

6.0 Planning Framework

This section identifies the environmental planning controls and legislative requirements at Commonwealth, State and local levels that apply to the proposed landfill development.

The planning approval process for this project is principally governed by the requirements of Part 3A of the NSW *EP&A Act* and *State Environmental Planning Policy (Major Projects) 2005 (SEPP 2005)*. A full discussion of the whole legislative framework that is relevant to this project is provided below, as well as an outline of other strategic, policy and statutory considerations that must be addressed.

6.1 Commonwealth Legislation

6.1.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)* governs the Commonwealth EA process and provides protection for matters of National Environmental Significance (NES), which include:

- Nationally threatened species and ecological communities.
- Australia's World Heritage properties.
- Ramsar wetlands of international importance.
- Migratory species listed under the *EPBC Act* (species protected under international agreements).
- Commonwealth marine areas.
- Nuclear actions, including uranium mining.
- National heritage.

The *EPBC Act* defines proposals that are likely to have an impact on matters of NES as a "controlled action". Proposals that are, or may be, a controlled action are required to be referred to the Commonwealth Minister for the Environment and Heritage for a determination as to whether or not the action is a controlled action. If the action is considered to be a controlled action, either a separate approval process would be required for those aspects of the proposal that form part of the controlled action or the Commonwealth Minister may declare that the assessment under the NSW *EP&A Act* is sufficient and therefore a separate assessment would not be required.

On 3 August 2007 details of the proposal were referred to the (former) Commonwealth Department of Environment and Water Resources (DEWR, now DEWHA), requesting that a determination be made under the *EPBC Act*. DEWR responded on 1 October 2007, declaring the project to be a "controlled action" under the *EPBC Act* and indicating that the proposal has the potential to have a significant impact on the following:

- World Heritage Properties (pursuant to Sections 12 and 15A of the *EPBC Act*).
- National Heritage Places (pursuant to Sections 15B and 15C of the Act).

The determination considered that the proposed action has the potential to have a significant impact on the downstream values of the Oxley Wild Rivers National Park which is part of the GRAWHA. These values and further discussion on the heritage significance of the Oxley Wild Rivers National Park are provided in **Section 8.12**.

The proposed development therefore requires approval under the *EPBC Act*. Assessment requirements of the Commonwealth have been incorporated into the formal requirements of the NSW State Government. While the State process is the primary mechanism for assessment, the proposal will ultimately be reviewed for approval at both State and Commonwealth levels on this basis.

In accordance with subsection 74(3) of the *EPBC Act*, the referral, together with an invitation for public submissions, was published on the Commonwealth Department's web site for 10 business days, commencing on 22 August 2007. A total of seven public submissions were received by the Department. Issues raised within the public submissions included the following:

- Potential for significant impacts on World Heritage values, National Heritage values and on listed threatened species, in the event of leakage of contaminated leachate from the landfill, or from floods overtopping bund walls and/or the leachate pond.
- Potential loss of integrity of the landfill lining system due to the effects of the mixture of chemicals that may collect within any landfill.
- Potential impacts of leachate on the quality of waters leaving the site and entering the Gara River.

In response to the submissions, a review of literature on landfill lining was undertaken. The literature review has since been updated and a Hydrogeological Assessment has been conducted to provide information about the long term performance of the landfill liner (refer **Appendix I**). The findings of the literature review and Hydrogeological Assessment are presented in **Section 8.4.4**.

6.2 State Legislation

6.2.1 Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000

The *EP&A Act* and the *EP&A Regulation* provide the framework for the assessment and approval of developments proposed within NSW.

On 17 June 2005 Maunsell AECOM (now AECOM) submitted a "Form A" request for DGRs for an Environmental Impact Statement (EIS) to be prepared under Part 4 of the *EP&A Act* for the proposed landfill development. DGRs were issued to Maunsell AECOM by the (former) Department of Infrastructure Planning and Natural Resources (DIPNR) on 27 July 2005. Further DGRs for a Part 4 EIS were also issued by the (former) Department of Conservation (DEC) on 1 August 2005.

The Part 3A Amendments to the *EP&A Act* and related provisions commenced on 1 August 2005. Under the Part 3A amendments, the proposed landfill facility is now defined as a "resource recovery or waste facility" in Schedule 1 of *SEPP 2005*.

