

PROPOSAL BY BALD HILL QUARRY PTY LTD TO LANDFILL THE BALD HILL STAGE 1 QUARRY.

REPORT ON THE ASSESSMENT OF A DEVELOPMENT APPLICATION (DA No. 262-09-01) PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.

File: Q97/00092

1 SUMMARY

1.1 Overview

Bald Hill Quarry Pty Ltd (the Applicant) operates two basalt quarries situated approximately 8km south east of Jugiong in southern NSW in the Harden Shire Council local government area. The stage 1 quarry has reached the end of resource extraction and the Applicant proposes to landfill the void with putrescible waste sourced from over six local Council areas in the region. The site location is shown on the plan (Figure 1) as "Proposed Bald Hill Quarry Landfill". The Stage 2 quarry, 2km to the south, is operational since 1999 for basalt extraction.

The proposal is subject to State Environmental Planning Policy (SEPP) No. 48 – *Major Putrescible Landfill Sites* and the Minister for Planning is the consent authority. It is designated development. It is integrated development since a licence is required from the EPA. The development application (DA) and Environmental Impact Statement (EIS) were lodged with the Department of Planning on 26 September 2001. The DA and EIS were exhibited from 12 October to 12 November 2001.

All procedural regulatory requirements concerning public notification and exhibition of the Environmental Impact Statement (EIS) have been satisfied. State Environmental Planning Policies have been complied with. The proposed activity is permissible under draft Harden Local Environmental Plan 2001.

Submissions in response to the exhibition of the EIS were received from three private individuals/companies, six agencies, three Councils and two organisations. While there were no objections, several submissions raised concerns regarding odour, groundwater, amenity, traffic and the absence of procedures to divert waste to recycling/reuse.

1.2 Assessment of Key Issues

Issues raised in submissions are set out in section 7 of the report. Their assessment is detailed in sections 8 and 9, and summarised below.

Waste Sources and Volumes

Clause 12 of SEPP 48 contains a number of matters that must be considered by the Minister in determining a proposal for a major putrescible landfill. A detailed consideration is included at Appendix B.

A key issue is that of justifiable demand. *"Whether a justifiable demand exists for landfill sites, having regard to waste disposal capacity requirements identified from time to time by the EPA"*.

The EIS states that the South West Waste Group (SWWG) determined that there is urgent justifiable demand for replacement landfill space and that the use of a central facility would improve the standard of waste management in the region.

The EPA advised that it was unable to identify waste disposal capacity requirements for rural NSW as robust data on existing landfill capacity was not available. The EPA however considers that a landfill with appropriate Consent and licence Conditions, that results in the closure of poorly sited, designed and operated tips is an environmental benefit.

Although it is not possible to quantify a justifiable demand, the Department is satisfied that there is a justifiable demand for landfill capacity provided by the development and that the proposal generally satisfies the requirements of the SEPP.

Water Quality and Leachate Management

A key issue raised in submissions to the EIS was the potential for the landfill and ancillary operations to contaminate surface and ground water, possibly threatening the Murrumbidgee River and catchment.

The Applicant has investigated historical and current data in addition to carrying out on-site sampling to establish the existing ground water quality in the area. The geology of the void is a naturally impervious barrier to protect the groundwater from contamination. However, Conditions of Consent require regular groundwater monitoring via bore holes.

Under normal conditions, all surface runoff from areas likely to contaminate, washdown water and leachate will be contained in the leachate pond. Leachate will be sprayed over the waste to accelerate the decomposition. Evaporation from the pond is expected to maintain the pond at a manageable level.

Clean run-off will be directed to natural drainage via sedimentation ponds.

The Department is satisfied that the proposed development does not pose a significant risk to water catchments and groundwater.

Traffic and Road Issues

The EIS estimates that the landfill will receive waste in up to 10 trucks per day. Harden Shire Council required that the sealing of internal roads, upgrade of the intersections of the Hume Highway with the Old Hume Highway and the site access road with the old Hume Highway should be completed prior to commencement of operations. The RTA confirmed that the work has now been completed.

