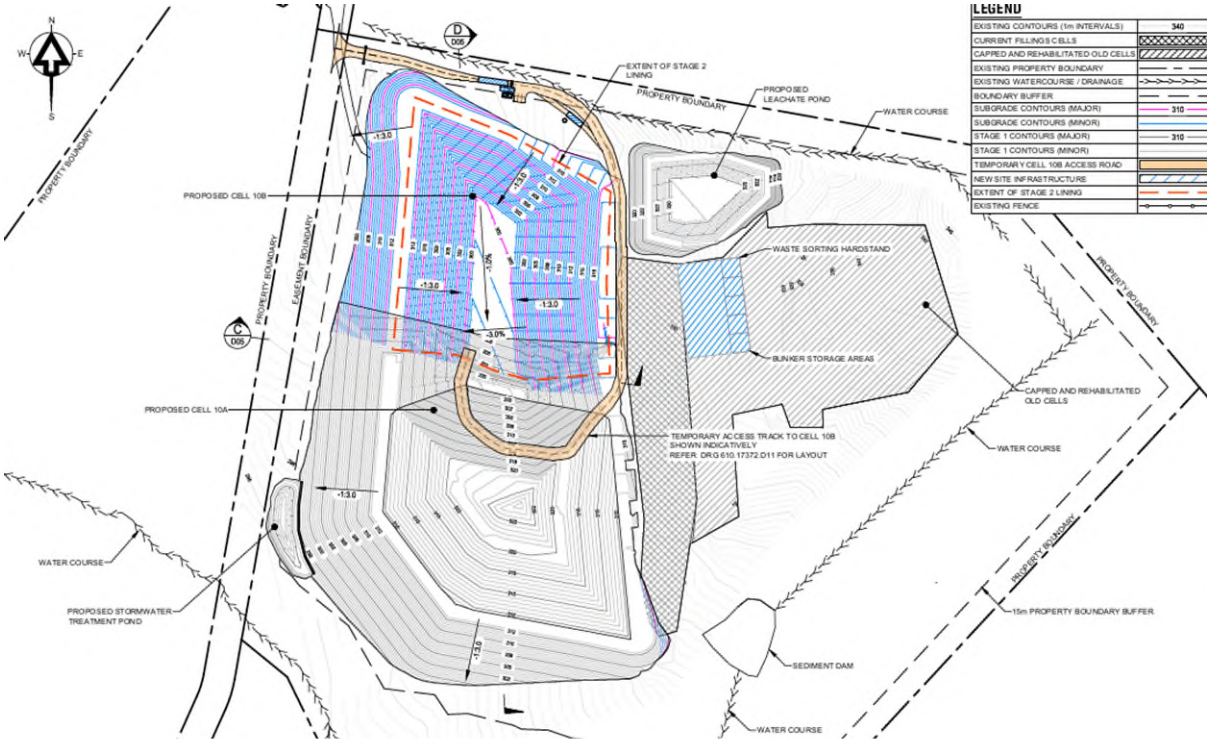


Typical Cross Sections Subgrade-Stage 1 (SLR)

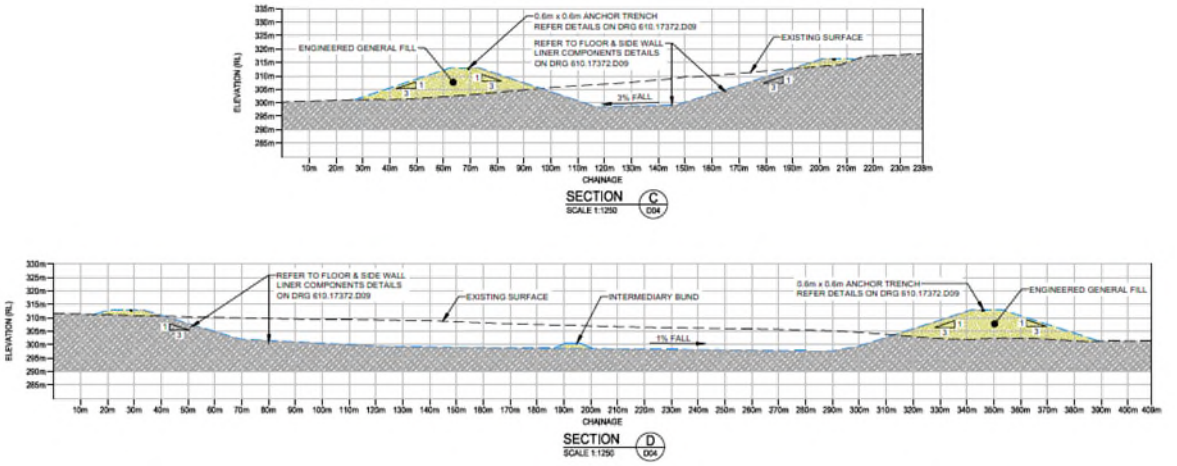




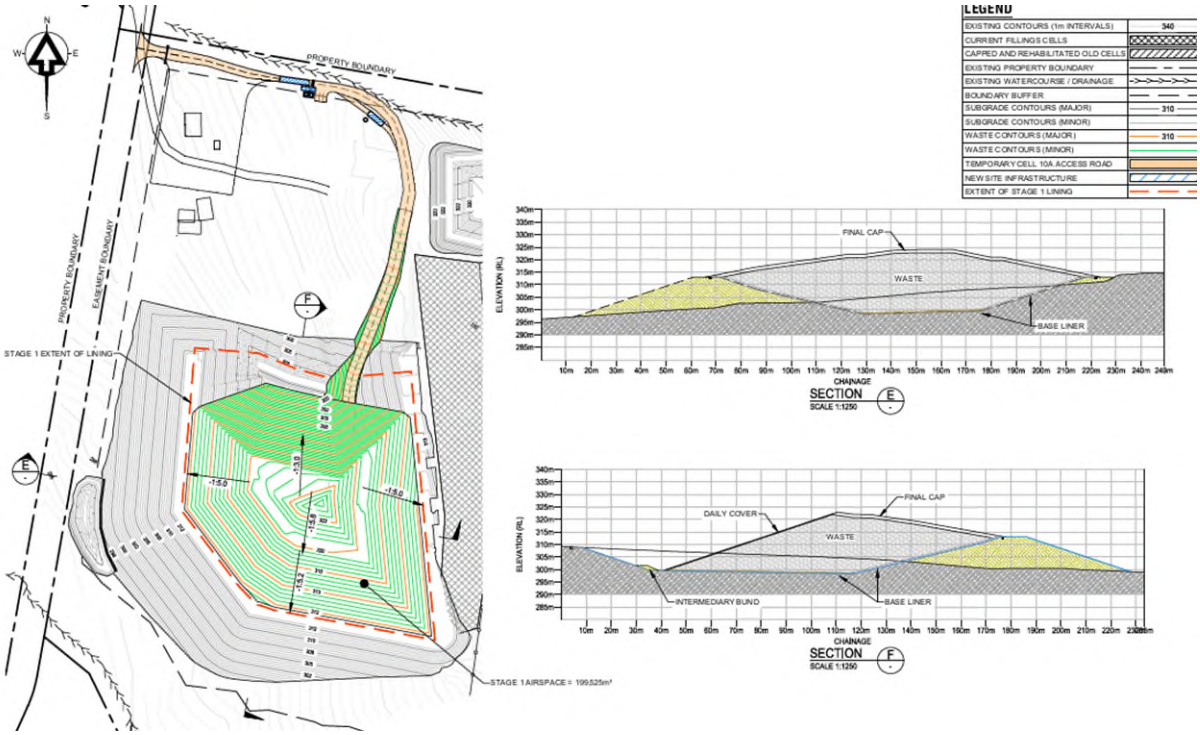
General Arrangement Plan Subgrade-Stage 2 and Access Arrangement (SLR)



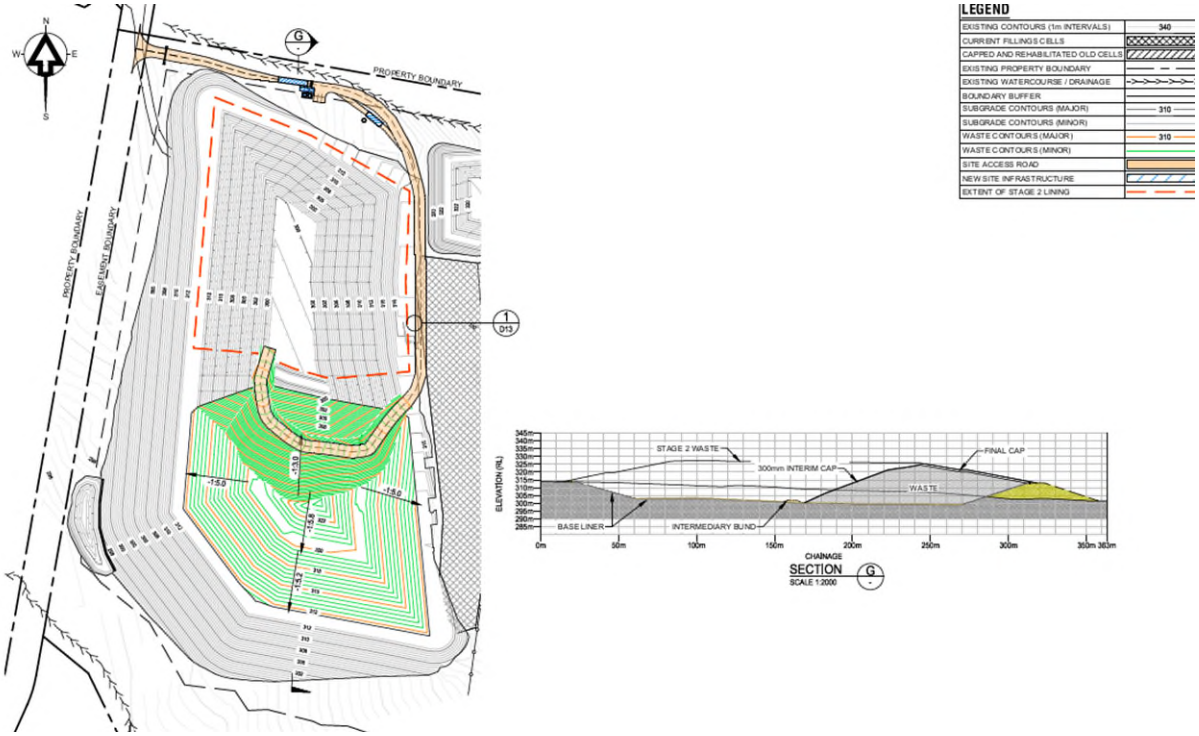
Typical Cross Sections Subgrade-Stage 2 (SLR)



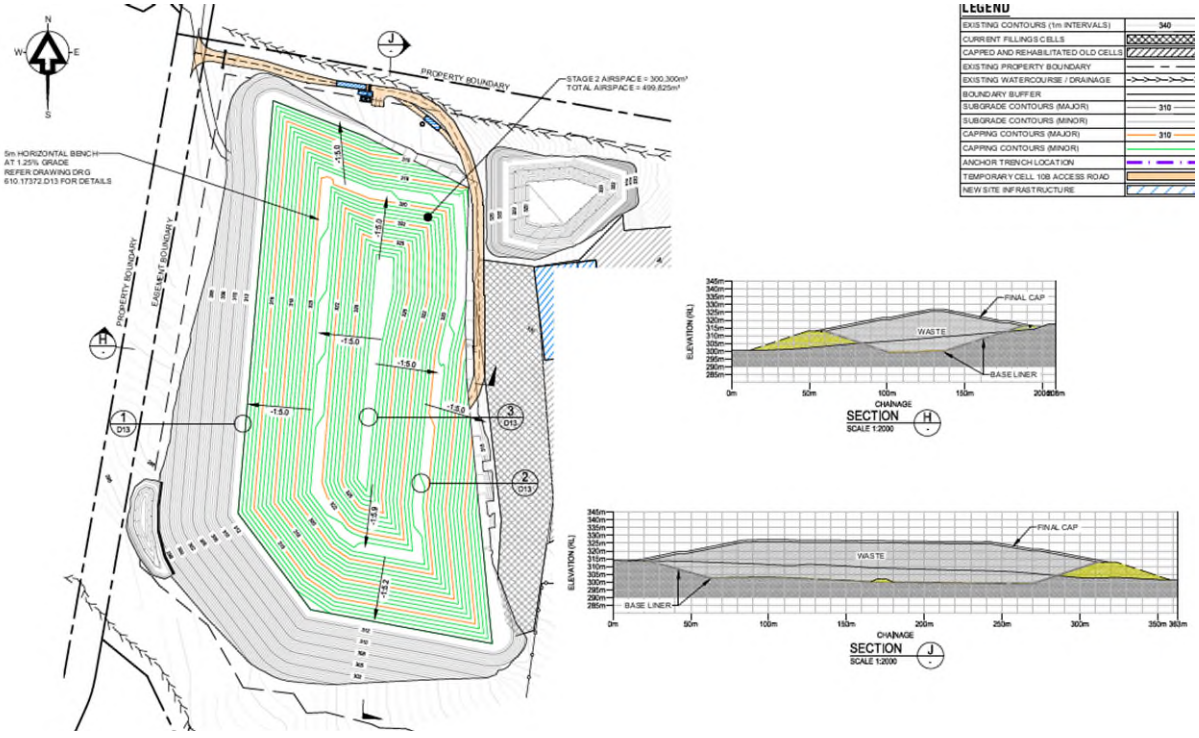
Cell 10A Filling Plan & Sections (SLR)



Cell 10B Filling Plan & Sections (SLR)



Cell 10 Final Landform (SLR)



Before granting development consent for earthworks the following matters must be considered:

Impacts upon drainage patterns and soil stability in the locality of the development

A Surface Water and Soils Assessment has been completed as part of the EIS. On site soils are identified as likely to have a moderate erosion hazard and dispersive characteristics.

Potential Impacts and risks were identified:

Potential impacts/risks during the construction of the proposed development include:

- Impacts to runoff water quality.
- Storage and use of hydrocarbon fuels and other chemicals on site present a potential risk if spilled substances contaminate site soils or are mobilised and spread to the downstream receiving environment.
- Potential for flood events to inundate the construction site.

Potential impacts during the operational phase of the proposed development include:

- Water quality impacts from potential migration or overflow of leachate.
- Change in catchment yield and environmental flows and change in creek flows during major rainfall events.
- Potential for flood events to contact with waste.
- Changes to catchment yield, environmental flows, hydrology and flooding behaviour.

Proposed mitigation measures are specified in the EIS:

Runoff Water Quality

- No construction activities will occur within the creek riparian zone.
- 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.
- 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.
- Following formation, the outside batters of the external bund will be revegetated to limit the potential for ongoing erosion.
- Lined drains will be constructed to convey concentrated flows of water. Selection of lining materials will be subject to detailed design.
- 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.
- The final cap for Cell 10 will drain to an existing sediment basin located in the south-east corner of the site.