Schedule 1 of *SEPP 2005* defines "*Resource recovery or waste facilities*" as follows:

Development for the purpose of regional putrescible landfills or an extension to a regional putrescible landfill that:

- (a) *Has a capacity to receive more than 75,000 tonnes per year of putrescible waste, or*
- (b) *Has a capacity to receive more than 650,000 tonnes of putrescible waste over the life of the site, or*
- (c) *Is located in an environmentally sensitive area of State significance.*

The proposed landfill facility has a design capacity to receive approximately 750,000 tonnes of putrescible waste over the facility's operational life of 50 years and is therefore classified as a waste facility for the purposes of Part 3A of the *EP&A Act*.

The development of the proposed landfill facility is therefore considered to be a Major Project and would now require the approval of the Minister for Planning under the requirements of Part 3A of the *EP&A Act*.

On 6 October 2005, Maunsell AECOM requested revised DGRs from the DoP for assessment of the proposal under the newly gazetted Part 3A requirements. Revised DGRs for the preparation of an EA document under Part 3A were issued on 25 October 2005, however as the DGRs expired within a period of two years and the proposal had not progressed to EA stage. A further request was forwarded to the DoP for the DGRs to be reissued. In response, the DoP in October 2007 requested a brief report to be provided to the DoP and other stakeholders providing the following:

- Description of the site.
- Project details.
- Aerial photos outlining the proposed location of the landfill.
- Surrounding site features.
- Details of the closest sensitive receivers, roads and the location of the Wild Rivers National Park;
- An environmental risk analysis.
- Confirmation of the current site zoning and a discussion of the permissibility of the proposed landfill development within that zoning.

Following subsequent liaison and correspondence with the DoP in 2008, Maunsell AECOM lodged a new, formal request with the DoP for a "Clause 6 Declaration" to be issued by the Minister for Planning, thus re-affirming the proposal's "Major Project" status (in accordance with Clause 6 of *SEPP Major Projects*). The Minister's Declaration was issued together with a request that a PEA document should be prepared and submitted to the DoP.

Planning Focus Meetings

Planning Focus Meeting (2005)

A PFM was held at the Armidale Dumaresq Council Chambers on 9 June 2005 to initially consult with the local community and other stakeholders and to seek appropriate feedback. Council's intention to prepare and lodge a DA under Part 4 of the *EP&A Act* was discussed at that meeting but this was not subsequently implemented.

Planning Focus Meeting (2008)

Following the submission of a PEA document to support Maunsell AECOM's request for issue of updated DGRs, a further PFM was held at Council's Waste Management Centre on 22 October 2008. The PFM followed an inspection of the Project Site. DoP subsequently issued updated DGRs under Part 3A of the *EP&A Act* on 20 November 2008.

6.2.2 Crown Lands Act 1989

The *Crown Lands Act 1989* provides for the management of Crown land resources in accordance with the principals of environmental protection, conservation and ecological sustainability, public use and enjoyment, as well as encouragement of multiple uses.

A licence is required under Section 34 of the Act to maintain an access easement over the TSR which is Crown land. The TSR provides access from Waterfall Way to the site, in addition to providing road access for land locked parcels adjacent to the site. Under Section 34A, the Minister is required to consult with a body managing the site, in this case the Rural Lands Protection Board (RLPB).

6.2.3 Heritage Act 1977

The purpose of the *Heritage Act 1977* (as amended 1998) (Heritage Act) is to protect and conserve non-Aboriginal cultural heritage including heritage items, sites and relics. The Heritage Act is administered by the NSW Heritage Office.

There are no listed heritage items likely to be impacted by the proposed works. Preliminary investigations have indicated that it is unlikely that an item of heritage significance would be significantly impacted as a result of the proposed work. Notwithstanding this, however, a full Indigenous and European heritage assessment has been undertaken as part of this EA. The results of this assessment are presented in **Sections 8.10 and 8.11**.

6.2.4 Native Vegetation Act 2003

The *Native Vegetation Act 2003 (NV Act)* provides for the management and protection of native vegetation. The objectives of the *NV Act* include the management of native vegetation, prevention of broad-scale clearing, protection of native vegetation of high conservation value and encouragement of revegetation.

The Project Site contains native vegetation as defined by Section 6 of the *NV Act*. The proposed works would involve clearing of approximately 20 hectares of land.

The impacts of clearing have been assessed and are discussed in **Section 8.8**.

6.2.5 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974 (NP&W Act)* provides for the establishment, care control and management of national parks, historic sites, nature reserves, State conservation areas, Aboriginal areas and state game reserves.

The *NP&W Act* also provides for the protection of Aboriginal objects and the protection of native flora and fauna. As the project falls under Part 3A of the *EP&A Act*, once the proposal is approved under Part 3A, it is exempt from requirements for approvals required for impacting on Aboriginal sites under the *NP&W Act*. However, an assessment of the impact of the project on items protected under the *NP&W Act*, has been undertaken as part of this EA.