Air Quality

The EPA is satisfied that dust and odours from the proposed operations will not exceed guideline limits. However, conditions of consent have been included to minimise impacts and to provide a mechanism for complaints from nearby residents to be registered, investigated and necessary mitigating measures, recommended by the EPA, to be implemented.

Section 79C Consideration

The Department has assessed the DA in accordance with the matters for consideration listed under Section 79C(1) of the Act. Based on this evaluation (attached as Appendix A), it is considered that the merits of the proposal warrant granting of development consent, subject to the recommended conditions of consent.

1.3 Scope of Conditions of Consent

Conditions of consent consistent with the objectives of the EP&A Act have been suggested to minimise any adverse environmental effects of the development. The key areas are:

- Preparation of environmental management plans in consultation with relevant agencies;
- Preparation of operating procedures for approval by the Department and appropriate agencies prior to commencement of operations;
- Rehabilitation of the site in a manner suitable for the final use of the land;
- Monitoring of the environmental performance of the development against specified standards and criteria;
- Periodic auditing of the site (even after completion of infilling, to verify rehabilitation) by persons approved by the Department;
- Submit regular reports to the Department on compliance with the conditions of consent; and

- Mechanisms for recording and acting on community complaints and for consultation with the community.

1.4 Conclusions and Recommendations

The body of the report sets out the Department's assessment of the proposed development. It assesses the proposal in terms of statutory considerations, agency views, community submissions, and the key environmental issues.

The Department is satisfied that there is a justifiable demand for the proposed development. All relevant issues have been thoroughly assessed and environmental impacts are considered to be manageable.

The Environment Protection Authority (EPA), the Department of Land and Water Conservation (DLWC), National Parks and Wildlife Service (NPWS) and Harden Shire Council have provided their suggested conditions of consent, should the proposal receive approval.

This Report concludes that the proposed development, subject to the recommended Consent Conditions, can be operated in an environmentally acceptable manner without significant adverse environmental impacts.

2 BACKGROUND

The proposal involves the construction and operation of a Class 1 Putrescible Regional Landfill at the Bald Hill Quarry Stage 1, Berramangara, 8 km south-east of Jugiong.

Bald Hill Quarry Stage 1 has been operating and producing basalt products since 1985. Very limited resource remains within this quarry and the Applicant proposes to extract the remaining resource (in accordance with the existing Development Consent) while operating the landfill in the areas of the void where it is fully depleted of resource. The Bald Hill Quarry Stage 2, is currently in production.

3 DETERMINATION PROCEDURES

3.1 State Significance

The proposal is subject to State Environmental Planning Policy No.48 -Major Putrescible Landfill Sites and the Minister for Planning is the consent authority. The proposal is designated development for the purposes of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

3.2 Integrated Development

The proposal requires an environment protection licence from the Environment Protection Authority (EPA) under the *Protection of the Environment Operations Act 1997* and is therefore integrated development under section 91 of the *Environmental Planning and Assessment Act 1979*. The EPA has determined that it is able to vary the existing licence (number 2552) for the premises to permit the proposal.

4 SITE DESCRIPTION AND LOCALITY

4.1 Bald Hill Quarry

The Bald Hill Quarry Stage 1 is situated approximately 8km south-east of Jugiong with site access via the Old Hume Highway. The project site is owned by the Applicant.

The Bald Hill Quarry Stage 1 void is a currently non-operating basalt quarry approximately 80m deep in the shape of an inverted cone.

4.2 Surrounding Land Uses/Regional Context

The major land use activity of the area surrounding the site is sheep and cattle grazing. The closest residence is 1.5km from the quarry void.

4.3 Site History

Commercial extraction of basalt at the Bald Hill Quarry Stage 1 commenced in 1985. In 1997, 120 ha of land encompassing the stage 1 quarry was purchased by the Applicant. Bald Hill Quarry Stage 2 "Northridge Quarry" was located in 1997 and approval for extraction of basalt from the Stage 2 quarry was granted by Harden Shire Council in 1999. The Stage 2 quarry is on land owned by others and located approximately 2 km south of Stage 1. Basalt extracted from Stage 2 is transported via an internal haul road to the crushing and screening plant adjacent to the stage 1 quarry. The crushing and screening plant will continue to operate under the 1984 consent for stage 1.