Erosion and Sediment Control

- Erosion and sediment control measures will be regularly inspected, particularly following rainfall events to ensure their ongoing functionality.

An Erosion and Sediment Control Plan (ESCP) will be prepared as part of the site Construction Environmental Management Plan (CEMP). The ESCP and CEMP will prescribe requirements for:

- Physical mitigation measures as outlined above.
- Water quality in the sediment basin (to replace Dam 3) will be tested following rainfall and prior to release from site and treated to achieve the required water quality.
- Inspection of erosion and sediment control (ESC) measures following heavy rainfall.

- Water quality monitoring and reporting requirements.
- Providing an appropriate level of resourcing at the development site for environmental management and monitoring.

The updated site Landfill Environmental Management Plan (LEMP) will prescribe requirements for:

- Monitoring and reporting of surface water quality will be undertaken in accordance with the Environment Protection Licence (EPL) 20596.
- Monitoring and treatment of water quality in sediment basin (to replace Dam 3) prior to release from site.
- Inspection of site drains, sediment basin, and leachate pond will be undertaken following heavy rainfall.
- An appropriate level of resourcing will be provided at the site for environmental management and monitoring.

Hydrocarbon Spills

- Diesel tanks will be bunded and located away from water courses or overland flow paths.
- All fuel storage tanks will be located within a bund or be self-bunded tanks.
- Hazardous materials and equipment will be stored in accordance with Australian Standards, in bunded areas under a roof, away from watercourses.
- Spill kits will be kept on-site, and staff trained in their use.
- Water quality monitoring of sediment dams will include a visual check for the presence of hydrocarbons.
- During construction and operations, the site will have a Pollution Incident Response Management Plan which details the emergency response and reporting requirements in the event of a spill.

The above requirements will be captured in the CEMP and the LEMP.

Leachate

- Leachate will be pumped to a leachate pond for management.
- A leachate pond would be provided on-site that has 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).
- To prevent overtopping of the leachate pond, adequate freeboard will be maintained, by pumping the leachate back to Cell 10.
- Pond to have a marker to indicate the bottom depth.
- Leachate pond will be checked after rainfall.
- 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.
- Water quality monitoring at the sediment dam (replacement Dam 3) would include testing for the presence of ammonia, which is an indicator of the presence of leachate.

Flooding

Mitigation measures are not required for flooding, as the development site will not be prone to flooding.

Catchment Yield and Environmental Flows

Mitigation measures are not required, as the proposed development would have an insignificant effect on catchment yield and environmental flows.

Effect of the development on the likely future use or redevelopment of the land

The 'Bellettes Landfill Rehabilitation Plan' submitted with the EIS states that the proposed final land use will be consistent with the pre-disturbance land use being a combination of native bushland and cattle grazing. About 45% of the property comprises native bushland and the ratio of bushland to pasture would be maintained.

It is stated in the EIS that a Landfill Closure Plan would be prepared and submitted to the EPA for approval no later than 12 months before the completion of the landfill's waste receipt operations. Part of that plan would identify any proposed future use of the site. Potential future long-term land use options would be investigated approximately two years prior to the landfill reaching capacity to enable sufficient lead time to secure any necessary planning approvals.

Quality of the fill or the soil to be excavated

It is proposed to excavate soil on site to provide landfill capacity and cover material and capping requirements. Soils on the site are described as follows:

- The development site is located on quartz rich shale/slate, siltstone and fine sandstone of the Bumbolee Creek Formation of Silurian age.
- The area is within the Gilmore Fault Zone and the Snubba Range Shear Zone, however there are no faults or major structural features at or near the Development site (SLR, 2019f).
- The clay soil at the site is non-dispersive and low permeability.
- Soils at the site are predominantly Sodosols, with Rudosols, and then Tenosols and Kurosols.
- The development site is mapped as land and soil capability (LSC) Class 5, 6 and 8 land, which is land with high to extreme limitations (in respect of agricultural use).
- Soils are likely to have a moderate erosion hazard and dispersive characteristics.
- Based on a search of the NSW government Sharing and Enabling Environmental Data (SEED) database of Biodiversity and Conservation Division of Department of Planning, Industry and Environment (BCD) information, there is no Salinity or Acid Sulfate Soil (ASS) Risk within the development site or in the vicinity of the location.
- A desktop assessment did not find any reference to contamination at the site. The contamination at the site is the waste in the existing landfill cells, although these have been filled in accordance with the approved consent.

The proposed development would receive general solid waste (mostly non-putrescible waste) from commercial, construction and residential sources, within the immediate LGA and greater regional area.

Effect of the development on the existing and likely amenity of adjoining properties

It is concluded in the EIS:

'The potential for adverse impact on the local environment and surrounding community has been minimised by engineered design of Cell 10, the leachate pond and support infrastructure; the proposed staging of the development; best management practices and mitigation measures. While the proposed development may result in some minor impacts

associated with air quality, noise emissions, surface water and traffic generation, the specialist impact assessments predict that the development will comply with all relevant impact assessment criteria and can co-exist with surrounding land uses. Additionally, the EIS also determined the cumulative air quality, surface water, groundwater, noise emissions, vegetation clearing and traffic generation from development will be within acceptable levels….'

It is considered that the proposed development can proceed without resulting in significant or long-term adverse impacts to the local environment and surrounding community. The development will be managed on a day-to-day basis in accordance with the Landfill Environmental Management Plan (LEMP), ensuring that the commitments made in this EIS, along with relevant statutory obligations and conditions of development consent (including EPL requirements), are fully implemented and complied with.

Source of any fill material and the destination of any excavated material

Sources of waste are anticipated to be 20,000 tonnes per annum from the nearby Visy Pulp and Paper Mill, 10,000 tonnes per annum of general commercial waste from local sources and 10'000 tonnes of general agribusiness waste (including up to 5% putrescible waste).

All excavated material would be utilised on site.

Likelihood of disturbing relics

Aboriginal Heritage

An Aboriginal Impact Assessment was undertaken by OzArk in 2019. That Aboriginal heritage assessment included a desktop study and visual inspection. As part of the desktop assessment a search of Commonwealth Heritage Listings, National Native Title Claims Search, Aboriginal Heritage Information Management System (AHIMS) and Tumut LEP was undertaken. No previously recorded sites were listed within or near the proposed development area.

A visual inspection of the development site revealed no Aboriginal sites. Further no landforms of archaeological sensitivity were identified. It was concluded that there is a low likelihood that the proposed work will adversely harm Aboriginal cultural heritage items or sites.

Recommended mitigation measures are as follows:

- 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.
- All staff and contractors involved in the proposed development should be made aware of the legislative protection requirements for all Aboriginal sites and objects.
- If Aboriginal artefacts or skeletal material are discovered at the development site, all work should cease and the procedures in an Unanticipated Finds Protocol will be followed.
- An Unanticipated Finds Protocol for Aboriginal heritage will be included in the CEMP.
- Work crews will undergo a 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.

Non-Aboriginal Heritage

A search of the Heritage Council of NSW administered heritage databases and the Tumut LEP returned no records for historical heritage sites within the designated search areas.

No historic heritage items were identified during the field survey thus the proposal is expected to avoid any impact to historic heritage.

Specified mitigation measures are proposed:

- 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 Heritage Act 1977.
- 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, an Unanticipated Finds Protocol for Historic Heritage will be followed.
- An Unanticipated Finds Protocol for historic heritage will be included in the CEMP.

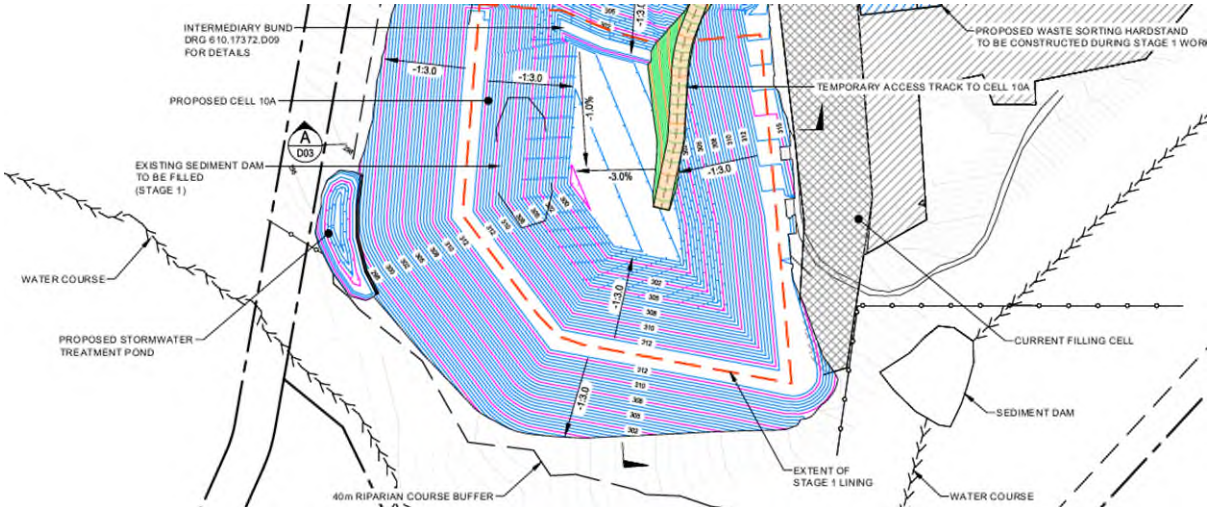
Proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

The development site is located at the eastern section of the Murrumbidgee River catchment. This catchment occupies an area of around 84,000 km^2 and begins in the Monaro Plains near Cooma, flowing 1,600 km across western NSW to its junction with the Murray River. Numerous regional cities and towns including Cooma, Tumut, Wagga Wagga, Narrandera, Griffith, Leeton, Balranald and Hay are supported by the catchment. The development site is situated in the eastern section of the catchment.

The development site is located approximately 28 km south-east of the Murrumbidgee River at its closest point.

A small ephemeral creek (Killarney Creek) runs to the west, just outside the southern boundary of the development site, joining Gilmore Creek west of the Snowy Mountains Highway. The NSW Government planning and environment viewer lists this as a riparian watercourse. In accordance with the Tumut LEP 2012, Section 6.5, clause 2 (b), all land that is within 40 m of the top of the bank of each watercourse on land identified as “Watercourse” on that map. No construction activities will occur within the creek riparian zone.

Riparian Water Course Buffer (SLR)



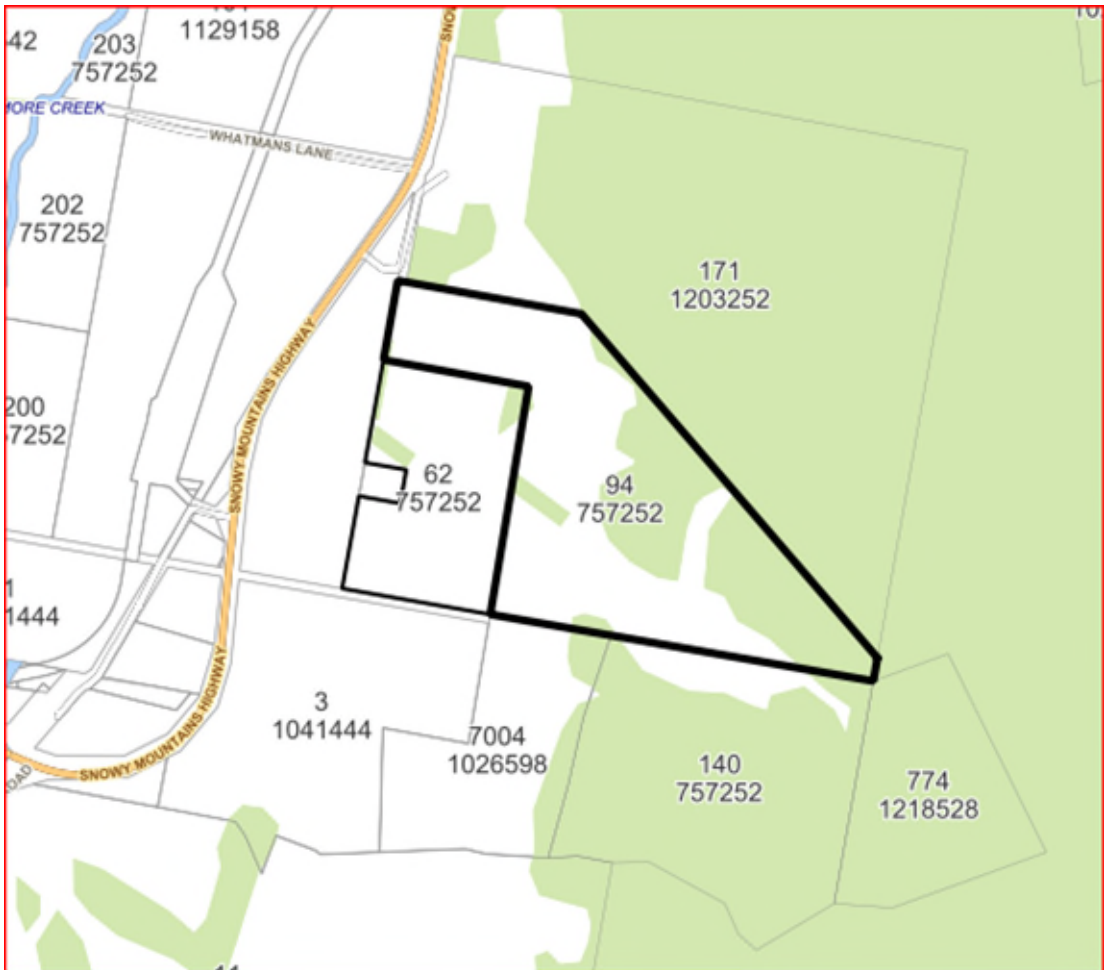
Surface water run-off from upslope of the site is diverted west along the northern and southern perimeter of the existing landfill operational area. The nearest notable waterway is Gilmore Creek, approximately 750 m west of the development site, which flows to the north. No wetlands exist within the development Site. The nearest area identified as a wetland in the Tumut LEP is Micalong Swamp which is approximately 30 km to the east of the Development.

Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development

See the sections under the headings 'Likelihood of disturbing relics' and 'Impacts upon drainage patterns and soil stability in the locality of the development' immediately above.

Clause 6.3 Terrestrial biodiversity

Parts of the site are labelled as land identified as "Biodiversity" (coloured green) on the Terrestrial Biodiversity Map.