Potential impacts to native flora and fauna and the Oxley Wild Rivers National Park are considered in **Section 8.8** and **Section 8.12**. Potential impacts to Aboriginal places and objects and historic sites are considered in **Section 8.10**.

6.2.6 Noxious Weeds Act 1993

The *Noxious Weeds Act 1993 (NW Act)* establishes a system for the identification and control of noxious weeds in NSW. Under the *NW Act*, the Minister for Primary Industries may declare a plant to be a noxious weed. Preliminary investigations have identified the occurrence of four noxious weed species within the broader areas surrounding the Project Site.

The potential impacts associated with the presence of noxious weeds have been assessed and are discussed in **Section 8.8**.

6.2.7 Protection of the Environment Operations Act 1997

The *POEO Act* relates to pollution management and waste disposal in NSW. The *POEO Act* also established requirements for licensing of certain activities that are listed in Schedule 1 of the Act. "Waste facilities" (specifically solid waste landfill or application sites, being landfill or application sites that receive over 5,000 tonnes per year of solid waste or solid waste and inert waste) are listed within Schedule 1 and therefore require that an EPL is obtained from the DECCW in order to operate the facility.

Clean stormwater collected at the proposed landfill facility would discharge into the unnamed intermittent creek to the north of the proposed landfill. Further consultation with the DECCW would be undertaken to confirm the need for a discharge consent licence.

A LEMP would be prepared to accompany the EPL applications. A draft LEMP has been compiled as part of this EA and is included in **Appendix B**.

6.2.8 Roads Act 1993

The *Roads Act 1993 (Roads Act)* aims to define rights in relation to road use as well as the use of adjoining land, in addition to road function and classification. The functions and role of the RTA with respect to the carrying out of various activities on public roads are also defined under the *Roads Act*.

Pursuant to Section 138 of the *Roads Act*, consent is required to excavate or otherwise disturb the surface of a public road, remove or interfere with a structure, work or tree on a public road or connect a road (whether public or private) to a classified road.

In order to provide vehicular access to the proposed landfill site, various works will need to be undertaken that would impact on Waterfall Way. Waterfall Way is an "arterial road", therefore consent is required from the RTA for the subject works.

6.2.9 Rural Fires Act 1997

The *Rural Fires Act 1997* (*Rural Fires Act*) provides for the prevention, mitigation and suppression of bush and other fires and the co-ordination of bush fire fighting and bush fire prevention activities throughout the State. The Act also seeks to protect human beings, property and the environment.

Under Section 63 of the *Rural Fires Act* the owner or occupier of land has the following duty:

to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, that land.

The proposed development includes approximately 61 hectares of compensatory native habitat and as such may be considered bushfire prone land. The potential impacts associated with the establishment of this habitat are discussed in **Section 8.0**.

6.2.10 Threatened Species Conservation Act 1995

The *TSC Act* provides for the conservation of threatened species, populations and ecological communities of animals and plants that are listed under the Act. The purpose of the Act is to:

- *Conserve biological diversity and promote ecologically sustainable development*
- *Prevent the extinction and promote the recovery of threatened species, populations and ecological communities*
- *Protect the critical habitat of those species, populations and ecological communities that are endangered*
- *Eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities*
- *Ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed, and*
- *Encourage the conservation of threatened species, populations and ecological communities through co-operative management.*

Ecological investigations undertaken on the terrestrial ecology of the site have indicated the presence of several threatened species and an endangered ecological community (EEC). The direct and indirect impacts of the proposed works on all identified threatened species and EECs has been determined and are discussed in **Section 8.8** and **Appendix E**.

6.2.11 Water Management Act 2000

The *Water Act 1912* is gradually being repealed by the *Water Management Act 2000* (*WM Act*) with the only active provision relating to areas affected by Water Sharing Plans (WSP). There is no WSP in the vicinity of the proposed site; therefore the *Water Act 1912* does not apply to the proposed development.

In February 2008, the *WM Act* repealed the provision of the *Rivers and Foreshores Improvement Act 1948*, implementing provisions and approvals under the *WM Act* for development in the vicinity of water bodies.

The object of the *WM Act* is the sustainable and integrated management of the State's water for the benefit of both present and future generations. The *WM Act* sets out procedures for issuing water use approvals and water access licences and governs dealings with regard to these approvals and licences whereby they can be bought and sold in part or full. The Act also provides approvals and constraints for 'controlled activities' undertaken on waterfront land or land within 40 metres of a water body.