5 PROJECT DESCRIPTION

The proposed development consists of a landfill operation and associated access facilities as shown in Figure 2.

5.1 Landfill

The establishment of the Bald Hill Quarry Regional Landfill would involve the construction of a transfer station for separating wastes, a leachate management system, a landfill gas management system, surface water management works and use of the existing weighbridge for accurate recording of wastes received.

The EIS states that eight local Councils advised the Applicant that together they expect to ultimately dispatch approximately 17 800 tonnes of wastes annually to the proposed landfill. However, additional information from the Applicant states that six Councils have indicated commitment to the proposal, with a revised ultimate annual dispatch of 11,600 tonnes.

It is proposed that the Bald Hill Quarry Regional Landfill would be licensed as Class 1 solid waste (putrescible) landfill and will therefore only accept non-hazardous, solid, degradable waste including putrescible wastes, garden wastes, uncontaminated biosolids and other wastes approved by the Environment Protection Authority (EPA). Hazardous, liquid and other excluded materials, as specified in the Conditions of Consent, will not be allowed at the landfill.

Landfill Design and Construction

The proposed landfill design will involve the recycling of leachate to increase the moisture content of the waste. The EIS states that the benefits of this design include increased landfill gas extraction, higher rates of settlement and a more rapid degradation and stabilisation of waste.

The proposal involves filling the void with approximately 680,000 tonnes of waste, capping and revegetating. The final landform will be the original shape of Bald Hill.

Landfill Operation

The EIS proposes the landfill to be open from 7:00 am to 5:00 pm Monday to Saturday. Waste will be received at the landfill in trucks entering the site through the existing entrance off the Old Hume Highway. Trucks will be weighed at the existing weighbridge located on the site access road and will then proceed to the transfer station. Waste will be inspected for non-permitted waste. Where practicable, recyclables will be screened and transported off site for appropriate disposal. The remainder will be landfilled. Once deposited, the waste will be spread and compacted and covered with a 150 mm layer of soil at the end of each day's operations. Approximately 300mm of suitable cover will be applied over surfaces that will be exposed for more than 90 days.

The draft Landfill Environmental Management Plan (LEMP) sets out organisational, technical and procedural safeguards applicable to the operation of the proposed landfill. This LEMP (as modified by the recommended Conditions of Consent) will be finalised prior to the commencement of operations. It includes:

- definition of organisational responsibilities for maintaining and implementing the LEMP;
- random sampling and monitoring of waste loads;
- leachate management and monitoring procedures;
- surface water control procedures;
- groundwater monitoring procedures; and
- procedures for the control and monitoring of landfill gas, noise, odour and fires; and
- compliance reporting

Landfill Closure

Landfilling will cease at approximately 450m AHD and then the landfill will be capped with a 1.3m thick capillary cap. In addition to the gas collection system, the final cap on the landfill will consist of:

- 10,000 m³ of course grained material 3mm to 5mm
- 35,000 m³ of fine grained material < 2mm.
- A revegetation layer of minimum depth 500mm for plants with shallow root systems.
- A revegetation layer of 1000 to 1500mm for areas of tree planting.

Rehabilitation

Section 2.5 of the EIS addresses site closure and rehabilitation. The Consent requires the development of a post closure landfill rehabilitation plan (LRP) covering:

- capping the landfill in accordance with benchmark technique 28 “Site Capping and Revegetation” documented in the *Environmental Guidelines: Solid Waste Landfills*;
- post closure environmental monitoring requirements;
- post closure leachate management;
- post closure landfill gas management; and
- post closure management of surface water in the event that the void is not filled with waste.

In addition to requiring an LRP, Conditions of Consent are proposed, which will require the applicant to report annually to the Department and other relevant statutory bodies, on the degree of compliance achieved in implementing the LRP. Where compliance has not been achieved or progress delayed, justification and remedial measures will be required from the proponent. The Conditions of Consent require the Applicant to provide cost estimates for the post closure rehabilitation over a 50 year period and to provide a financial assurance to the EPA to cover the cost of rehabilitation.