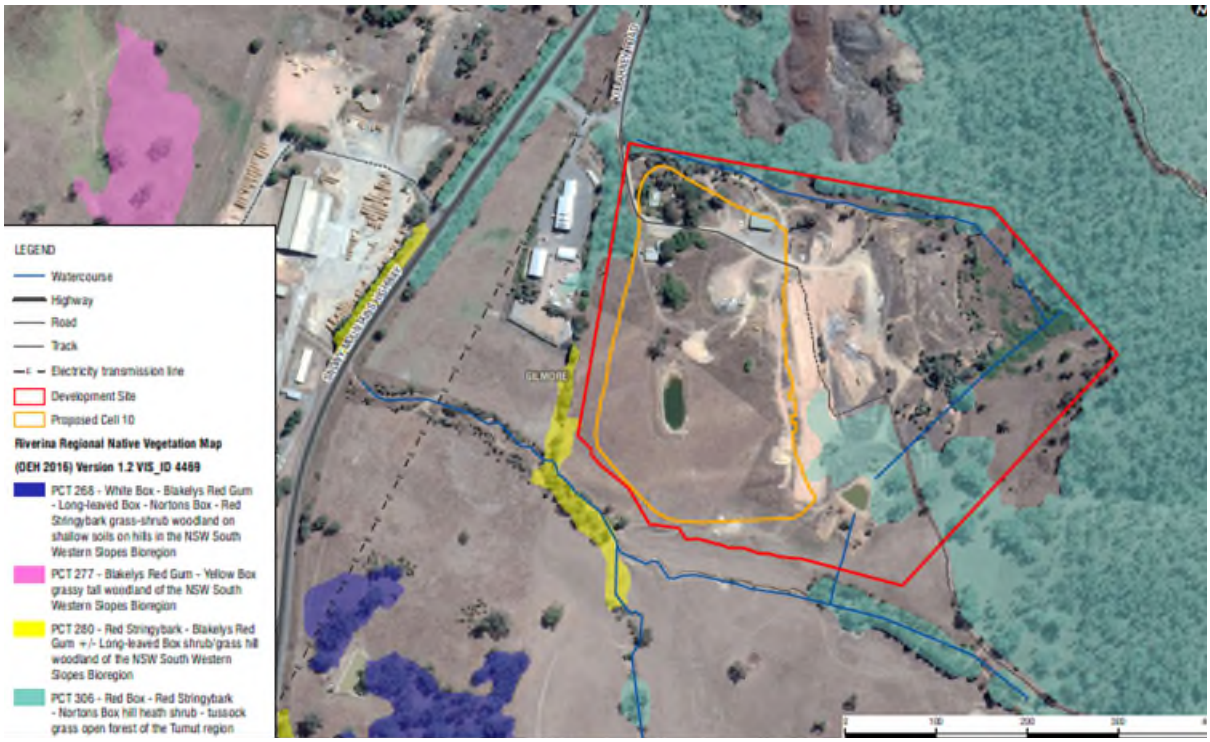


The majority of the development footprint lies within an area that has been previously cleared and contains small areas of native woody vegetation.

The Riverina Regional Native Vegetation Map identifies four Plant Community Types (PCTs) adjacent to the Development site:

- PCT 268 - White Box – Blakely's Red Gum - Long-leaved Box - Nortons Box - Red Stringybark grass-shrub woodland on shallow soils on hills in the NSW South Western Slopes Bioregion;
- PCT 277 – Blakely's Red Gum - Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion;
- PCT 280 - Red Stringybark – Blakely's Red Gum +/- Long-leaved Box shrub/grass hill woodland of the NSW South Western Slopes Bioregion; and
- PCT 306 - Red Box - Red Stringybark - Nortons Box hill heath shrub - tussock grass open forest of the Tumut region.

Regional Vegetation Mapping (SLR)



A degraded form of one PCT (PCT 306) was also confirmed within the development site although the extent of this vegetation has been greatly reduced by historical vegetation clearing. This PCT is not commensurate with any Threatened Ecological Community (TEC) listed under either the NSW Biodiversity Conservation Act 2016 (BC Act) or the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). This degraded PCT covers approximately 0.1 ha of the development site.

The majority of the development site is vegetated with managed exotic grassland. The dominant grass species in this area comprised exotic species. Additionally, Cynodon dactylon (Couch); a native environmental weed, is also dominant in some areas. The prevailing herbs in the grasslands are also comprised of exotic species.

The north-east portion of the development site contains a dense thicket of exotic woody species composed of Ulmus x hollandica (European Elm) and Prunus cerasifera (Cherry Plum). Small patches of native woody regrowth occur in the northern and western portions of the development site. The dominant species in these areas is Eucalyptus polyanthemos (Red Box).

Plant Community type Mapping (SLR)

Clause 6.3 requires the consent authority to consider:

Possible adverse impact on the condition, ecological value and significance of the fauna and flora on the land

Native vegetation is identified in the northern portion of the development site. This vegetation comprises 0.1 ha of PCT 306. All of this vegetation will require removal for the proposed development.

PCT 306 is not commensurate with any Threatened Ecological Community listed under either the NSW *Biodiversity Conservation Act 2016* or the *Environment Protection and Biodiversity Act 1999.*

The majority of the development site is vegetated with managed exotic grassland, consisting of exotic grass species, a native environmental weed, and exotic herbs. The north-east portion of the development site contains a dense thicket of exotic woody species composed of Ulmus x hollandica (European Elm) and Prunus cerasifera (Cherry Plum). Small patches of native woody regrowth occur in the northern and western portions of the development site. The dominant species in these areas is Eucalyptus polyanthemos (Red Box).

The habitat which is to be removed is highly modified and isolated, and is of low vegetation integrity and habitat suitability. The habitat is not considered to be important to the long-term survival of any threatened ecological communities or threatened species in the locality.

The site does not contain any declared area of outstanding biodiversity value.

Proponents are required to carry out a 'test of significance', pursuant to Section 7.3 of the BC Act, for all local development proposals that do not exceed the BOS thresholds. In this regard the EIS includes the following assessment:

No	Test of Significance	Taking into Account the Test of Significance
A	*In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction*	The Development site is not likely to support a viable local population of a threatened species; hence the proposed development is not likely to render any such population occurring in the locality at risk of extinction.
b (i)	*In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*	No endangered ecological communities occur within the Development site or are likely to be affected by the proposed Development.
b (ii)	*In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.*	No endangered ecological communities occur within the Development site or are likely to be affected by the proposed Development.
c (i)	*In relation to the habitat of a threatened species or ecological community the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity.*	The proposed Development will remove 0.1 ha of native vegetation representing marginal foraging habitat for highly mobile threatened species.
c (ii)	*In relation to the habitat of a threatened species or ecological community; whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity.*	In relation to the habitat of a threatened species, the proposed Development is not likely to remove or modify any important or known habitat, and is not likely to cause an area of habitat to become fragmented or isolated.
c (iii)	*In relation to the habitat of a threatened species or ecological community; the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality*	The habitat which is to be removed is highly modified and isolated, and is of low vegetation integrity and habitat suitability. The habitat is not considered to be important to the long-term survival of any threatened ecological communities or threatened species in the locality.
D	*Whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly)*	The site does not contain any declared area of outstanding biodiversity value.
E	*Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*	The proposed Development will contribute in a very minor way to a key threatened process, being *Clearing of native vegetation* (0.1 ha of native vegetation to be removed).

In accordance with Section 6.1 of the BC Regulations, prescribed impacts are considered in the following table included in the EIS:

No	Prescribed Impact	Consideration of Prescribed Impact
a	*The impacts of development on the following habitat of threatened species or ecological communities:* *(i) Karst, caves, crevices, cliffs and other geological features of significance,* *(ii) Rocks,* *(iii) Human made structures,* *(iv) Non-native vegetation.*	Whilst human-made structures and non-native vegetation are present at the Development site most of these features are either not considered to provide habitat to threatened species or communities or will not be altered by the proposal. The Development site does not contain any of the other relevant habitat features for threatened species or ecological
b	*The impacts of development on the connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range.*	The proposed Development will not impact on the habitat connectivity of threatened species for the purposes of maintaining their lifecycle.
c	*The impacts of development on movement of threatened species that maintains their lifecycle.*	The proposed Development will not impact on the movement of threatened species for the purposes of maintaining their lifecycle.
d	*The impacts of development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities (including from subsidence or upsidence resulting from underground mining or other development).*	The proposed Development will not impact on the water quality, water bodies and hydrological processes such that threatened species or communities are not sustained.
e	*The impacts of wind turbine strikes on protected animals,*	No wind turbines are proposed.
f	*The impacts of vehicle strikes on threatened species of animals or on animals that are part of a threatened ecological community.*	Increased vehicle traffic is predicted during the construction phase; however, this is unlikely to contribute to vehicular strikes on animals to any significant extent.

Conceivable adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna

Clearing of native vegetation represents removal of marginal foraging habitat for highly mobile threatened species. Few large trees occur; however, these contain no visible hollows. Additionally, due to the ongoing management of the vegetation, most habitat features (such as aquatic habitat, complex vegetation structure, caves, hollows, ground logs) which are important for occupancy of fauna species are absent.

Several species of native birds were detected during the site assessment including the Australian White Ibis (Threskiornis Molucca), White-winged Chough (Corcorax melanorhamphos), Australian Magpie (Gymnorhina tibicen), Australian Raven (Corvus coronoides), Superb Fairy Wren (Malurus cyaneus), Sulphur-crested Cockatoo (Cacatua galerita), Crimson Rosella (Platycercus elegans), Eastern Rosella (Platycercus eximius), Galah (Eolophus roseicapilla), Rainbow Lorikeet (Trichoglossus moluccanus) and Pied Currawong (Strepera graculina).

Eastern Grey Kangaroos (Macropus giganteus) were also observed grazing in the exotic grassland areas.

Additional potential indirect impacts include light spill, noise, traffic and edge effects; however, the degree of indirect impacts is considered negligible and no greater than those already occurring within the site.

The development site is not likely to support a viable local population of a threatened species; hence the proposed development is not likely to render any such population occurring in the locality at risk of extinction.

No endangered ecological communities occur within the development site or are likely to be affected by the proposed development.

Potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land

In relation to the habitat of a threatened species, the proposed development is not likely to remove or modify any important or known habitat, and is not likely to cause an area of habitat to become fragmented or isolated.

Any adverse impact on the habitat elements providing connectivity on the land

Much of the surrounding area is heavily disturbed and the native vegetation and woody vegetation has low internal connectivity.

The proposed development will not impact on the habitat connectivity of threatened species for the purposes of maintaining their lifecycle.

Appropriate measures proposed to avoid, minimise or mitigate the impacts of the development

Designated mitigation measures included in the EIS address weed management, clearing and construction.

Weed Management

- Any priority weeds removed during the construction phase will be disposed of appropriately.
- Ongoing weed management will be undertaken at the development site.

Clearing

- Clearing of vegetation will be carried out with care, in order to minimise impacts on native fauna.
- All vegetation removed will be stockpiled, mulched and used for revegetation or operational purposes.

Construction

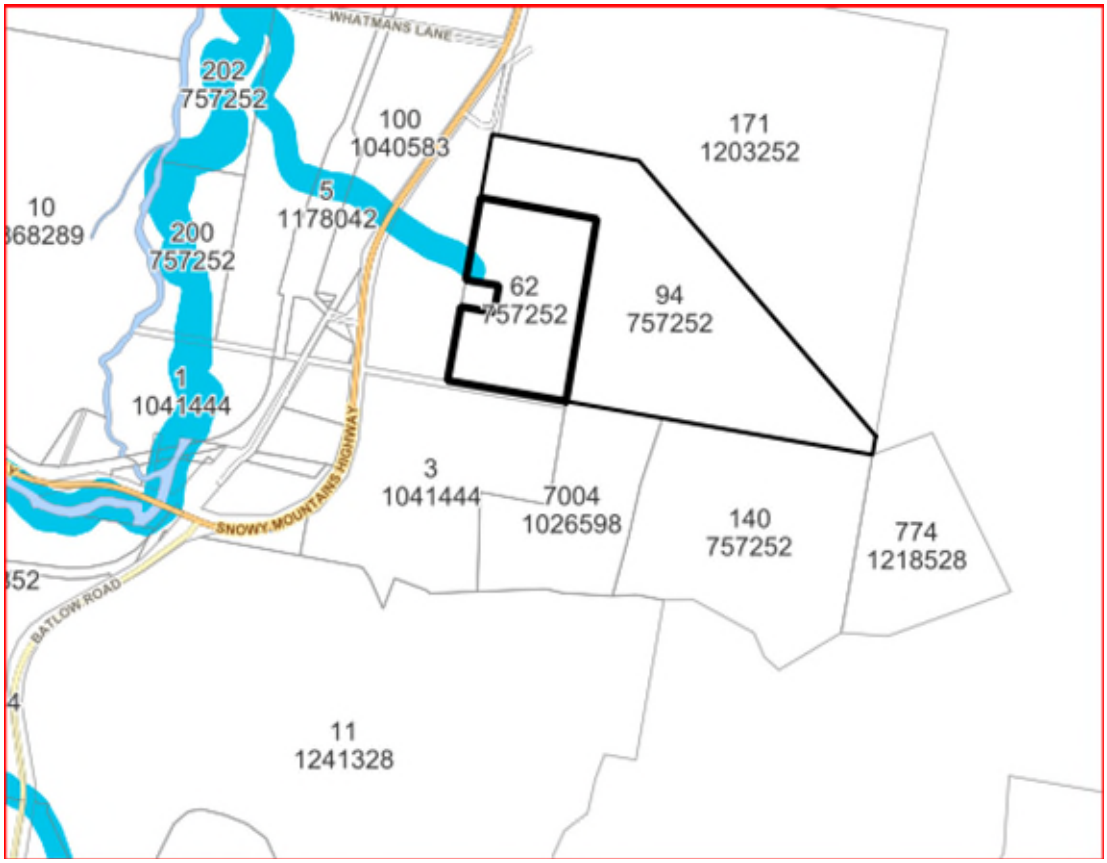
- Disturbance will be limited to the smallest practicable area to allow for essential site preparation and construction activities.
- Stockpiling of materials adjacent to native vegetation will be avoided, where possible.
- Disturbed areas will be revegetated, as soon as possible.
- Maximum speed limits will be set for all traffic within the Development site to limit dust generation.

- A water tanker or similar will be used to spray unpaved access tracks to reduce dust, where required.
- Dust suppressants or covers will be applied on soil stockpiles.

It is concluded that the development is designed, sited and will be managed to avoid any significant adverse terrestrial biodiversity environmental impact.

Clause 6.5 Riparian lands and watercourses

Part of the site is affected by this clause as land within 40 metres of the top of the bank of each watercourse is 'Watercourse' (coloured blue on the map).