It is not intended to use surface water run-off, farm dams or groundwater sources to meet the proposed landfill facility water requirements. The sedimentation basin and dry basin would be used for environmental management purposes, namely runoff capture, dust suppression and stormwater and leachate quality control. Stormwater would be managed within the site in accordance with an approved Stormwater Management Plan.

The proposal does not require the extraction of water from a water source as defined by the Act and as such harvestable rights and the DWE Farm Dams Policy do not apply to this project. Consequently, the proposal does not call for a water use approval, water management work approval or activity approval under the provisions of the *WM Act*. The proposal is not defined as a controlled activity and is not located within 40 metres of a water body.

No approvals or permits are required under the *WM Act*.

6.3 State Environmental Planning Policies

6.3.1 State Environment Planning Policy (Infrastructure) 2007

State Environment Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) aims to facilitate the effective delivery of infrastructure in NSW by improving regulatory certainty and efficiency through a consistent planning regime that entails the identification of the appropriate EA category and providing for consultation with relevant public authorities.

Section 121 of the *SEPP Infrastructure* states that:

“Development for the purpose of waste or resource management facilities, other than development referred to in subclause (2), may be carried out by any person with consent on land in a prescribed zone”.

The proposed landfill facility falls within the meaning of ‘a waste or resource management facility’ as defined by Clause 120 of *SEPP Infrastructure* because a:

“Waste or resource management facility means a waste or resource transfer station, a resource recovery facility or a waste disposal facility”;

and a

“Waste disposal facility means a facility for the disposal of waste by landfill, incineration or other means, including associated works or activities such as recycling, resource recovery and other resource management activities, energy generation from waste gases, leachate management, odour controls and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.”

SEPP Infrastructure applies to the project as the development is zoned 1(a) General Rural under the Armidale Dumaresq LEP 2008 (LEP 2008). The prescribed zone that *SEPP Infrastructure* identifies under this Division, as relevant to this proposal, is the RU1 – Primary Production, or as stated in this Division, a land use zone that is equivalent to these zones. The Project Site is located within the 1(a) General Rural zone under LEP 2008, the objectives of which are commensurate with those of the RU1 – Primary Production zone. Accordingly, the proposed location of the proposed landfill facility is within a prescribed zone (or equivalent) and therefore satisfies this provision of *SEPP Infrastructure*.

Having regard to the above, the proposal is permissible with consent in accordance with the provisions of *SEPP Infrastructure*, and these provisions would prevail should an inconsistency arise with LEP 2008.

6.3.2 State Environmental Planning Policy No. 33 – Hazardous and Offensive Industry

State Environmental Planning Policy – Hazardous and Offensive Development (SEPP 33) – aims to provide definitions of hazardous and offensive industries, to ensure that in determining whether a development is a hazardous or offensive industry the consent authority has adequate information and that any measures proposed to be employed to reduce the impact of the development are taken into account.

The definitions most relevant to the proposal are set out in clause 3:

potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

- 1) to human health, life or property, or
- 2) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

Should it be found that a proposed development has the potential to cause risk to humans or the biophysical environment, or to emit a polluting discharge, then a Preliminary Hazard Analysis (PHA) is required.

The document, *Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines* was prepared by the then DUAP in 1994 to provide assistance primarily to councils (but also to industry, consultants and other government agencies) in implementing SEPP 33. The *Guidelines* recommend a 'risk screening' method for determining whether a project is hazardous and provides guidance on assessing potentially offensive development projects. The screening process considers the class and volume of waste materials to be stored on the site and the distance of the storage area to the nearest site boundary.

The guidelines state that the first step to determining whether SEPP 33 applies to a project is to consider whether the proposed use falls within the definition of 'industry' adopted by the planning instrument which applies. The proposed Project is defined as a resource recovery or waste facility (see **Section 6.1**) and therefore does not meet the definition of an industry. As such, the provisions of SEPP 33 do not strictly apply and a PHA is not required.

6.3.3 State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44) applies to the Armidale Dumaresq LGA (refer Schedule 1 of SEPP 44). SEPP 44 aims to

encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

- b) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and
- c) by encouraging the identification of areas of core koala habitat, and
- d) by encouraging the inclusion of areas of core koala habitat in environment protection zones.

The policy applies to land which is the subject of a Development Application (DA) and which is greater than 1 hectare in area. Whilst the proposal is not the subject of a DA, but of a Major DA, it is assumed that the policy is intended to apply to Part 3A projects and the provisions of the SEPP are therefore considered in relation to the proposal.