6 STATUTORY PROVISIONS

6.1 State, Regional and Local Environmental Plans

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 requires consent authorities, in assessing DAs for industrial development, to consider the potential risk and offensiveness of the proposal in terms of impacts on human health, property and the biophysical environment.

No dangerous goods, as classified by the Australian Dangerous Goods Code, will be handled on the site in quantities that could result in significant off-site impacts. Accordingly, it is considered that the proposal is not potentially hazardous.

The proposal is potentially offensive in that it will potentially emit offensive discharges that could have adverse off-site impacts. The Department’s position is that in order for a proposal to be not classified as offensive, it must be demonstrated that the proposal is able to obtain all relevant pollution control licences. In this case, the proposal requires licensing from the EPA under sections 47 and 48 of the Protection of the Environment Operations Act 1997.

The EPA has reviewed details of relevant issues addressed in the EIS and further details supplied by the applicant to clarify outstanding requirements that should be met before it can grant a license for the proposed operations. The Department considers that the requirements of SEPP 33 can be satisfied by the license conditions to be imposed by the EPA.

State Environmental Planning Policy No. 48 – Major Putrescible Landfill Sites

SEPP 48 applies to the proposal as it will receive waste from more than one LGA ie, from the region of the South West Regional Waste Group and has a capacity to receive more than 650,000 tonnes in total. The Minister for Urban Affairs and Planning is the consent authority for developments to which the Policy applies.

Clause 12 of SEPP 48 lists matters that must be considered by the consent authority in determining a DA to which the Policy applies. These matters are:

- (a) whether a justifiable demand exists for landfill sites, having regard to waste disposal capacity requirements identified from time to time by the EPA;
- (b) whether the landfill site as proposed in the DA is included in a waste management or waste disposal strategy identified in a regional waste plan applying to the site;
- (c) the views of such other public authorities as the consent authority considers relevant; and
- (d) whether or not the proposed location of the landfill site is consistent with the locational principles included in the version of the publication of the Department of Urban Affairs and Planning titled "*EIS Practice Guideline – Landfilling*" that is current at the time the DA is determined.

The EIS states that the South West Waste Group (SWWG) determined that there is urgent justifiable demand for replacement landfill space and that the use of a central facility would increase the standard of waste disposal and transfer station operations across all Shires.

In written advice to the Department, the NSW Environment Protection Authority (EPA) stated that they are unable to identify waste disposal capacity requirements for waste generated in rural New South Wales as robust data on existing capacity is not available. They do however go on to say that the approval of a new landfill, with appropriate Consent and licence Conditions, that results in the closure of poorly sited, designed and operated tips, is an environmental benefit.

The remaining heads of consideration for SEPP 48 are discussed in Appendix B. The Department is satisfied that there are no matters arising out of the SEPP 48 Heads of Consideration that will preclude the granting of a Consent.

State Environmental Planning Policy No.11 – Traffic Generating Developments

Regional waste depots fall within the ambit of the policy. The proposed landfill is expected to receive up to 17,800 tpa resulting in up to 20 truck movements per day. This results in a traffic increase of 2.4% on the Jugiong-Harden road and less than one percent on the rest of the road network. This increase is considered not have a significant impact on traffic levels. In addition, the RTA has completed improvements to the intersection of the Old Hume Highway and the Hume Highway to improve the safety levels at this intersection.

Harden Draft LEP 2001

Harden Shire Council has advised that the project site lies within land zoned Non-urban and Rural and that under the Harden Draft Local Environment Plan 2001, landfill operations are permitted.

EPBC Act

The EIS does not state whether Commonwealth approval is required under the *Environment Protection and Conservation of Biodiversity Act 1999* (EPBC Act). Upon request for additional information by the Department, the Applicant has advised that the proposal does not need to be referred to the Commonwealth for approval.