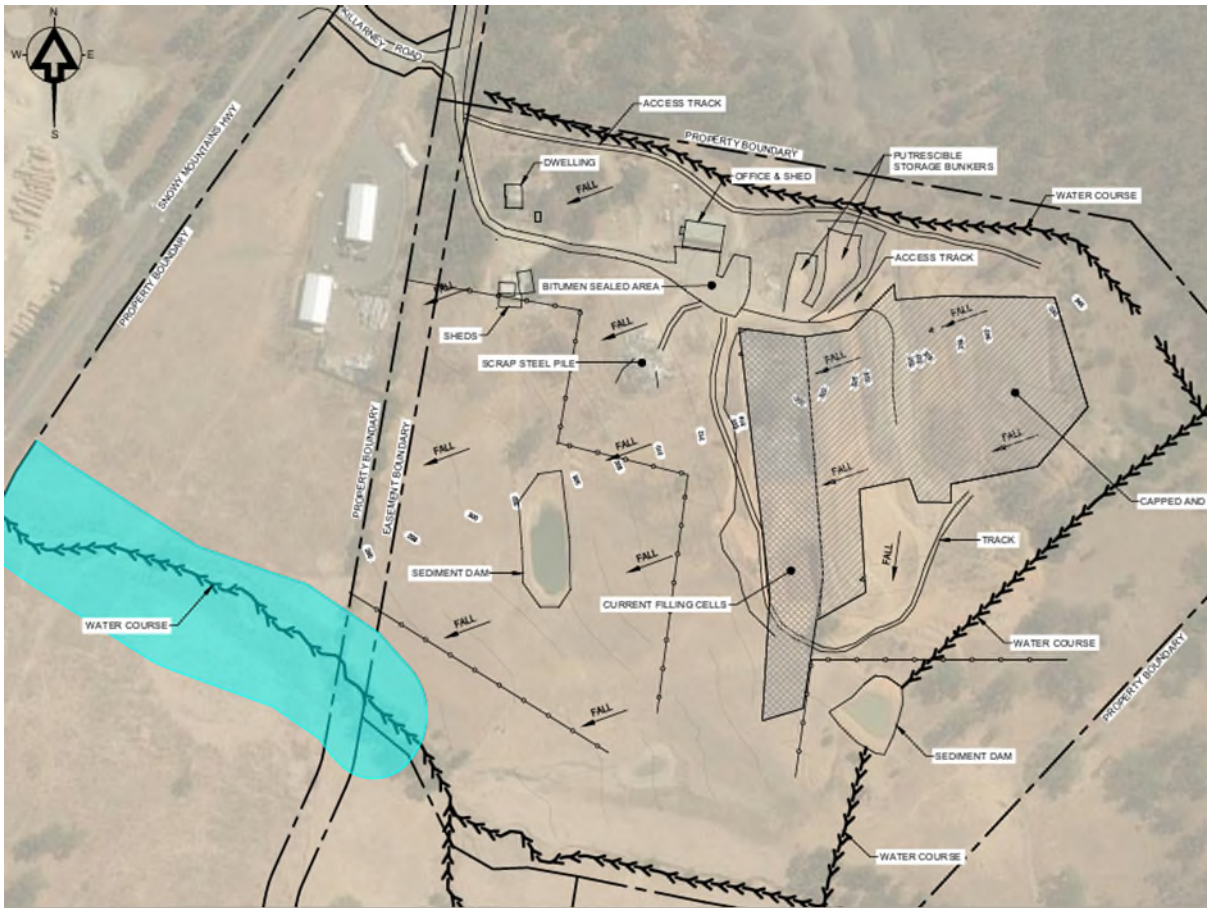
Matters to be considered under this clause are as follows:

Any adverse impact on water quality and flows within the watercourse

No adverse impacts are anticipated as a minimum 40m buffer will be maintained between the watercourse and the landfill extension. Surface water run-off from upslope of the site is diverted west along the northern and southern perimeter of the existing landfill operational area. The nearest notable waterway is Gilmore Creek, approximately 750 m west of the development site, which flows to the north.

A stormwater treatment pond is located between the creek riparian zone and the south western corner of proposed Cell 10.

Existing Site Layout and Features in Relation to the Creek Riparian Zone (SLR)



<u>Potential adverse impact on aquatic and riparian species, habitats and ecosystems of the watercourse</u>

Once Cell 10 has reached its full height, the free draining capped surface will generate additional runoff that reports to the sediment basin.

Turbid water can reduce light penetration in downstream water bodies, impacting aquatic ecology. Increased nutrient loads can contribute to eutrophication, and an accumulation of coarse sediment can smother creek beds.

Hydrocarbon spills and leaks during the construction and operational phases may be caused by leaking fuel storage tanks or accidental spillages from plant/machinery. Hydrocarbon spills from fuel storage tanks can have significant environmental impacts on the receiving environment, including surface water.

Without adequate engineering controls and ongoing landfill management practices, there is a risk that pollutants present in leachate may enter the creek to the south of the development site, via:

- Landfill leaks.
- Leachate pond overtops.
- Run-off from operational areas containing waste enters the stormwater system.

Pollutants present in Cell 10 leachate can cause significant and widespread contamination of the receiving environmental. High nutrient levels can contribute to eutrophication of downstream water bodies, and adversely impact on the ecology of local streams. Pollutants

such as metals and hydrocarbons can accumulate and lead to toxicity in the downstream environment, adversely affecting aquatic vegetation and fauna.

The development (Cell 10 and the leachate pond) has been designed to meet EPA requirements, which includes double lining systems that mitigate the risk of leachate leakage from the landfill formation, and low permeability caps that reduce the ingress of rainwater.

The capture of surface runoff and containment at the development could affect the environmental water regime in the downstream environment. This may cause a reduction in the quantity of water available in the downstream environment, and in turn reduced frequency of low flow events along watercourses.

SLR's study of the overall catchment to estimate flood flows identified a total catchment area of 401 ha. Cell 10 has a total catchment area of 7.5 ha. This represents less than 2% of the total catchment area and will have an insignificant effect on both catchment yield and environmental flows to the adjacent creek.

A Biodiversity Assessment completed as part of the EIS process concluded that the proposed development will not impact on the water quality, water bodies and hydrological processes such that threatened species or communities are not sustained.

Adverse impacts on the stability of the bed and banks of the watercourse

Erosion and sediment controls would be implemented via an Erosion and Sediment Control Plan. No construction activities will occur within the creek riparian zone.

Possible adverse impact on the free passage of fish and other aquatic organisms within or along the watercourse

It is not anticipated that free passage of fish and other aquatic organisms within or along the watercourse would be adversely impacted upon as no construction activities are proposed within the creek riparian zone.

Future rehabilitation of the watercourse and riparian areas

It is stated in the EIS that the Groundwater Dependent Ecosystems (GDES) Atlas shows no terrestrial or subterranean GDE on the site or hydraulically down-gradient of the site. The closest water system to the site, Gilmore Creek, is classified in the Atlas as a "Moderate potential GDE".

No construction activities will occur within the creek riparian zone. No specific future rehabilitation of the watercourse and riparian areas is proposed.

Whether or not the development is likely to increase water extraction from the watercourse

Groundwater would be used for hosing out the bunkers, fire control and office amenities (toilets). Groundwater would be extracted from a licenced groundwater bore and pumped to a holding tank. Rainwater harvested from the office roof and stored in a rainwater tank would be used for drinking purposes. Water pumped from the sediment dams would be used for dust suppression.

Under these circumstances the proposed development is unlikely to increase water extraction from the water course.

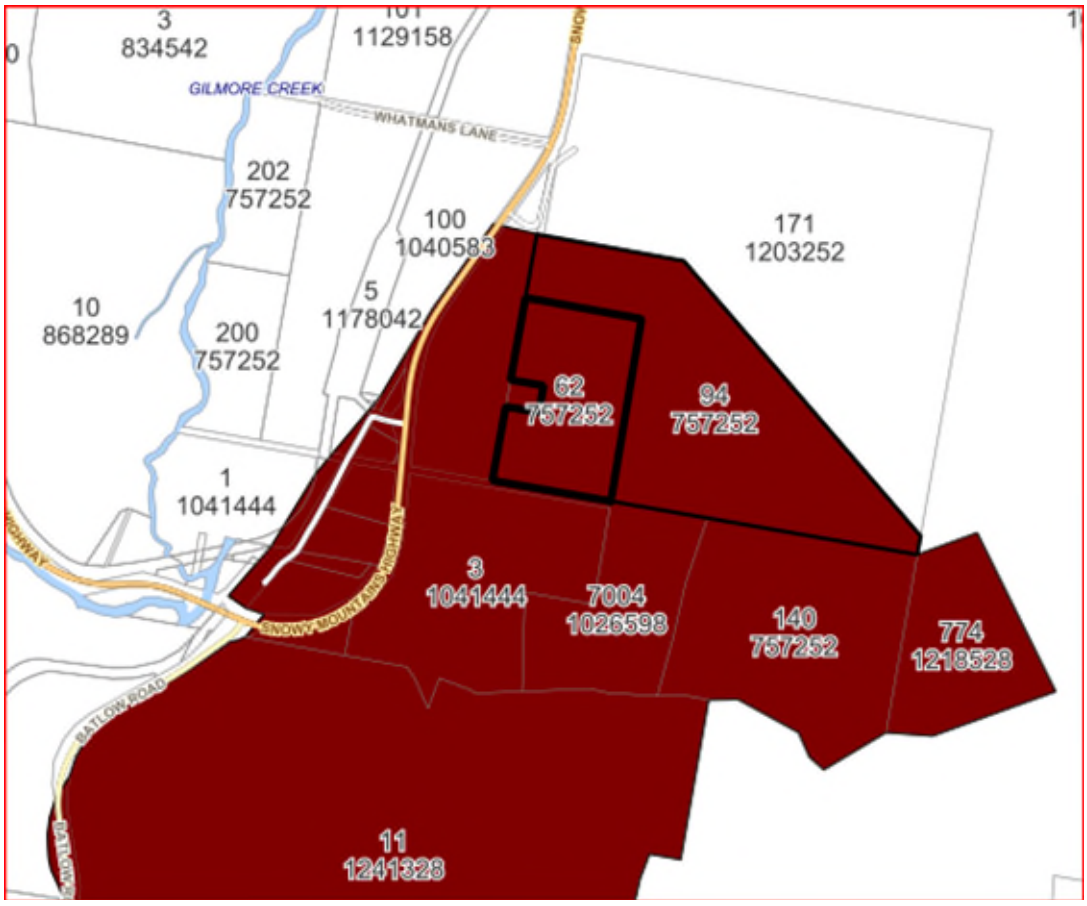
Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development

See the section under 'Clause 6.1 Earthworks' titled *'Impacts upon drainage patterns and soil stability in the locality of the development'* earlier in this report.

It is concluded that the development is designed sited and will be managed to avoid any significant adverse environmental impact in respect of riparian lands and watercourses.

Clause 6.8 Landslide risk

The site is subject to this clause as demonstrated on the map.



Prior to determining a development application, the consent authority must consider the following issues to decide whether the development takes into account the risk of landslide.

Site layout, including access

A main objective of the concept design was to site Cell 10 and the leachate pond to avoid any potential landslide risk.

The Development site will be accessed from Killarney Road, that connects to Snowy Mountains Highway.

Cell 10 will be situated in the central and western portion of the development site where the land surface gently slopes to the south-west.

Ancillary infrastructure required for the development including the site office, leachate pond, access road and waste sorting hardstand will not be located on the downslope of Cell 10.

The development's design and construction methods

Based on results of slope stability analyses Cell 10 will be developed through cut and fill, with internal and external side-slopes generally at 1 Vertical to 3 Horizontal (1V:3H).

Extent of cut and fill that will be required for the development

Earthworks will be required for the construction of Cell 10 and the sediment pond (to be positioned at the south-west toe of Cell 10). The amount of cut and fill required for the development is 224,273.2m^3 and 360,594.4 m^3 respectively.

Waste water management, stormwater and drainage across the land

Surface water, wastewater and drainage will be managed to ensure that the rate, volume and quality of water leaving the land is not affected. In summary:

- Wastewater from the office will be collected in and treated in a septic tank.
- Appropriate surface water management controls would be constructed to ensure that clean stormwater runoff is intercepted and diverted from the landfill footprint.
- Erosion and sediment control measures would be installed to minimise the area of exposed soils and the potential for erosive/sedimentation effects.
- The concept layout and final profile of Cell 10 has been designed in accordance with a strategy to maintain the current overall surface water drainage regime operating at the landfill site.

Geotechnical constraints of the site

A site geotechnical report (Lane Piper, 2008) confirmed the site geological setting, and reported the clay soil at the site is non-dispersive and low permeability, making the site suitable for landfilling.

The Lane Piper (2008) report also noted that there were no mining adits or shafts in the area of the site, which could potentially compromise the integrity of the landfill.

Cell 10 will be constructed on a gentle slope, and within an area of that has the least land and soil constraints of the entire development site (refer to Figure 10. The existing landfill (Cells 1 to 9) are located on an area with greater geotechnical constraints (steeper incline and less capable soil) and landslide has not previously occurred in these areas.

Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Appropriate measures proposed to avoid minimise or mitigate the impacts of the development are detailed in '8 Management and Mitigation Measures' of the EIS

A reasonable conclusion is that the development is designed sited and will be managed to avoid or minimise any landslide risk or significant adverse impact on the development and the land surrounding the development.

Clause 6.11 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that services can be satisfactorily provided.

Water

Groundwater would be used for hosing out the bunkers, for fire control and for office amenities (toilets). Groundwater would be extracted from a licenced groundwater bore and pumped to a holding tank. Rainwater harvested from the office roof and stored in a rainwater tank would be used for drinking purposes. Water pumped from the sediment dams would be used for dust suppression.

Electricity

The site is currently serviced by overhead powerlines owned and managed by Origin/Red Energy. Prior to Stage 2 of the development the powerlines would be moved, to provide power to the proposed site office and weighbridge. Approval would be sought from Origin/Red Energy prior to these works being undertaken.

Solar panel(s) would provide power to the pump at the groundwater bore.

Sewage

A septic tank currently treats sewage at the site. This sewage system is located behind the existing office/shed. Sewage would continue to be treated at this septic tank until it is decommissioned and another reinstated at the proposed office. This would occur prior to Stage 2 of the development.

Stormwater drainage

Appropriate surface water management controls would be required to ensure that clean stormwater runoff is intercepted and diverted from the landfill footprint thus minimising leachate production within the landfill. Erosion and sediment control (ESC) measures would be installed to minimise the area of exposed soils and the potential for erosive/sedimentation effects. Any rainfall that seeps to buried waste within the landfill footprint would be leachate.

Vehicular access

The main access to the development would be a 7m wide all weatherproof road. The internal road to Cell 10 would be constructed of gravel. All roads will be graded and drained through silt traps and sedimentation ponds before discharge from the site.

The current internal access road, which loops around the northern and eastern sides of the landfill cells would be upgraded and maintained to provide all weather access to firefighting vehicles.

2.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)

Relevant SEPPs provisions are discussed and considered.

2.2.1 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

State Environmental Planning Policy (State and Regional Development) 2011 identifies classes of development and determines whether a development is classified as State Significant Development, State Significant Infrastructure or Regionally Significant Development.

The Development is classified as a waste management facility and is Designated Development therefore it is Regionally Significant Development.