Part 2 of SEPP 44 requires that prior to granting consent to a development on land subject to the policy, the Council must consider whether the land constitutes 'potential' or 'core' koala habitat. Core koala habitat is defined as areas which contain a resident koala population. Potential koala habitat is defined as areas of native vegetation where the trees of the type listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component. Should core koala habitat be identified, a Plan of Management is required to be prepared in respect of the habitat and any consent granted in respect of the land must be consistent with the Plan of Management.

An ecological investigation carried out by EA Systems in 2009 concluded that the site contained no 'potential' or 'core koala habitat' and therefore it is unlikely the area contains a resident koala population (refer to **Section 8.8.9** for further discussion).

As no 'core koala habitat' has been identified within the site or within any significantly affected surrounding areas, a Koala Plan of Management has not been prepared.

6.3.4 State Environmental Planning Policy No. 55 – Remediation of Land

The objective of *State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)* is to “provide for a State-wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment”. Clause 7 of SEPP 55 requires a consent authority to consider whether the land is contaminated and whether it is suitable (or can be made suitable) for the proposed development.

Pursuant to Clause 7(2)(b) of SEPP 55, a consent authority must consider a report specifying the findings of a preliminary contamination investigation on the land where:

- A change of use occurs.
- Where that land has been previously used for an activity identified in Table 1 to the *Contaminated Land Planning Guidelines*.

Historically, the Project Site has been used for agricultural purposes and as such the proposed landfill facility represents a change of use. In addition, agricultural/horticultural activities are listed activities in Table 1 to the *Contaminated Land Planning Guidelines*.

Once final rehabilitation of the proposed landfill facility is complete, the land would retain its capability to be used as agricultural land.

6.4 Other Plans and Strategies

6.4.1 Regional Environmental Plans

It is noted that, as of 1 July 2009, Regional Environmental Plans (REPs) are no longer part of the hierarchy of Environmental Planning Instruments (EPI) in NSW. REPs have therefore not been included for discussion in this EA.

6.4.2 New England Draft Development Strategy

The *New England Draft Development Strategy* has been prepared on behalf of the former NESAC and applies to the subject site. The Draft Strategy outlines key land use policies and principles for the former NESAC LGAs and provides the planning context for the preparation of LEP provisions. The Draft Strategy has been formally endorsed by Council and has been forwarded by Uralla Shire Council to the DoP, for the Minister's consideration and approval.

The proposal is consistent with the draft land use Strategy for the region.

6.5 Local Context

6.5.1 Armidale Dumaresq Local Environmental Plan 2008 (LEP 2008)

Permissibility

The site is subject to the provisions of LEP 2008 which was gazetted on 15 February 2008. Pursuant to Clauses 10 and 14 of LEP 2008, the subject site is zoned 1(a) General Rural.

Clause 14(3) of LEP 2008 permits any development that is not specified in Clauses 14(2) or 14(4) of LEP 2008 but only with development consent.

Under Clause 4 of LEP 2008 the proposed landfill facility falls within the meaning of a ‘waste disposal facility’, which is defined as:

“a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.”

As the proposed landfill facility is defined as a ‘waste disposal facility’, it is permissible with development consent, pursuant to Clause 14(3) of LEP 2008.

Zone Objectives

Clause 13(6) requires the consent authority to have regard to the objectives for development in a zone when determining an application in respect of land in that zone. In this regard, Clause 14(1) of LEP 2008 has the following objectives:

- (a) *To encourage sustainable primary industries now and into the future.*
- (b) *To prevent the fragmentation of agricultural land.*
- (c) *To avoid land use conflict.*
- (d) *To allow for non-agricultural uses that will not restrict the use of other rural land in the locality for agricultural purposes.*
- (e) *To protect natural ecological systems and processes.*

Council would adopt best practice in the development of the proposed landfill facility to continue the high-rate of resource recovery at the WTS. The Project Site was selected after a comprehensive site selection process (refer **Section 4.0**) and would result in minimal land fragmentation or land use conflict.

The landfill design, in conjunction with the implementation of appropriate mitigative measures and responsible operation, would ensure that the proposed facility would not restrict the use of other rural land in the locality for agricultural purposes. The employment of a suite of management measures would ensure the proposal has minimal impact on natural ecological systems and processes. In this regard, the proposed landfill facility is considered to be consistent with the zone objectives for the 1(a) General Rural zone.

Subdivision provisions

The proposal includes the subdivision of part Lot 2 in DP 253346, part Lot 1 in DP 820271 and part Lot 1 in DP 253346. The portions of land would be acquired by Council and consolidated to facilitate the construction and operation of the proposed landfill facility.