6.2 Regulations

The proposed landfill is designated development in terms of "waste management facilities or works" in Schedule 3 of the EP&A Regulation 1994 and the preparation of an environmental impact statement was required. In accordance with clauses 54 and 55 of the Regulation, the Director-General required several matters to be specifically addressed in the EIS (the Director-General's requirements are at Appendix 2 of the EIS).

The Department considers that, while issues were identified requiring further clarification, the EIS and other supporting documentation provide an adequate basis for the assessment process.

The EIS has been publicly exhibited and all public notifications have been undertaken in accordance with regulatory requirements. All regulatory requirements have been met.

7 EIS EXHIBITION AND ISSUES RAISED IN SUBMISSIONS

The DA and EIS were placed on public exhibition from 12 October to 12 November 2001 and submissions invited from interested parties and agencies. Advertisements advising of the exhibition dates were placed in the *Southern weekly*. In addition, nearby and potentially affected landowners/residents were notified of the DA by mail. In accordance with SEPP 48, the Department invited Harden Shire Council to make a submission on the proposal.

7.1 Private Submissions

Three private submissions were made in response to the exhibition of the EIS expressing concerns about the proposal (without clearly stating an objection). The key issues raised in the submissions included odour, vermin, amenity, land values and health.

A submission was received from Deacons Lawyers on behalf of a neighbouring land-owner, expressing concern over the proposal, particularly in regard to perceived major loss in land value, increase in fire hazard, pest and vermin control and odour control. The land-owner has provided suggested Conditions of Consent relating to these matters. These suggested Conditions have been reviewed by the Department and where appropriate taken into consideration in preparing the draft Conditions of Consent. The submitter's lawyers have confirmed agreement with the draft Conditions of Consent.

7.2 Agency and Organisational Submissions

Government agency and organisational submissions were received from the Environment Protection Authority (EPA), Department of Land and Water Conservation (DLWC), National Parks and Wildlife Service (NPWS), NSW Agriculture, NSW Fisheries, Roads and Traffic Authority (RTA), South West Waste Group (SWWG), Harden Shire Council, Young Shire Council, Gundagai Shire Council and the Riverina Eastern Regional Organisation of Councils. (the government submissions are summarised below).

Following consultation, six surrounding Local Government Areas (Cootamundra, Boorowa, Gundagai, Harden, Yass and Young) have indicated full support for, and use of, the proposed landfill. These Councils will continue to use current landfills for non-putrescible wastes until exhausted.

NSW Environment Protection Authority (EPA)

The EPA advises that it has no objection to the proposal and notes that it is able to vary the existing environment protection licence for the premises to permit the proposal subject to a number of Conditions. The EPA has issued General Terms of Approval for the project, which have all been incorporated into the Conditions of Consent.

Roads and Traffic Authority (RTA)

Objected to the proposal unless the intersection on the Hume Highway, which provides access to the quarry, was upgraded. This work has now been completed.

NSW Agriculture

Expresses support for the proposal.

NSW Fisheries

Has no concerns about the project provided all appropriate conditions are met.

NSW National Parks and Wildlife Service (NPWS)

The submission by NPWS states that the EIS did not provide sufficient information to assess the Aboriginal cultural heritage components of the proposal. The Department therefore requested that the Applicant provide further information to NPWS addressing amongst other

matters: survey transects, previous archaeological research and assessment in the region, an Aboriginal site register search; written evidence of endorsement by Young Local Aboriginal Land Council and other appropriate Aboriginal groups.

The Applicant responded to this request and NPWS has confirmed that the proposal is acceptable.

Department of Land and Water Conservation (DLWC)

The submission by DLWC expresses concern about the proposed evaporation ponds and suggests that the evaporation ponds have not been adequately designed to accommodate leachate volumes in the first few years.

DLWC requests that the Applicant review the design criteria for the ponds incorporating the following:

- Allowance for sludge/solids accumulation
- Minimum 600mm freeboard
- Appropriately designed pipe inlet to prevent erosion
- Ability to retain 1 in 20 year 24hr storm event

DLWC has provided specifications for evaporation pond construction. These specifications have been agreed to by the Applicant and are presented at Attachment 1 to the Conditions of Consent.