2.2.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 104 of the Infrastructure SEPP specifies that Development applications for new premises of a certain size or capacity (as specified in Schedule 3) must be referred to the Transport for New South Wales (TfNSW) for comment and must consider the accessibility of the site and any potential safety, congestion or parking implications. The Development meets the criteria as outlined in Schedule 3 of the SEPP "Waste or resource management facilities" traffic-generating development. Subsequently the Development was referred to TfNSW during the development of the SEARs and TfNSW were consulted during the preparation of this EIS. A Traffic Impact Assessment was also undertaken for the development.

Key conclusions included in the Traffic Impact Assessment were:

- A small number of delivery and contractor vehicles would access the site during construction. With construction to be undertaken over a relatively short period of time (i.e. 3 months), impacts on the local road system would be minimal.
- Traffic increases as a result of the development of the site will be truck traffic from the general public (local sources) and traffic from the Visy Mill. The proposed development is likely to generate a maximum of 8 Visy trucks per day. Waste from the general public will be restricted to 3 tonne loads. Truck traffic from Visy will turn right from the Snowy Mountains Highway to access the site and will exit by turning left into Snowy Mountains Highway.
- Minimal traffic will be generated from resource recovery operations. Operations will result in approximately 20 outbound truck trips per year. This estimation excludes traffic trips by the general public.
- Projected minimal increase in traffic activity is likely to be less than the typical daily variation, which is usually 10% of the peak hourly flow. Additionally, the minimal increased traffic activity will not impact existing, and post development, intersection modelling. Therefore, no formal Sidra intersection analysis has been undertaken as part of the assessment.
- Traffic activity along the Snowy Mountains Highway will be similar to the existing conditions.
- As a result of the proposed expansion of the development, trucks would no longer be required to dispose/transfer waste at Gundagai, Jugiong and also Goulburn, thereby reducing the amount of traffic through Tumut Town Centre. Diverting truck movements from the road before entering Tumut will result in a (marginal) decrease in demand on the TFNSW roads from Visy to Gundagai and further.
- No modifications are required to the existing intersection of Killarney Road and Snowy Mountains Highway.

Section 121 of the Infrastructure SEPP facilitates development for the purposes of waste or resource management facilities to be undertaken, with development consent within a 'prescribed zone' (which includes rural zones RU1 Primary Production, RU2 Rural Landscape, IN1 General Industrial, IN3 Heavy Industrial, SP1 Special Activities and SP2 Infrastructure).

The site is zoned RU1 Primary Production. A waste disposal facility is permissible with consent within this zone.

Clause 123 of the Infrastructure SEPP specifies matters a consent authority must consider when determining a development application for the purpose of the construction, operation or maintenance of a landfill for the disposal of waste. The following table addresses the matters to be considered.

Table 2: Matters for Consideration in Respect of Clause 123

Matters for Consideration	Comment
1(a) whether there is a suitable level of recovery of waste, such as by using alternative waste treatment or the composting of food and garden waste, so that the amount of waste is minimised before it is placed in the landfill.	All metal, cement and garden waste received at the site would be recovered from the incoming waste stream, and either sent for recycling or re-use. The proposed development would minimise waste by diverting recyclable/reusable material from the landfill.
(b) whether the development: *(i) adopts best practice landfill design and operation.*	The design and operation of the development would be in accordance with best practice and with the Landfill Guideline (EPA, 2016), as indicated by the Concept Design submitted. Key components of Cell 10 include the cell liner, leachate collection system and final cap. The development would provide a continuing location for disposal of waste, in an area where there are no local landfills. During operation, the development would also divert waste from landfill through resource recovery.
(ii)reduces the long term impacts of the disposal of waste, such as greenhouse gas emissions or the offsite impact of odours, by maximising landfill gas capture and energy recovery.	Most of the waste to be deposited at Bellettes Landfill will be inert in nature with no potential to generate any odours. The development would reduce long term impacts of the disposal of waste by the incorporation of landfill gas management measures in the LEMP and the implementation of landfill gas monitoring program. The development would allow for a reduction in regional traffic movements, by reducing the need to dispose of waste at regional landfills. The proposed site layout also minimises traffic movements.
(c) if the development relates to a new or expanded landfill:	The development is an expansion of the existing Bellettes Landfill. The majority of the proposed development is situated within the

(i) whether the land on which the development is located is degraded land such as a disused mine site. *(ii) whether the development is located so as to avoid land use conflicts, including whether it is consistent with any regional planning strategies or locational principles included in the publication EIS Guideline: Landfilling (Department of Planning, 1996), as in force from time to time.*	current development approval boundary, and it would be located within land already used for landfill operations. The site has been identified as being degraded, with vegetation present at the site degraded by historical vegetation clearing. Vegetation clearing has been a result of historic cattle grazing and landfill operations. The development is situated in an appropriate zone (RU1 Primary Production) defined by the Tumut LEP (2011). It is therefore consistent with the regional planning strategy. The proposal is consistent with locational principles: • Environmentally sensitive areas have not been found at the site. • The development is compatible with surrounding zoning (primarily RU1) and land uses (including an adjacent waste management facility). • The proposed land use is compatible with the existing land use at the site (landfill operations). • Site investigations indicate that the site is suitable for proposed Cell 10.
(d) whether transport links to the landfill are optimised to reduce the environmental and social impacts associated with transporting waste to the landfill.	The development is situated within the existing Bellettes landfill site. The site will be accessed via the existing road network and no new transport infrastructure is required to access the site. The site is located near to the existing Snowy Mountain Highway that provides an efficient transport link to the landfill, therefore minimising impacts on local road networks. The Traffic Impact Assessment found that the proposed Development would not negatively impact on current traffic conditions including local intersection capacity. In accessing the site from the Snowy Mountain Highway, trucks would not travel through residential zones nor pass any residences.

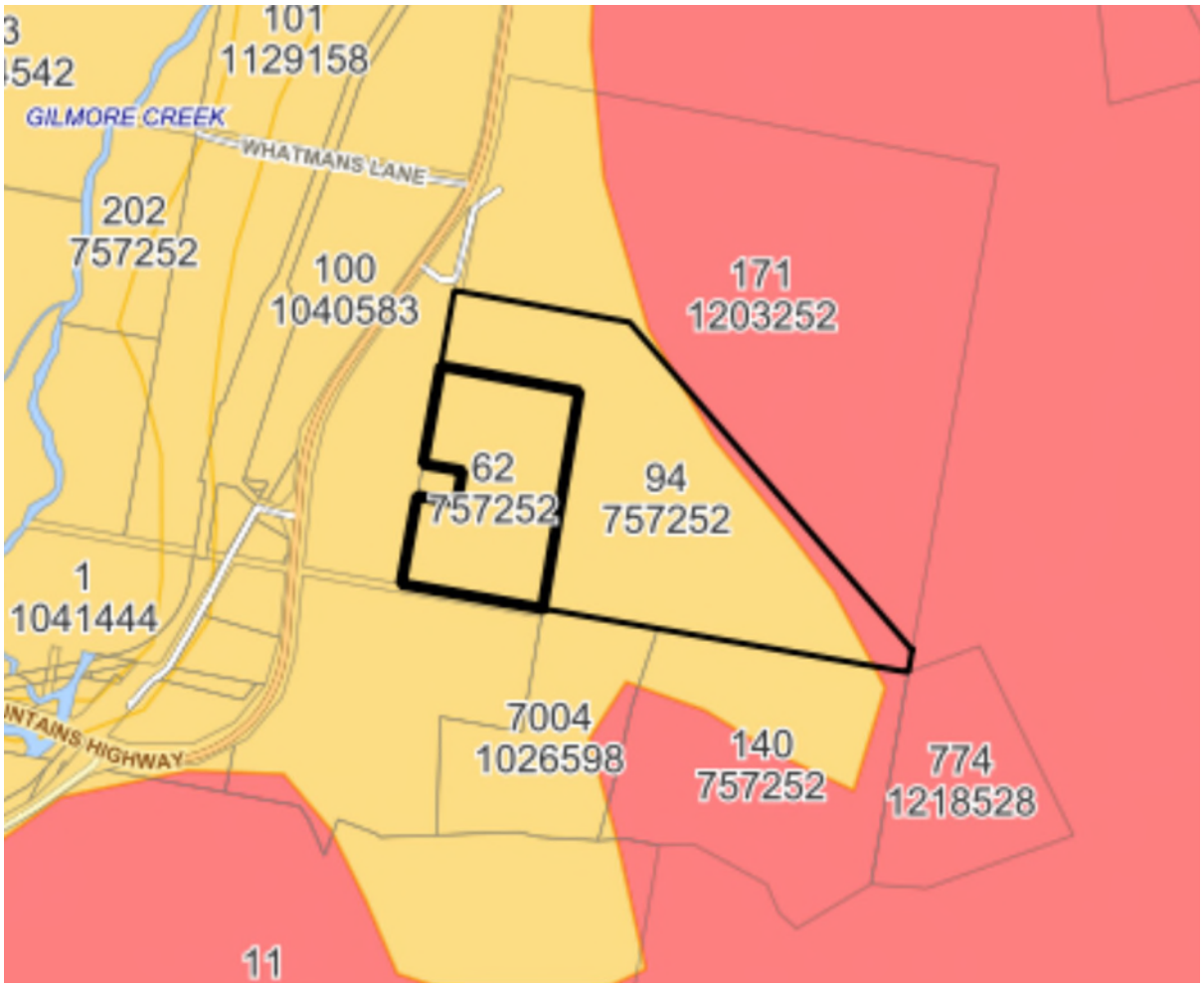
2.2.3 STATE ENVIRONMENTAL PLANNING POLICY NO 33-HAZARDOUS AND OFFENSIVE DEVELOPMENT

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development regulates the determination of Development applications to carry out what is defined as Development for the purposes of a "potentially hazardous industry" or "potentially offensive industry".

A screening assessment was undertaken of the hazards associated with the storage of dangerous goods on the site. As the results of the preliminary screening indicated that the development is not "potentially hazardous" a Preliminary Hazard Analysis is not required.

2.2.4 STATE ENVIRONMENTAL PLANNING POLICY 44-KOALA HABITAT PROTECTION

Council's Geographic Information System indicates the level of Koala habitat potential on the site. The yellow colour indicates less likely and the red most likely to have Koala potential.



State Environmental Planning Policy 44-Koala Habitat Protection (SEPP 44) applies to land in relation to which a development application has been made and which has an area of more than one hectare. This site meets both criteria. Under Part 2 of SEPP 44, if the land is identified as potential koala habitat, further procedures must be carried out to determine whether the land constitutes 'potential' or 'core' koala habitat. Core koala habitat is defined as areas which contain a resident koala population and potential koala habitat is defined as areas of native vegetation where specified tree species constitute at least 15% of the total number of trees in the upper or lower strata. Should core habitat be identified a management plan must be prepared. Any development consent must be consistent with this management plan.

The Biodiversity Assessment undertaken as part of the EIS process did not identify any suitable habitat for koalas, within the development footprint.

2.2.5 STATE ENVIRONMENTAL PLANNING POLICY NO 55—REMEDIATION OF LAND

A desktop contamination assessment found:

- A search of the List of NSW Contaminated Sites Notified to EPA as of 20 February 2019 did not identify any contaminated sites within close proximity of the Development site.
- A search of the NSW Contaminated Land Public Record found no records of contaminated sites within Gilmore.
- A search of the NSW EPA POEO Act public register of licence, applications and notices was undertaken on 16 July 2019 for the Development site. The search results listed 4 entries, all of which relate to Bellettes Landfill EPL (initial issue of EPL and Annual Returns). No notices were listed.

From the desktop assessment, contamination is not expected at the site, besides the existing landfilled Cells.

Also see the section under the sub-heading 'Clause 6.1 Earthworks' earlier in this report as it deals with remediation works in respect of potential contamination.

2.2.6 STATE ENVIRONMENTAL PLANNING POLICY (PRIMARY PRODUCTION AND RURAL DEVELOPMENT) 2019

Currently, the Policy does not list any state significant agricultural land. Consequently, the development site is not considered as state significant agricultural land.

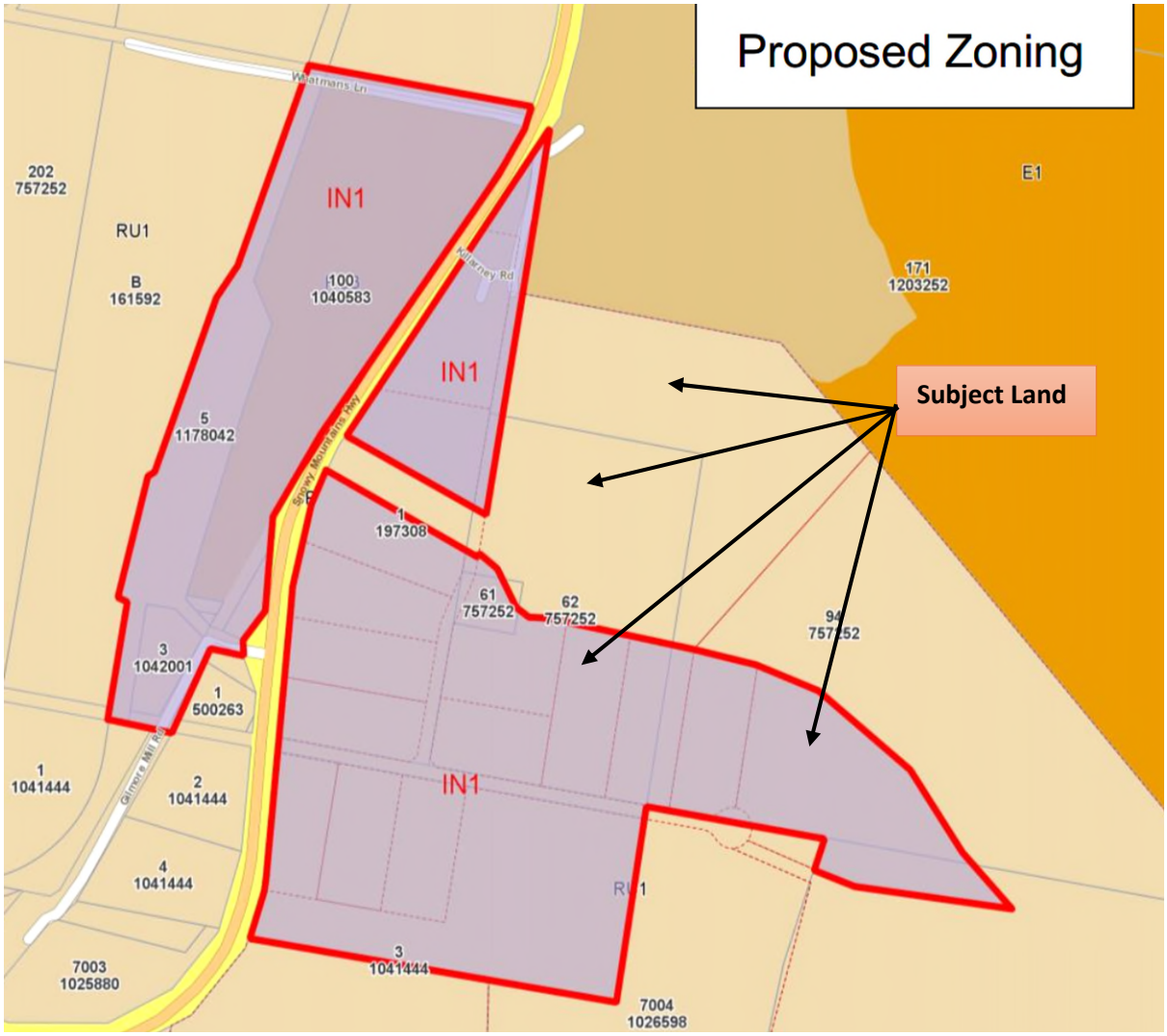
The present land use of the site is waste management therefore the proposed development will not cause loss of land currently used for agricultural purposes.