Clause 14(7)(a) of LEP 2008 states that *"land within this zone may be subdivided but only with consent"*. Subdivision of the land is permissible development within the 1(a) General Rural zone with development consent.

Water cycle management provisions

Clause 14(15) of LEP 2008 states the following:

If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (f) *the proposed water supply is adequate,*
- (g) *the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and*
- (h) *any adverse impact of water use on environmental and human health is minimised.*

The proposal includes a dirty water capture and conveyance system for the site and a leachate collection and conveyance system that treats all potential waste within the facility.

Section 8.0 and other relevant parts of this EA discuss and detail proposed management measures, including the preparation of a WLMP as part of the LEMP.

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7.0 Consultation

This section discusses the consultation undertaken during the preparation of this EA. A summary of the consultation tasks undertaken in relation to the site selection is presented in **Section 4.2.4**.

7.1 Consultation Approach

7.1.1 Consultation Objectives

The objectives of consultation, during the preparation of the EA, were to:

- *Ensure an open, accountable and transparent community involvement process for the development of a proposed landfill facility for the Armidale region;*
- *Ensure that accurate information was disseminated to the community, aligning with the development stages for the proposed landfill facility;*
- *Ensure all potentially affected property owners and interested stakeholders were provided with sufficient information about the project and the likely impacts so that they could provide informed input;*
- *Enable the identification of issues that are relevant to the community at all development stages of the proposal; and*
- *Manage community expectations by clearly outlining the decision making process and how their inputs would be used.*

7.1.2 Stakeholder Groups

Several stakeholder groups were identified and are shown in **Table 17**. It should be noted that some individuals overlapped across different stakeholder groups.

Table 17: Stakeholder Groups

Stakeholder Group	Composition of the Group
Group 1: Primary Stakeholders	Including landowners nearest to the proposed landfill site as well as residents along the required transport route (i.e. for the movement of waste from the WTS at the Armidale Waste Management Centre to the proposed landfill facility).
Group 2: The Wider Community	Interested individual persons within nearby areas, including all of the Armidale-Dumaresq, Guyra, Uralla Shire and Kempsey Council areas.
Group 3: Special Interest Groups	Community, environmental interest groups, non-government organisations, political groups or elected members.
Group 4: Government Agencies	All relevant local, State and Commonwealth government agencies.
Group 5: Local media	Representatives of the media who may have an interest in the project, focussing on potentially controversial aspects, and who could contribute to community awareness and development of perceptions about the project.

7.1.3 Key Messages

Council required that the focus of any messages delivered to stakeholders should be of an informative and advisory nature and should relate directly to the issues and impacts associated only with the development of the proposed landfill. Council stipulated that all consultation activities conducted on its behalf should focus on the development of solutions that would address issues and alleviate impacts.

The following key messages were the focus of all communications with stakeholders throughout the development of the proposed landfill project:

- Provide accurate information about how fully engineered and lined landfills actually work.
- Include realistic details on what the impacts of the proposed landfill facility are likely to be.
- Communicate a clear message about the issues that are relevant to each stakeholder group and that facilitate a clear understanding.
- Inform each stakeholder group in appropriate detail about how the proposed design, operation and management of the landfill would alleviate the identified impacts and other potential issues.

7.1.4 Stakeholder Management

Correspondence from all staff involved in the development and planning of the proposed landfill was recorded and logged, including letters, emails and the results of relevant phone calls. This approach is considered essential to ensure that only consistent information and details are relayed to stakeholders and the wider community. Issues identified via this process have been considered in this EA and addressed within the concept designs for the construction and/or the various management plans for the operation of the proposed landfill facility. Appropriate records of all correspondence have also been maintained for both legal reasons and for quality assurance.

EA Systems were engaged to maintain a consultation database that logged incoming queries, stakeholder details, actions and all outgoing correspondence. The following information is recorded within that database:

- Contact details – incoming / outgoing, date, contact method and reference identification.
- Stakeholder group (refer **Table 7-1**).
- Inclusion on a mail out list. Mail outs were used to provide information to individual stakeholders who expressed their interest in being updated with respect to the ongoing progress of the landfill proposal;
- A summary of all major issues raised.
- Outgoing Correspondence Register. This Register records all actions relating to each logged item, including who responded and appropriate links to copies of all relevant correspondence.

All written correspondence received by either EA Systems or AECOM was forwarded to Council, marked to the attention of the General Manager, to also facilitate appropriate record keeping in accordance with Council's records management procedures. Similarly, copies of any relevant correspondence received directly by Council were forwarded to EA Systems for input to the consultation database.