DLWC also expressed concern about the validity of the groundwater studies and the need for ongoing groundwater and surface water quality monitoring.

The Conditions of Consent require the Applicant to include, in consultation with DLWC, details of the quarterly monitoring program in the updated LEMP. Remediation trigger levels will be as set under EPA Benchmarks and the remediation action shall be in consultation with the EPA. The Department considers that groundwater and surface water impacts will be adequately managed through the Consent Conditions.

7.3 Harden Shire Council

In accordance with SEPP 48, the Department invited Harden Shire Council to make a submission on the proposal. Council does not object to the proposal but raised concerns regarding water, litter, vermin, fire, dust, odour and noise. These have been addressed in the Conditions of Consent. Council also highlighted the delay in the implementation of the Hume Highway intersection improvement works imposed as conditions in the Bald Hill Quarry Stage 2 consent granted in 1999. These works have now been completed.

The proposed development is integrated development, the relevant licensing body (EPA) was consulted by the Department in relation to their prerequisites to issue the relevant licenses for the proposal. These have been provided and are incorporated into the consolidated recommended set of conditions in the draft Instrument of Consent.

7.4 Special Interest Groups

The Total Environment Centre Inc. (TEC) expressed concern about the proposal. TEC believes that there has been inadequate analysis of feasible alternatives to the landfill, and that local councils are not doing enough to divert waste away from landfills. TEC believes that the proposal is not in line with the objectives of the *Waste Avoidance and Resource Recovery Act 2001* because resource recovery has not been given priority over waste disposal. TEC suggest that approval for this project should be withheld and reviewed again when a detailed waste management strategy is adopted by local councils.

The Applicant was asked to provide additional information on the issue of waste management and alternatives to landfill. The Applicant has responded to this request to the satisfaction of the Department and has provided additional information on the waste management strategies of the relevant local Councils.

8 ASSESSMENT OF KEY ISSUES

8.1 SEPP 48 Considerations

Clause 12 of SEPP 48 contains a number of matters that must be considered by the Minister in determining a proposal. A detailed consideration of these matters is included as Appendix C.

The first matter listed for consideration under SEPP 48 is “whether a justifiable demand exists for landfill sites, having regard to waste disposal capacity requirements identified from time to time by the EPA”. This has been addressed in section 6.1 in this report.

8.2 Water Quality and Leachate Management

The site storm water management system, surface water monitoring, stormwater collection and sedimentation dams, and operation and maintenance procedures are provided in the draft LEMP accompanying the EIS. The Conditions of Consent specify additional surface water management procedures to be included into the final LEMP.

DLWC expressed concern in their submission that the evaporation ponds have not been adequately designed to accommodate leachate volumes in the first few years. DLWC has since provided specifications for the design of the evaporation pond construction. These specifications have been agreed to by the Applicant and are included as Attachment 1 to the Conditions of Consent.

Based on hydrogeological testing, the Applicant advises that because of the virtual impervious nature of the substrate below approximately 430m AHD of the void (365m AHD to 450 AHD), groundwater contamination is not likely and a leachate barrier is not considered necessary. The permeability of the quarry walls above approximately 430m AHD require additional testing. Once the zone of permeability is established, a Geonet drainage layer will be installed to ensure rapid drainage of leachate and prevent the leachate from seeping into the weathered material.

Conditions of Consent have been included to ensure quarterly monitoring of the groundwater and remedial action procedures in the event that the set parameters are exceeded.

Conclusion

The Department considers that the measures proposed by the Applicant, together with the Conditions of Consent, are adequate to ensure that contaminated water does not leave the site.

8.3 Traffic

Access to the project site would be via the site access road that serves the Bald Hill Quarry Processing Plant. This access road intersects with a section of the Old Hume Highway, which in turn intersects with the Hume Highway. The existing site access road is sealed from the site weighbridge office to the intersection with the Old Hume Highway.

Harden Shire Council and the RTA requested that no work should commence on the site until road works as required under the Stage 2 consent to improve the intersection are completed. The outstanding work has now been completed to the satisfaction of Council and the RTA.