Section 4.15 1(a)(ii) Draft Environmental Planning Instruments

2.3 PLANNING PROPOSAL FOR TUMUT LOCAL ENVIRONMENT PLAN 2012 (AMENDMENT NO.5) - GILMORE INDUSTRIAL LAND

In July 2017 Snowy Valleys Council resolved to proceed with a Planning Proposal to rezone certain lands at Gilmore to IN1 General Industrial. At its meeting of 20 March 2020 Council resolved to proceed and complete Amendment No. 5 of the Tumut Local Environmental Plan 2012.

Extent of the proposed zoning as it affects the subject land is shown on the following map.



The landfill development footprint would still be zoned RU1, and the land to the south is then zoned IN1 once the rezoning is finalised. Waste disposal facilities are also permitted with consent in the IN1 zone.

Section 4.15 1(a)(iii) Development Control Plans (DCP)

2.4 TUMUT DEVELOPMENT CONTROL PLAN 2011

Notification

Notification and public exhibition have been undertaken in accordance with the requirements of DCP 2011 and Schedule 1 of the *Environmental Planning and Assessment Act 1979.*

Performance Objectives

Sustainability

Compliance with the relevant sustainability objectives are achieved because:

- Aggregate use of energy, water and non-renewable materials are prudent.
- Recycling is occurring.
- Best practice environmental operating procedures are being utilised.

- Water quality leaving the site is maintained or improved.
- Existing native vegetation will be preserved where possible.
- Pollution and sediment controls would be properly maintained.

Contaminated Land Policy

SEPP 55 provisions have been complied with.

Section 4.15 1(b) and (c) – Likely Impacts of the Development and Suitability of the Site for the Development

2.5 LIKELY IMPACTS OF THE DEVELOPMENT

Many of the issues that would be addressed under Sections 79C (1)(b) and (c) have already been discussed in the report as follows:

- Bushfire Hazard: Tumut LEP 2012 Clause 5.11 Bush fire hazard reduction
- Surface Water, Groundwater and Soils: Tumut LEP 2012 Clause 6.1 Earthworks; Tumut LEP 2012 Clause 6.5 Riparian lands and watercourses; and Clause 6.6 Landslide risk
- Aboriginal and Non-Aboriginal Heritage: Tumut LEP 2012 Clause 6.1 Earthworks
- Biodiversity: Tumut LEP 2012 Clause 6.3 Terrestrial biodiversity and State Environmental Planning Policy 44-Koala Habitat Protection
- Hazards and Risks: State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- Traffic Impacts: State Environmental Planning Policy (Infrastructure) 2007 and in Table 1: Comments Provided by NSW Government Agencies

Additional matters are now discussed.

AIR QUALITY

Odour

Modelling indicates that odours are unlikely to be detected at any of the identified sensitive receptors, with the peak concentration predicted at the worst affected receptor (being the Tumut Community Recycling Centre) below the Odour Guidance for Local Authorities guideline for faint odours. The predicted odour concentrations at all residential receptors are below the odour detection threshold.

Given the very low off-site odour concentrations predicted for the proposed operations, the potential for any cumulative impacts at the nearest sensitive receptor locations due to emissions from other local odour sources (i.e. the ANL facility) is concluded to be negligible.

Mitigation measures suggested in the EIS address the frequency of applying landfill cover material and the removal of putrescible waste.

Dust

Construction phase

Dust emission magnitudes for each phase of the construction works were categorised using Institute of Air Quality Management (IAQM) definitions and the results for phases of construction were assessed as follows:

Activity	Dust Emission Magnitude/Basis
Demolition	Small The existing buildings, including sheds and homestead on the site, are proposed to be demolished. The combined volume of the buildings is estimated to be 3,600 m3 (based on shed sizes of 12 m x 10 m x 5 m, 15 m x 15 m x 5 m and 15 m x 25 m x 5 m).
Earthworks	Large Total area where the earthworks will be undertaken at Bellettes Landfill is estimated to be approximately 60,000 m^2.
Construction	Small One new building (the site office) is proposed, and infrastructure such as weighbridge and bunkers will be constructed. The material proposed for this infrastructure is likely to mostly be comprised of concrete and steel.
Tracking	Medium It is estimated that a maximum of 15 vehicles movements per day would occur during construction.

The sensitivity of receptors was concluded to be medium for health impacts and dust soiling at the closest receptors that are commercial areas. While commercial sites can expect to enjoy a reasonable level of amenity, they would not reasonably expect to enjoy the same level of amenity as in their home.

In regard to the general area it was concluded that in respect of the preliminary risk of air quality impacts from construction activities there is a low risk of adverse dust soiling and human health impacts occurring at the off-site sensitive receptor locations, even if no mitigation measures were to be applied to control emissions during the construction phases of the works. Negligible impacts would result from demolition and construction and low impacts from earthworks and tracking.

Operational phase

The original Air Quality Impact Assessment report was based on the assumption that the Development will accept 25,000 tonnes per annum of inert waste from the Visy Mill, 10,000 tonnes per annum a of waste from local sources and 5,000 t tonnes per annum of waste from regional sources.

Since then a revised Air Quality Impact Assessment was undertaken as the following assumed potential changes in the waste throughput have occurred:

- Inert waste throughput from Visy mill reduced from 25,000 to 20,000 tonnes per annum: and
- General waste throughput from regional sources increased from 5,000 to 10,000 tonnes per annum.

To address the potential changes in the air quality impacts associated with proposed changes in waste throughputs at the Bellettes Landfill, a comparison of the particulate emissions adopted, and the estimated particulate emissions based on the revised throughput was undertaken. It demonstrated that changes in the estimated particulate emissions associated with the proposed changes in waste throughput would be minimal (< 3%).

Further sensitivity analyses were conducted, and it was concluded that:

- The proposed development is highly unlikely to cause any additional exceedances of the 24-hour average particulate matter criterion at the identified receptor locations, especially at residential receptors; and
- The incremental annual average particulate matter impacts predicted due to the estimated emissions from the development are very low and represent a negligible contribution to the total cumulative concentrations.

The minor increase in the particulate matter emissions is unlikely to result in any additional exceedances of adopted criteria.

Mitigation measures are recommended in respect of communications, site management, monitoring, preparing and maintaining the site, operations, waste management, construction and track-out.

Landfill Gas

Conclusions regarding landfill gas emissions are included in the EIS. The risk assessment comprised of two main components as follows:

1. A screening level assessment of landfill gas results for existing landfill cells. The following was identified:

    - There was evidence of gas migration away from the existing cells; and
    - Thresholds for methane were not exceeded in temporary bores located 10 to 30 m away from the perimeter of existing cells.

2. A qualitative Level 1 risk assessment using a severity-likelihood matrix. A summary of the findings of the risk assessment was as follows:

    - Lateral gas migration (if occurring) would most likely be due to diffusive flow due to the size of the landfill and type of waste accepted at the Development.
    - Gas was considered very unlikely to migrate from the proposed Cell 10 to structures on-site and extremely unlikely to migrate to structures/receptors off-site.
    - On-site: Risk was assessed to be at an acceptable level for a range of hazards that may affect infrastructure or site workers and negligible for aesthetics and flora / fauna; and
    - Off-site: Risk was considered insignificant for all hazards identified except for aesthetics which was considered acceptable.

Recommended mitigation measures relate to the design of landfill gas controls, monitoring and rehabilitation.

Greenhouse Gas

Primary sources of greenhouse gas are identified as:

- Soil disturbance/vegetation clearing
- Waste decomposition
- Machinery
- Transport

Emissions could potentially decline as a result of the Development, with some Visy Mill waste no longer being sent to regional landfills.

Suggested mitigation measures to abate emissions include management of vehicles and power sources and landfill capping.

NOISE AND VIBRATION

Vibration

Vibration impacts were considered unlikely and were not investigated further in the assessment because:

- Separation distances to the nearest sensitive receptors were located well outside the distance at which perceptible ground vibrations would occur for the proposed operational activities (typically within 30 m).
- Blasting or piling during construction is not proposed.
- Expected construction plant/activities would also not be considered significant sources of ground-borne vibration.

Noise

The closest residential sensitive receptor is 500 m from the Development site.

Construction noise

Small exceedances of up to 4 dBA were predicted at four residential receptors. Such exceedances would be considered negligible in the context of construction noise, and noting the relative conservative assessment methodology employed for the predictions (i.e. all equipment operating simultaneously and all in the part of the site nearest to the receptors), it is likely that the predicted construction noise levels may be lower than those presented.

Documented mitigation measures address project planning, scheduling, site layout, training, plant and equipment, screening, monitoring and community consultation.

Operational noise

Noise levels generated from the day-to-day operations involving plant and equipment are predicted to comply with the recognised acceptable levels at all receptors, irrespective of the location of the noise sources and meteorological conditions.

Crusher noise levels are predicted to comply with the documented satisfactory levels at all receptors during all meteorological conditions, irrespective of the location of the noise sources.

Project Related Road Traffic Noise Assessment

The number of trucks and other vehicles associated with the construction and operations of the extended landfill would be low relative to the traffic volume on the Snowy Mountains Highway which carries a significant proportion of heavy vehicles. The proposed development would not increase the traffic volume on the Snowy Mountains Highway by at least 60% therefore the NSW Road Noise Policy +2 dB criterion would not be exceeded.

VISUAL AMENITY

Undulating rural land (mainly pastoral), that is broken up by stands of vegetation along creeks, roads and property boundaries largely characterise the visual setting for the site and surrounding locality.

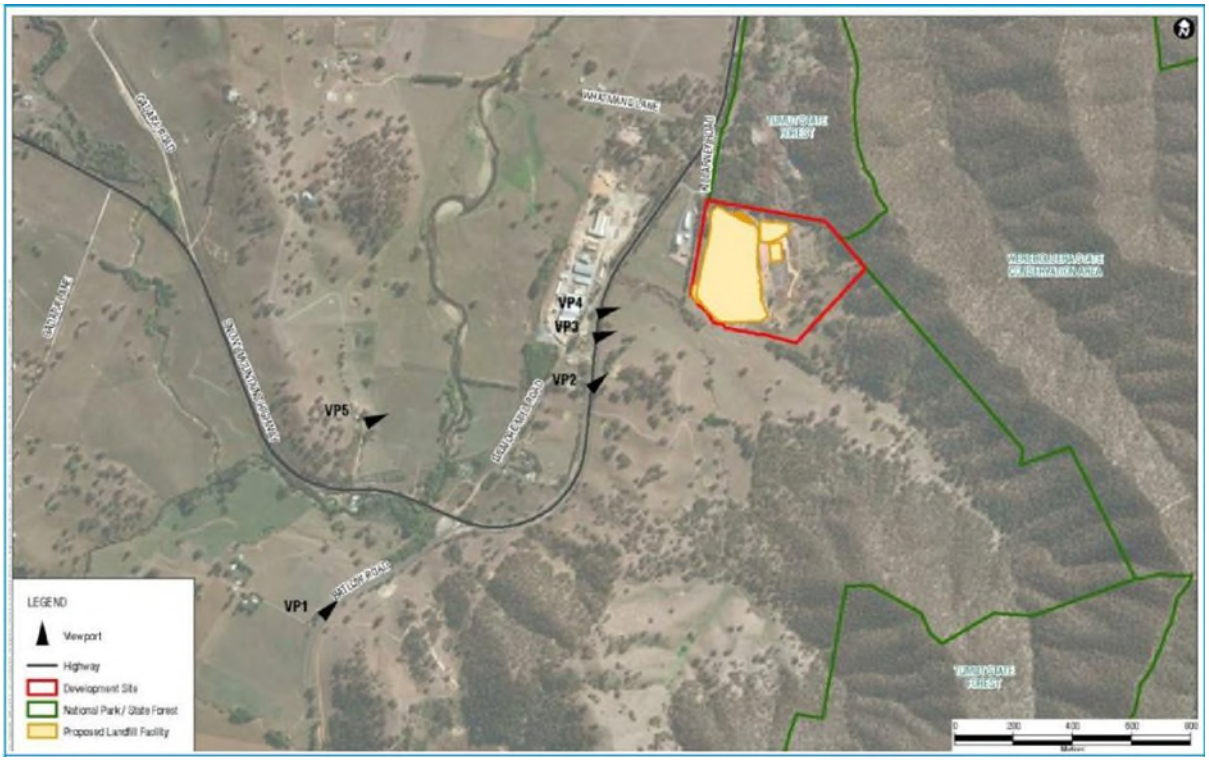
Naturally vegetated hills of the State Forest and Conservation areas surround the site to the east and south. Although majority of the rural landscape around the site has been cleared of vegetation, the remaining stands break up the landscape and compartmentalises views that, in most cases are short to medium in nature.

Character is also enhanced by the undulating topography that extends across both rural and natural landscapes. The height and extent of the hills and ridgelines break up the visual catchment especially when viewed from lower areas around the site. Some visual catchments are limited due to the proximity of the receptor to the landform element. Local publicly accessible high points are limited in number and views of the site from these locations equally restricted.

The development site is relatively open to the west and south-west although not entirely separated from local public receptors (roads, businesses and residences). The localised vegetated buffers, mature specimens and screening is a significant element in the overall visibility of the site in its current form and would be expected to represent minimal change in the final, completed and capped landfill extension works.

To undertake the visual impact assessment five (5) receptors were chosen because they represented the best available views to the site. The sensitivity of all but four of the five receptors was rated as low or negligible. One receptor was rated as medium.

The five (5) receptors are indicated on the following aerial photo:



Impact magnitude ratings were given for the chosen viewpoints. For all views/receptors the visibility of the proposed works was rated as negligible or low due to the subject site's existing landfill works and the low visual impact of it on the surrounding landscape.

Based on the appraisal and findings of the Visual Impact Assessment the conclusion is drawn that the proposed development would have a minor effect on the existing landscape character and values as well as its local context.

Local visual amenity of the area should be maintained as the development will have minimal additional impact on views and vistas in the area. No mitigating measures are proposed.