7.2 Government Consultation

Consultation with NSW and Commonwealth government departments was carried out to obtain the requirements for the EA and identify potential issues that should be addressed. A summary of the issues raised and how they have been addressed is presented in **Table 7-4**.

7.2.1 Initial Planning Focus Meeting (2005)

As discussed in **Section 6.2** a PFM was held on 9 June 2005. The purpose of the PFM was to enable a clear and open discussion with NSW government departments to identify the key issues of the proposal and how to address them. The PFM was chaired by a representative from the former NSW DIPNR.

The PFM was attended by representatives from the following departments, agencies and councils:

- Armidale-Dumaresq Council.
- Maunsell AECOM.
- DIPNR.

- DEC/EPA Armidale.
- Uralla Shire Council.
- Kempsey Shire Council.

Council's proposed landfill facility was discussed at that meeting, along with its intention to lodge a DA under Part 4 of the *EP&A Act* for the proposal. The intention to prepare and lodge a DA under Part 4 was not subsequently implemented.

7.2.2 Second Planning Focus Meeting (2008)

Following the submission of a PEA to support a request for the issue of updated DGRs, a further PFM was held at Armidale Waste Management Centre on 22 October 2008. The PFM followed an inspection of the Project Site for all PFM participants. DoP subsequently issued updated DGRs under Part 3A of the *EP&A Act* on 20 November 2008. The updated DGRs considered and included the requirements of all other relevant NSW state government agencies, as well as requirements of DEWHA. The new DGRs have formed the basis for preparation of this EA document and are included as **Appendix A**.

Representatives from the following departments, organisations and councils attended the second PFM:

- DoP.
- DECC.
- DWE
- DEWHA.
- Armidale-Dumaresq Council.
- AECOM.

Issues raised by the different parties during the PFM included:

- AWT – Council's aim is to remove all putrescible wastes prior to disposal in the landfill.
- Ground water – management, impacts, licensing, monitoring and interception.
- Leachate management.
- Heritage values – indigenous and non-indigenous.
- Surface water management, impacts and monitoring.
- Noise.
- Odour.
- Soils and Geology.
- Biodiversity offsets and management.
- Visual impacts.
- Landuse changes.
- GHG emissions.
- Harvestable rights.
- Design and control for culverts and stream crossings.
- Whether further extension of the existing landfill is feasible.

7.2.3 Government Departments

Other government departments were also consulted in order to clearly identify any issues that should be addressed during the preparation of the EA. This consultation requirement is noted in the DGRs (**Appendix A**).

A letter and the preliminary concept design drawings were provided to government departments in May 2006 and November 2008. The following departments were contacted in 2006:

- DEC.
- DNR.
- Border Rivers - Gwydir Catchment Management Authority.
- Northern Rivers Catchment Management Authority.
- DPI (Fisheries and Agriculture).

- Uralla Shire Council.
- Guyra Shire Council.
- RLPB.

The following departments were contacted in 2008:

- DECC.
- DPI.
- DWE.

A summary of the outcome of consultations with the government departments is detailed in **Table 7-4**. Copies of correspondence received from the above noted government departments are included in **Appendix A**.

7.2.4 Additional Consultation with Government Departments

Consultation with the RLPB and the environmental division of the Department of Lands (Armidale office) was undertaken with the intention of establishing whether items of non-indigenous heritage significance existed in the study area. The results of the consultations are contained in **Section 7.0**.

Consultation with the DEWHA was carried out and a referral was submitted. Details are provided in **Section 7.5**. DEWHA assessment requirements were provided to the DoP for inclusion in the DGRs (2008).

7.3 Indigenous Heritage Consultation

Archaeological Surveys & Reports Pty Ltd (ASR) was commissioned to undertake an archaeological assessment for the Project Site in 2006, including consultation with the local Aboriginal community. At the time of ASR's investigation in 2006, attempts were made to contact the Armidale Local Aboriginal Land Council (LALC), however it was not operational and the past-Chairperson of the Armidale LALC could not be contacted. The Anaiwan Aboriginal Traditional Owners group was consulted and took part in a field investigation undertaken by ASR in May 2006.

Further advertising in the local print media and consultation with interested Aboriginal stakeholders was undertaken by ASR in 2009 in accordance with the requirements of DECCW's *Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation*. Two responses to these advertisement were received, one from Nyakka Aboriginal Culture Heritage Corporation Archaeological & Cultural Heritage Consultants (current name of the group formerly known as Anaiwan Aboriginal Traditional Owners) and another from an individual respondent. The Nyakka group and the individual respondent have both been formerly registered as stakeholders of this project. In February 2009, ASR contacted both respondents to enquire whether either party wished to participate in a stakeholder meeting to discuss the project further. Both parties advised ASR that the information already provided was satisfactory and that a formal meeting of stakeholders would not be required.