8.4 Air Quality

The EIS identifies dust from construction and operations, odour and landfill gas as potential sources of air pollution.

Odour emissions are expected to meet the odour performance criteria proposed in the *NSW EPA Draft Odour Policy (2001)*, provided that the safeguards presented in the EIS and LEMP are implemented.

The Department is satisfied that the odours from the proposed operations will not exceed guideline limits. A Condition of Consent is included to provide a mechanism for odour and

other complaints from nearby residents to be registered, investigated and necessary mitigating measures to be implemented.

In addition, the Conditions of Consent prohibits the emission of any offensive odour from the premises as required under Section 129 of the POEO Act.

A leachate management system and a landfill gas extraction and flaring system will operate on the landfill site to minimise odours in addition to an odour monitoring program to ensure compliance with guideline values. The operation of these systems are governed by the Conditions of Consent.

The predicted annual average dust depositions at the proposed landfill site are predicted to be well within EPA criteria. Notwithstanding this, the Department has included a number of dust minimisation measures in the Conditions of Consent.

Conclusion

The Department is satisfied that, with the imposition of the recommended Conditions of Consent, the proposal will not pose significant air quality impacts.

8.5 Flora and Fauna

The survey of flora included in the EIS revealed that no endangered ecological communities occur in the vicinity of the areas of proposed activity since the site has been significantly disturbed by earlier quarrying activities. No tree regeneration was observed in the survey area. The Applicant has commenced a revegetation program. Suggested Conditions of Consent require further revegetation of the site on completion of landfilling.

Given the small scale of the proposed operation, the Department agrees with the conclusion in the EIS that assessments carried out in accordance with section 5A of the EP&A Act, on the Swift and Turquoise Parrots (as suggested by NPWS) and on the Great Pipistrelle (bat) and the Superb Parrot, showed that the proposed landfill is unlikely to significantly affect any threatened fauna or its habitat.

Conditions of consent are proposed to ensure that measures are taken through the LEMP to conserve any threatened populations on the site that is subject to the DA or areas potentially affected by the operation of the waste management facility.

Conclusion

The Department is satisfied that, subject to the recommended conditions of consent, the proposal will not significantly impact on flora and fauna.

9 OTHER ISSUES

9.1 Heritage

Aboriginal Heritage

An Aboriginal survey concluded that nothing of Aboriginal origin or significance was found and it would be highly unlikely that future operations would encounter anything of Aboriginal origin.

Non-Aboriginal Heritage

There are no items of non indigenous heritage value on the site.

Conclusion

The Department is satisfied that there are no significant impacts on Aboriginal or non-Aboriginal heritage.

10 SECTION 79C CONSIDERATION

The Department has assessed the DA in accordance with the matters for consideration listed under Section 79C(1) of the Act. Based on this evaluation (attached as Appendix A), it is considered that the merits of the proposal warrant granting of development consent, subject to the recommended conditions of consent.

11 CONCLUSION

The main environmental issues associated with the proposal include water quality and leachate management, air quality and amenity of local landholders. The Department's assessment of these issues concludes that these impacts will not be significant and, subject to the implementation of relevant conditions, can be adequately managed. Given the manageable impacts of the proposal and the ongoing need for a regional waste facility, it is considered that the merits of the proposal warrant the granting of conditional development consent.

12 RECOMMENDATIONS

It is RECOMMENDED that the Minister in considering the findings and recommendation of this Report, grant consent to the Development Application submitted by Bald Hill Quarries Pty Ltd subject to the conditions set out in the instrument of consent (tagged 'A').

Sohan Fernando
Risk Assessment Specialist
Major Development Assessment

Endorsed

Sam Haddad
Executive Director

APPENDIX A: SECTION 79C(1) CONSIDERATIONS

The following assessment is based on the matters listed for consideration under section 79C(1) of the *Environmental Planning and Assessment Act, 1979*.

The Provisions of any environmental planning instrument, and any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and any development control plans, and the Regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates.