SOCIO-ECONOMIC CONSIDERATIONS

It is assessed that the proposal would result in positive impacts on the socio-economic environment of Snowy Valleys LGA. The landfill extension would provide the local community, Council and businesses with an ongoing landfill and resource recovery facility.

A summary table in the EIS outlines the predicted benefits. Economic benefits are nominated as:

- The proposal will result in the generation of five temporary jobs during construction, and three jobs during operations.
- Construction of Cell 10 would increase the landfill lifespan by 12 years to cater for any increase in population and waste generation. Without the development, waste would need to be transported to waste facilities outside of the Snowy Valley LGA.
- The proposed development will extend the lifespan of Bellettes Landfill, therefore prolonging the cost- effective waste service it provides to the community, Council and local businesses.

Identified social benefits are:

- Mitigation measures, which would be implemented during construction and operations to minimise adverse impacts on the environment and visual amenity are identified.
- The proposed development is consistent with state, regional and local planning policies and will also support any population growth within the Snowy Valleys LGA.
- Traffic generated from the proposed development is not expected to impact on the local road network.

Proposed mitigation measures relate to the keeping of a complaint register.

Section 4.15 1(d) – Submissions

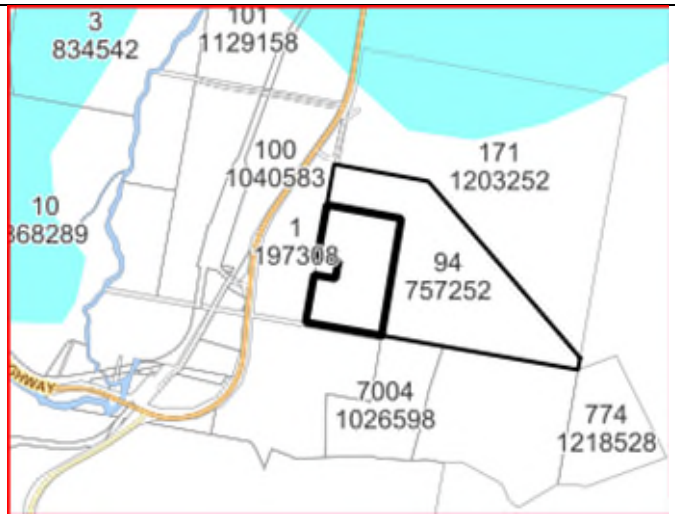
2.6 ISSUES RAISED IN PUBLIC SUBMISSIONS

Appendix C to this report contains a document titled 'Response to Submissions Prepared by SLR Consulting'. Included in this is the response to the one submission received from the public. A redacted copy of the submission forms part of the Appendix.

Table 3: Issues Raised in Submissions from the Public

Issue	Comment
1. *… the site is fundamentally unsuitable for consideration as it is located in an area overlying an aquifer which contains drinking and stock quality groundwater which is vulnerable to pollution*	It is stated in the 'Groundwater Assessment' report Appendix to the EIS that the existing landfill cells being approximately 4m from the surface were 8m above the low lying groundwater levels at the site and 22m above the groundwater level in the elevated eastern part of the property. Existing groundwater conditions at the site are summarised in the EIS as follows: • The development site is located on the south-western edge of the Murray Darling Basin Fractured Rock (Lachlan Fold Belt) GMA. • The development site is outside of the "Groundwater Vulnerability" area, on the groundwater vulnerability map of NSW. • The Water NSW online database (2019) indicates nine registered groundwater bores within 2 km of the site. • The bore yield is low and the groundwater is relatively low in salinity in these registered bores. • There are seven (7) groundwater monitoring bores at the development site. • Recorded groundwater levels at the groundwater bores at the development site indicate the groundwater elevation has been relatively stable over the last two years, with indication of an overall slight decline in groundwater level since April 2018. • Previous geotechnical investigations at the development site did not encounter shallow groundwater in test pits. • Analyte concentrations for the groundwater bores at the development site are generally low and have been mostly consistent.

	‘Based on available data from groundwater monitoring at the 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.’ Risk of groundwater impact is assessed as follows: ‘The risk of impact to groundwater quality from the proposed Development, including Cell 10 and the leachate dam, is considered to be very low and acceptable for the following reasons: • Potential leakage of Cell 10 and dam liner is considered negligible due to the design and construction quality assurance to be applied in accordance with Landfill Guidelines (EPA, 2016); • Attenuation capacity of the unsaturated zone and aquifer. In the unlikely event that leachate leaked from the proposed Cell 10 or leachate dam there is opportunity for attenuation of anionic species such as ammonia and metals on the weathered clay mantle and the shale aquifer matrix; • Dispersion would also occur in the FBA in which groundwater flow to the west towards the valley of Gilmore Creek. In addition, further dispersion would occur where the groundwater flow from the FBA enters the GAA which is understood to flow down-valley to the north-east; • The groundwater monitoring data for the existing cells has shown negligible impact on groundwater, which reflects a combination of: - Low permeability natural clays at the site; - Depth to water-bearing zones in the regional aquifer; - Depth to the regional water table below the landfill and an unsaturated zone which impede the downward movement of leachate impacted water; and - Climatic conditions of excess evaporation over rainfall.’ Suggested mitigation measures are as follows: • 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…’ It is also worth noting that the site is outside of the areas designated as having groundwater vulnerability (indicated in blue on the map) on the Tumut Local Environmental Plan 2012 (LEP 2012) Groundwater Vulnerability-Map Sheet GRV_003.

	 Consultants acting for the applicant were requested to provide comment on the public submission. In this regard the following additional points are made: 'To minimise the risk of impact on groundwater from landfill leachate, the landfill has been designed in accordance with the NSW landfill guidelines…. The objection also refers to a decision from the NSW Land and Environment Court (LEC) regarding an application to expand an existing landfill. That case M.H. Earthmoving vs Cootamundra-Gundagai Regional Council (No 3). The objection refers to LEC finding that the proposal is plainly on land which the EIS guideline describes as a site which should be avoided, and which should have been excluded from consideration at the outset. The EIS guideline (Table 1; p.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 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 guideline.'
2. *… the Environmental Impact Statement and supporting assessments have not been prepared in accordance with the Environmental Guidelines Solid Waste*	It is considered that the plans included in the EIS are of sufficient detail and clarity so that they adequately describe the proposed development. The qualifications of the author of the EIS are specified on page 3 of the document. Page 2 of the EIS outlines document control. In response the applicant's consultants make the following assertions that SLR has prepared the landfill design in

	Guidelines Second edition 2016 *There is no indication of the identity of the person preparing the drawings and / or their relevant experience or whether they are professionally qualified or have the experience as specified in the guidelines.* *The fact that the drawings are not final design drawings and are "For Review" is a fundamentally unacceptable in lodging an application of this nature.*	accordance with the Environmental Guidelines: Solid Waste Landfills, Second edition (EPA, 2016). The experience of SLR personnel preparing the design exceeds the experience required by the landfill guidelines. Details of the experience are included as part of the response. The drawings presented are 'Concept Design' drawings, not (yet) 'for construction' detailed design drawings. After the Development is approved (if consent is granted) the detailed design drawings will be prepared.
3.	*… the Traffic Impact Assessment has not been prepared in accordance with the Secretary's Environmental Assessment Requirement as required by NSW Transport Roads and Maritime Services* *The TIA appears to assume that additional traffic will come from Visy Pulp and Paper and does not consider traffic volumes or travel routes from other sources.*	In respect of traffic increase the EIS states: 'The only traffic to increase with the development of the site will be truck traffic from the general public (local sources) and traffic from the Visy Mill. Waste from the general public will be restricted to 3 tonne loads. Truck traffic from Visy will turn right from the Snowy Mountains Highway to access the site and will exit by turning left into Snowy Mountains Highway. Minimal traffic will be generated from resource recovery operations undertaken at the Development site. The only traffic associated with these operations will be: • Transporting the concrete crusher to the Development site. Concrete will be crushed and then used on-site, for either road base or landfill cover, or transported next door to ANL; • Stockpiled garden waste would be transported next door to ANL, for wood chipping; and • Eight (8) 20 tonnes trucks laden with crushed metal will leave the site each year. Putrescible waste would be transported to Bald Hill Landfill for landfilling. Approximately two (2), twenty (20) tonne trucks would be sent every two (2) months to the landfill i.e. twelve (12) trucks a year in total. There will be no traffic associated with the capping of the Cell 10 final landform, with all capping material to be sourced from the Development site (cut material from the construction of Cell 10). The above operations will result in approximately 20 outbound truck trips per year (thus there would also be twenty inbound trucks per year). This estimation excludes traffic trips by the general public.' The proposed Development is likely to generate a maximum of 8 Visy trucks per day. The proposed landfill site would operate for

	a period of 10 hours per day – indicating 0.74 (say 1) Visy truck movements per hour.' Under these circumstances it is logical to focus on the extra traffic generated by Visy in the peak period of January to May. The focus is on the extra traffic generated by the expansion of the existing landfill. Transport for NSW has assessed the application based on the documentation provided and has no objection to the development proposal subject to the consent authority ensuring that the landfill extension is undertaken in accordance with the information submitted as amended by the inclusion of recommended conditions of consent (see Table 1 under the heading '1.7 Public Notification and Referrals'). A response from the applicant's traffic consultant that prepared the Traffic Impact Assessment (TIA) states: 'In accordance with the RMS Guide to Traffic Generating developments, the existing traffic conditions were established by undertaking manual turning movement counts at the intersection of Highway and Killarney Road. Intersection modelling was undertaken to establish the operation of the subject intersection. We note, the submissions observation is accurate in relation to the existing operation of the landfill - this information was presented to give background information. This information was not used for any analysis. Therefore, the inaccuracy will not have any impact on the traffic assessment. RMS Guide to Traffic Generating developments provides both peak hour and daily traffic generation rates. Typically, the analysis is undertaken for the peak hour traffic flow for both the road network and the site. We note, in relation to the proposal, 70% of the annual capacity of the proposed landfill will be achieved during the peak operation of Visy - therefore, traffic activity associated with VISY represents the peak activity. In this regard, the additional traffic activity of the proposed expansion was determined with the peak operation of Visy. The truck accessing the site from VISY will drive along Snowy Mountain Highway and turn right on Killarney Road and on exit (the majority of) these trucks are highly likely to turn left on to the Highway and driveway back to the VISY Plant. To undertake cumulative traffic assessment, we have superimposed the additional traffic activity from the site onto the existing traffic (surveyed) accessing the intersection of Killarney Road with the Highway and this analysis is presented in Section 5.2 of the TIA'.
4. *Failure to comply with Department of Urban Affairs and Planning: Landfilling EIS Guideline as no substantiated need for*	See the section immediately below in the table under the heading '9.2.3 Consequences of Not Carrying Out the Development' It is submitted that:

	the proposal has been identified	'During the preparation of the EIS …. the Department of Urban Affairs and Planning Landfilling: EIS Guideline (1996) was reviewed to ensure that the EIS document met all the requirements of the Guideline. The Guideline is referenced in Section 10 of the EIS …. The need for the facility is clearly outlined in Section 9.2.3 of the EIS …. In summary, the Development is "needed" for economic, socio-economic, health and environmental reasons.'
5.	*Failure to comply with Department of Urban Affairs and Planning: Landfilling EIS Guideline as there is no detailed analysis of feasible alternatives or the do nothing approach*	An analysis of alternatives is included in the EIS: '9.2.1 General It is necessary to consider any feasible alternatives to carrying out the Development having regard to its objectives, including a consideration of the consequences of not carrying out the Development. Bellettes has made a conscious decision to expand the landfill to meet the increasing demand for a local WMF. The existing site at Gilmore, NSW, is the obvious choice, with the Visy Mill located only 8 km west of the site and with existing waste management arrangements with the local Council, the community and other local businesses. The Development would reduce the amount of waste going to regional landfills. Labour is available from nearby towns and the local community generally understands and appreciates the benefits of the proposed Development. Local transport routes and access to the site is also suitable for the proposed Development. Maintaining the Development at its present location would support the future development of the region and the growth of the local community. By providing a well-designed and located waste management facility, the Development will be able to manage increased waste generation rates and would present opportunities to support regional projects, such as the Snowy Hydro 2.0 project. 9.2.2 Alternative Sites and Layout The proposed location of Cell 10 and ancillary infrastructure is in a highly disturbed paddock. The only alternative site for Cell 10 in the Development footprint would be to the west of the exiting landfill cells (Cells 1-9) however the area is not large enough to accommodate both Cell 10 and the leachate pond. In addition, the drainage line and sediment dam would have to be relocated. Bellettes owns the land to the south of the proposed Development footprint. This land is not a viable alternative site as there is no access road and the land is currently being sub-divided and re-zoned as industrial land (IN1). The nearest landfill from Bellettes Landfill is 90 km away (Bald Hill). This landfill is already under pressure from receiving regional waste. To transport waste to Bald Hill, there would be increased environmental, socio-economic and safety impacts related to increased truck traffic on local and regional roads and increased waste disposal costs.

	9.2.3 Consequences of Not Carrying Out the Development The proposed Development will increase the amount of waste accepted at the site to 40,000 tpa, through the construction of Cell 10. This Development is critical to support the growth of the local community and businesses, and increased waste generation rates, and will result in 5 construction jobs and 3 operations jobs. The consequences of not proceeding with the Development include: • No additional employment opportunities; • $2 million dollars would not be invested into the Development and local community; • Bellettes landfill would have to close after Cell 9 reaches capacity; • Local farmers may be encouraged to undertaken inappropriate waste management practices (i.e. burning waste, landfilling on their own property); • Local waste (including Council, Visy, and community and agri-business waste) would need to be transported to regional landfills. As a result: - Increased truck traffic on local and regional roads; - Truck emissions adding to GHG and climate change; - Increased cost to dispose of waste; and - Increased cost to local Councils maintaining roads that are heavily trafficked. If the development does not proceed there will no longer be a local landfill and waste will have to be transported to regional landfills (at least 90km away), creating negative environmental impacts and socio-economic impacts to local residents, businesses and the Council.' A response to this concern prepared on behalf of the applicant states: 'Feasible alternatives are detailed in Section 9.2.2 of the EIS …. This section of the report considered the biophysical (environmental), economic and social costs and benefits of alternatives. Alternatives considered included relocating Cell 10 within the Development site, relocating the Development to an adjacent property and the "do nothing" alternative, by sending waste to Bald Hill, the nearest landfill. The "do nothing" option was also considered in Section 9.2.3 of the EIS …. This section outlines several consequences if the "do nothing" option was undertaken. The objection stated that the "do nothing" option was "precursory" and "ingenuous". The listed consequences outlined are based on factual evidence, including economic, socio-economic and environmental effects if the Development did not go ahead. The objection also states that no analysis of other potential sites more that might be more consistent with the principle of Ecologically Sustainable Development (ESD). Bald Hill Landfill has been analyzed as an alternative landfilling site in Section 9.2.2 of the EIS …. , however this site is not more consistent with

	the principle of ESD. The overall objectives of ESD are to use, conserve and enhance natural resources …. Natural resources would not be conserved by using Bald Hill Landfill as an alternative as trucking waste 90 km away would require greater use of natural resources (diesel).'
6. *Failure to Comply with Department of Urban Affairs and Planning: Landfilling EIS Guideline in that the location is fundamentally unsuitable for development I expansion of a landfill*	See 1. above in this table. Further arguments presented on behalf of the applicants follow: The objection argues that the Development site is in an area overlying an aquifer which contains drinking quality groundwater, resulting in the site being fundamentally suitable or unsuitable. As outlined in the response …. Section 3.5.2 of the Groundwater Assessment Report …. presents the mapped area of "Groundwater Vulnerability" sourced from the Tumut 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 suitable for the Development. The objection further states that the risk of leachate contamination increases where the site is in poor hydrogeological conditions, or near sensitive water bodies such as wetlands, near water sources used for drinking irrigation, industrial use or stock watering. …. the new cell will be no closer than 40 metres from the nearest permanent or intermittent water body and to minimise the risk of impact on groundwater from landfill leachate, the landfill has been designed in accordance with the NSW Landfill Guidelines …. In addition, as outlined in Section 2.2 of the EIS …. 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 …. 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 …. Cell 10 would be lined with a geosynthetic clay liner (GCL) and a 2 mm thick high density polyethylene (HDPE) geomembrane, which would minimise the risk of impact on groundwater from landfill leachate.'
7. *Failure to Comply with Department of Urban Affairs and Planning: Landfilling EIS Guideline in that it has not established a legitimate demand for the landfill and has failed to provide a reasonable and consistent analysis of the quantities and sources of the waste stream and the potential contaminants in those streams*	It is espoused in the response to the arguments presented by the objector: 'The landfill expansion will meet the demand of existing and future sources of waste in the local and broader region. Waste sources, waste types and waste classifications are outlined in Section 3.1 of the EIS …. Waste sources include Visy Mill, commercial contracts, regional business (e.g. farms) and waste from local sources. An analysis of Visy waste is provided in Section 2.2. of the EIS …. and states that this waste is classified as "inert waste", comprised of lime dregs, grits and mud, boiler ash (sand) and boiler fly ash. While page 144 of the EIS …. states that: *Review of the operation of Visy indicates they experience a major increase in the waste they generate from January to May.*

	This is due to contamination of the recyclable material collected. Therefore, the peak operation would occur during this period. As outlined in Table 10 of Section 3.1 of the EIS …. all waste to be accepted at the Development will be classified general solid waste (non-putrescible). This includes waste from commercial contracts. A detailed analysis of all waste types classified as general solid waste (non-putrescible) is provided in Section 3.12.3.4.1 of the EIS …. General solid waste (non-putrescible) is currently accepted at the existing Bellettes landfill. Potential contaminants in the waste stream are outlined in Section 3.12.3.5 of the EIS …. Procedures would be in place and implemented to identify and prevent the disposal of any waste not permitted to be disposed of at the Development …. The quantities of each waste stream have not been stated in the EIS …. as these will differ, dependent on the time of year, the number of commercial contracts held at any time, and the number of local and regional construction projects the landfill services at any given time. However, as outlined in Section 7.4.2.2.1 of the EIS …. it is anticipated that approximately 20,000 tonnes1 of the total 40,000 tpa will be transported from Visy.'
8. *Failure to Comply with Department of Urban Affairs and Planning: Landfilling EIS Guideline in that it has not provided an analysis of existing waste management facilities in the region and has not presented an analysis as to whether those facilities are facing quantity limitations or other issues.*	It is proclaimed on behalf of the applicant: The existing waste management facilities in the region are outlined in Section 2.8 of the EIS (SLR, 2019a). As mentioned, the closest landfill to the proposed Development is the Burra Road Landfill, situated in Gundagai, however, this landfill no longer operates. The closest operating landfill is the Bald Hill Quarry Regional Landfill located in Jugiong, NSW, over 90 km away from the Development site. Under Environment Protection Licence (EPL) 2552 this landfill can only accept the following: • Bushfire waste - Received between March and September 2020 must not exceed 55,000 tonnes; • General solid waste (putrescible) – 40,000 tonnes per one reporting period; • General solid waste (non-putrescible) – 40,000 tonnes per one reporting period; • Asbestos waste – 40,000 tonnes per one reporting period; and • Waste tyres - 40,000 tonne per one reporting period. As specified by the EIS …. other landfills in the greater region include the Khancoban Landfill, Murrumbateman Landfill, Jindabyne Landfill and the Woodlawn Landfill. All these landfills would have limitations specified by EPL's and Development Approvals: Issues experienced at these landfills would include: • Air quality (odour); • Control of vermin; • Litter (from windblown waste); • Groundwater contamination; • Management of surface water; and • Leachate management.'
9. *Failure to Comply with Department of Urban Affairs and Planning:*	The retort provided on behalf of the applicant contended:

Landfilling EIS Guideline in that it has not provided an analysis of alternative options	'Alternatives to landfilling for all major waste classes has been considered in Section 3.12.4.4 of the EIS …. , with waste materials considered of economic value to be separated from the waste stream in the waste sorting area and recycled. This would include recycling of metals, paper products, concrete and timber. Such alternatives as waste to energy were not considered in the EIS …. as this was deemed not a viable alternative.'
10. *Failure to Comply with Department of Urban Affairs and Planning: Landfilling EIS Guideline in that it has not provided an adequate and consistent analysis of the potential waste streams to be accepted*	See 7. Above in this table.
11. *Failure to Comply with Department of Urban Affairs and Planning: Landfilling EIS Guideline in that it has not provided an adequate and consistent review of the catchment and performance of existing landfills in terms of quantity and quality of waste received or any shortcomings of landfills in meeting the community's needs*	See 8. Above in this table. Additional information provided expresses: In addition, the intention of the Department of Urban Affairs and Planning Landfilling: EIS Guideline "Section 4. Review of any landfill on or near the site" is to consider the catchment and performance of the existing landfill (i.e. Bellettes Landfill) in terms of quantity and quality of waste received; the shortcomings of the present landfill in terms of meeting community's existing or future needs, or environmental or health goals. These matters have been addressed in the following sections of the EIS …. : • The catchment of the existing landfill (local and regional sources) – Section 2.2, Table 4; • The performance of the existing landfill in terms of quantity and quality of waste received – Section 2.2. Environmental monitoring and reporting is undertaken at the landfill in accordance with the licence and also the site's LEMP …. ; • The shortcomings of the present landfill in terms of meeting community's existing or future needs – Section 9.2.3. In particular, if the Development is not approved, Bellettes landfill would have to close after Cell 9 reaches capacity (expected mid-2020); and • The shortcomings of the present landfill in terms of environmental or health goals – Section 2.2. The existing landfill currently comprises of nine trench-fill cells excavated into natural clay soils. Cell 10 would be lined with a geosynthetic clay liner (GCL) and a 2 mm thick high density polyethylene (HDPE) geomembrane, reducing environmental risks.'
12. *Failure to Comply with Department of Urban Affairs and Planning: Landfilling EIS Guideline in that it has not provided adequate considerations / details of procedures for inspecting, testing or sorting of wastes*	Information supplied on behalf of the applicant affirms: 'Procedures for inspecting, testing and sorting of wastes are included in the following sections of the EIS …. : • Section 3.12.4.2 - Waste Inspections; • Section 3.12.3.2 - Waste Documentation, with details regarding assessing waste; and • Section 3.12.4.4 - Recovery of Materials, with details in regards to sorting waste.

	Further procedures for inspecting, testing and sorting of wastes would be included in the sites LEMP …. , which will be updated once the Development is approved. These procedures would be in accordance with the site's EPL 20596.' Section 3.12.3.2 – Waste Documentation states: 'Verification would be made that the waste received for disposal has been assessed and classified by the generator or owner of the waste in accordance with the Waste Classification Guidelines (EPA, 2014). During operational hours, the documentation accompanying waste loads would be handed over at the weighbridge office before or while the load is being weighed.' Section 3.12.4.2 – Waste Inspections details: 'In accordance with the Landfill Guidelines (EPA, 2016), a program of inspection and analysis of incoming waste loads would be implemented. This would include routine tip face observations and a regular program for closer examination of selected loads away from the tip face. This may include sampling and chemical analysis of waste loads. The sampled wastes would not be landfilled until validated. Landfilling activities at the tipping face would also be supervised to prevent deposit of non-authorised wastes. Staff would be trained to recognise, handle and isolate hazardous or other non-authorised wastes so that decisions can be made about their proper management. With regard to waste loads delivered to the development outside of normal operating hours, or when the landfill is unmanned, it must be ensured that such waste is stored in a separate storage area with appropriate environmental controls. The waste would be inspected as soon as practicable on the next day, and subsequently disposed of in the tip face, if found to be acceptable.' Section 3.12.4.4 – Recovery of Materials maintains: 'Where specific incoming waste materials are considered to be of economic value as a recycled product, they would be separated from the waste stream in the waste sorting area, which would be constructed to the east of the proposed new landfill cells, on the old, capped landfill areas (Referred to in Section 3.6.2). Waste sorting and recovery of materials would be undertaken using suitable equipment, such as a loader and i-track bobcat. Waste identified for recycling would be stored separately from other waste designated for disposal. The recyclable materials (including metals, paper products, concrete and timber) would be stored within separate bunkers (designated storage bays), each bay holding no more than 5 tonnes of each type of recyclable materials.'
13. Failure to Comply with Department of Urban	Protocols for handling waste not permitted at the facility, if discovered, are provided in Section 3.12.4.3 of the EIS:

Affairs and Planning: Landfilling EIS Guideline in that it has not provided adequate description of protocols for handling of waste not permitted at the facility if discovered	'The landfill would have a designated storage area with appropriate environmental controls to securely store all non-authorised wastes, or to further assess incoming loads, until they can be lawfully disposed of or treated at another facility. In accordance with the current LEMP, the following procedures would be applied at the Development if wastes are found to be unacceptable: • Identify unacceptable waste with barrier and sign 'DO NOT LANDFILL' and arrange transport from the premises (via a waste transporter licensed by the EPA); • Supervise waste identified as 'unacceptable' is separated and either reloaded on to the vehicle that delivered it, or securely stored away in a designated area or container; • Record the unacceptable waste incident in daily incident log; and • Inform waste transport provider that 'unacceptable' waste was delivered and request a review of their waste segregation procedures, to prevent future breaches. In addition to the above, all practicable measures would be taken to ensure that a delivery of such unacceptable wastes does not recur. If any of the unacceptable wastes delivered to the site are found to be hazardous, the EPA would be notified. Emergency incident waste may be temporarily stored at the premises until it has been assessed and classified in accordance with the Waste Classification Guidelines (EPA, 2014). It would be stored in a separate area of the site, kept separate from other wastes received at the site, and be readily retrievable once the waste classification results have been obtained. The waste would not be landfilled if it is classified as non-authorised waste under the licence. Putrescible waste arriving in waste loads will be temporarily stored in one of the bunkers, prior to transfer to an appropriately licensed facility. It is anticipated that up to 40 tonnes of putrescible waste would be stored at the Development site. This waste would be stored for a maximum of 2 months. Any waste dispatched from the site would be sent to a WMF that is licensed to receive it or is otherwise lawfully able to receive it in accordance with the Protection of the Environment Operations Act, 1997 (POEO Act). If it is trackable waste, the owner (Bellettes) would comply with the waste-tracking requirements in the Protection of the Environment Operations (Waste) Regulation, 2014.'
14. *Failure to Comply with Department of Urban Affairs and Planning: Landfilling EIS Guideline in that it would appear to be superficial and subjective*	Details provided on behalf of the applicant declares: 'The EIS …. meets the requirements of the Project Secretary's Environmental Assessment Requirements (SEARS) (Section 1.8, Table 2) and provides detailed information and an assessment against relevant legislation (Section 4). During the preparation of the EIS …. the Landfilling: EIS Guideline

	(Department of Urban Affairs and Planning, 1996) was reviewed to ensure that the document met all the Guidelines requirements. The EIS …. has been informed by specialist studies and plans, prepared by technical specialists. The technical assessments included: • Surface Water and Soil Assessment; • Groundwater Assessment; • Biodiversity Assessment; • Air Quality Impact Assessment (AQIA) (Odour and Dust Assessment), and Addendum; • Landfill Gas Assessment; • Noise and Vibration Impact Assessment; • Rehabilitation Plan; • Preliminary Risk Screening Assessment; • Bush Fire Hazard Assessment; • Landscape and Visual Impact Assessment; • Aboriginal & Historic Archaeological Assessment; and • Traffic Impact Assessment. The design of the Development has been prepared by qualified personnel, and in accordance with the Environmental Guidelines: Solid Waste Landfills, Second edition (EPA, 2016).' It is not accepted that the EIS is 'superficial and subjective'.

Section 79C 1(e) – Public Interest

The assessment of the DA as provided in this report demonstrates that the proposed extension to Bellettes Landfill is in the public interest. The EIS summarises the public interest benefit in its 'Conclusion':

'The proposed Development has been assessed in the EIS in accordance with the EP&A Act and its regulation, the SEARs and input from other government agencies. The environmental impact assessment of the Development has been multi-disciplinary, with specialists engaged to assess the key aspects, and involved consultation with relevant government agencies, surrounding residents and businesses, and the local community.

The potential for adverse impact on the local environment and surrounding community has been minimised by: engineered design of Cell 10, the leachate pond and support infrastructure; the proposed staging of the Development; best management practices and mitigation measures. While the Development may result in some minor impacts associated with air quality, noise emissions, surface water and traffic generation, the specialist impact assessments predict that the Development will comply with all relevant impact assessment criteria and can co-exist with surrounding land uses. Additionally, the EIS also determined the cumulative air quality, surface water, groundwater, noise emissions, vegetation clearing and traffic generation from Development will be within acceptable levels. The impact to socio-economic environment will be beneficial, with the creation of construction and operation jobs, and the continuation of a local landfill that can support a growing local population and waste generation rates, Council waste management and local business activity, including the Visy Mill.

It is considered that the Development can proceed without resulting in significant or long-term adverse impacts to the local environment and surrounding community. The

Development will be managed on a day-to-day basis in accordance with the LEMP, ensuring that the commitments made in this EIS, along with relevant statutory obligations and conditions of development consent (including EPL requirements), are fully implemented and complied with.'

3.0 MANAGEMENT AND MITIGATION MEASURES

A table on page 178 of the EIS summarises key commitments that would be followed by the landfill owners and operators. Commitments are listed under the following headings:

- Land Use Conflict
- Air Quality
- Greenhous Gas
- Noise
- Surface Water
- Groundwater
- Biodiversity
- Aboriginal Heritage
- Non-Aboriginal Heritage
- Hazard and Risk
- Bushfire and Incident Management

These measures will be incorporated into the proposed conditions of consent.