Relevant environmental planning instruments (EPIs) are addressed in Section 2 of this Planning Report. It is considered that the proposal is generally consistent with the provisions of all relevant EPIs. There are no matters listed under Clause 66 of the Regulations that are relevant to the proposal.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality

The main environmental issues associated with the proposal include Air Quality, Water Quality and Leachate Management and Roads. The assessment of these issues in the Report concludes that the likely impacts are either low or can be managed to acceptable levels. It is considered that the proposal will have net positive social and economic impacts in the local community in progressing towards more efficient and environmentally responsible waste management for the region.

The suitability of the site for the development

It is considered that the subject site is suitable for the proposed development. There is no increase in the risk of contamination from the proposed development. The site is a heavily disturbed former quarry area and it is considered that the infilling operations will not result in significant adverse impacts on either the site itself or surrounding areas.

Any submissions made in accordance with this Act or regulation

Issues raised in community, agency (including licensing bodies) and Council submissions are outlined in Section 1 of this Report and considered in Section 3 of this Report. It is considered that all issues raised have been satisfactorily addressed and that there are no outstanding issues that will preclude the granting of development consent.

The public interest

The establishment of the Bald Hill Quarry Regional Landfill will provide ongoing putrescible landfill capacity for the region. The Department concludes that the development will not present significant environmental impacts. It is therefore considered that the proposal will be in the public interest.

SEPP 48 CONSIDERATIONS

Heads of consideration under clause 12 of SEPP 48.

(a) whether a justifiable demand exists for landfill sites, having regard to waste disposal capacity requirements identified from time to time by the EPA;

The EIS states that the South West Waste Group (SWWG) determined that there is urgent justifiable demand for replacement landfill space and that the use of a central facility would increase the standard of waste disposal and transfer station operations across all Shires.

In written advice to the Department, the NSW Environment Protection Authority (EPA) stated that they are unable to identify waste disposal capacity requirements for waste generated in rural New South Wales as robust data on existing capacity is not available. They do however go on to say that the approval of a new landfill, with appropriate Consent and licence Conditions, that results in the closure of poorly sited, designed and operated tips, is an environmental benefit.

Hence, although it is not possible to quantify a justifiable demand for the Bald Hill Regional Landfill, the outcomes of communications with local and State authorities is consistent with the conclusion that there is a justifiable demand for this landfill.

(b) whether the landfill site as proposed in the DA is included in a waste management or waste disposal strategy identified in a regional waste plan applying to the site;

There is no applicable regional waste management plan.

(c) the views of such other public authorities as the consent authority considers relevant;

The Department consulted a number of public authorities on the proposal. Submissions received are summarised in Section 1 and considered in Section 3 of this report.

(d) whether or not the proposed location of the landfill site is consistent with the locational principles included in the publication of the Department of Urban Affairs and Planning entitled "EIS Practice Guideline – Landfilling" that is current at the time the DA is determined;

Figure 2 of the Department's EIS Guideline for Landfilling, dated September 1996, provides the most up-to-date locational principles for landfill proposals. The proposal's consistency with these principles is assessed below.

Is the site consistent with any existing waste management plans or strategy?

As noted above, there is no regional waste plan for this area.

Is the proposed land use prohibited on the site?

The proposal is permissible with development consent.

Is the site fundamentally inappropriate because of its high environmental sensitivity?

Table 1 of the Landfilling guidelines lists environmentally sensitive areas that should be avoided by landfill developments. Based on this list, the proposed landfill site is not located with or adjacent to an area of high environmental sensitivity.

Is the proposal likely to be compatible with surrounding zoning/land use considering separation distances?

The infill site is located within a property currently being used as a quarry. In addition, the surrounding land uses are mainly sheep and cattle grazing. This provides significant separation distances between the proposed infill site and residences. The closest single residence is 1.5km from the quarry void.

Do initial site investigations indicate that the site is fundamentally unsuitable?

The site is currently being used for quarrying activities. It is considered that the site is suitably located in terms of separation distances from surrounding land uses and is isolated in terms of distance from sensitive land uses such as residences, schools and hospitals.