In February 2010, a representative on the Board of the reappointed Armidale LALC was contacted and informed of the proposal, consultation and site investigations that have taken place (refer **Section 8.10**).

Ongoing consultation with Aboriginal stakeholder groups would be undertaken during detailed design, to ensure that appropriate mitigation and management measures are documented in an Indigenous Heritage Management Plan and implemented during construction and operation of the proposed landfill facility.

7.4 Community Consultation

Community consultation was strategically planned and aimed to target stakeholder groups 1 to 3 (refer **Table 17**). The development stages for the proposed landfill facility were defined as:

- Detailed investigation.
- Preferred site selection.
- Concept design.
- EA exhibition period.
- Detailed Design.
- Construction.

Consultation was undertaken during the detailed investigation, site selection and concept design stages of the project to ensure continued stakeholder involvement. Various communication mediums were used to address stakeholder and community information needs as detailed in **Table 18**. Further opportunities for input to the project would be provided during exhibition of the EA.

Table 18: Communication Undertaken at Project Stages

Project Stage	Communication Strategy Components
Detailed Investigation	Website Update
	Newsletter No. 1
	Media Releases
	Contact with neighbouring properties and direct contact if necessary
Confirmed Site	Website Update
	Newsletter No. 2
	Confirmed Site Display
	Media Releases (newsletter and public display)
	Contact with neighbouring properties and direct contact if necessary
Concept Design	Website Update
	Newsletter No. 3
	Concept Design Display
	Media Releases (newsletter and public display)
	Contact with neighbouring properties and direct contact if necessary*
EA exhibition period	To be conducted in early 2010

7.4.1 Community Meetings

An introductory meeting was held on the 10 March 2005 with the Council Waste Management Committee and interested members of the public. The purpose of the meeting was to provide interested stakeholders with information on the process to be undertaken to gain regulatory approval and to develop the proposed landfill facility.

7.4.2 Newsletters

Newsletters were prepared to coincide with the key project stages. The newsletters were prepared as detailed in Table 19. All newsletters reiterated the importance Council places on consultation and feedback from the community in order for issues to be accurately identified and addressed in the EA. A website was established as a key resource for the community and full contact details were provided to enable feedback and direct contact with project staff.

Table 19: Community Information Prepared: Newsletters

Project Stage	Date Newsletter Released	Purpose of the Newsletter and Key Message
Newsletter No. 1 – Detailed Investigation	October 2005	- Information on the project background, including the site selection studies. - Investigations currently taking place. - Explanation of the EIS process. - The importance of community consultation and details of how to be involved in the consultation process. - Location map showing the proposed landfill in relation to the Gara River and Oxley Wild Rivers National Park. - Site Plan.
Newsletter No. 2 – Confirmed Site	April 2006	- Site investigations that were undertaken (surface and underground investigations). - Details on the understanding of the site's suitability for use as a landfill. - How to be involved in the consultation process. - The next steps required for the development of a proposed landfill facility. - Aerial photo detailing the proposed landfill footprint and study boundaries.
Newsletter No. 3 – Concept Design	October 2006	- Proposed concept design including waste management measures to prevent water pollution, which is a key environmental goal for the proposed landfill facility. - Staged development and the construction of cells over a period of approximately 50 years. - Construction details and the work involved to initially construct the proposed landfill. - Proposed operational details including the handling of waste on site. - Proposed landfill closure and rehabilitation details.
Newsletter No. 4	August 2007	- Details of the EA's progression. - Additional hydrogeological studies undertaken (predominantly groundwater sampling) to be included in the EA. - Map and details of the biodiversity offset plan. - Referral submitted to DEWR. - Revised project program
Newsletter No. 5	April 2008	- Update on changes to <i>EP&A Act</i> (Part 3A) and request for preparation of a PEA in order for the 2005 DGR's to be revised. - The determination of the referral submitted to DEWR, now known as DEWHA. On 1 October 2007, DEWHA determined the proposed landfill requires approval under the <i>EPBC Act</i> and declared the proposed project as a "Controlled Action". - Details of AWT initiatives.
Newsletter No. 6	November 2008	- Details of PFM Number 2 and site inspection. - Justification of the Controlled Action Declaration. - Details of the information contained in the PEA and the areas identified as needing further investigation.

7.4.3 Website

The Council website¹ enabled community access to accurate and up to date information. Information on the proposed landfill facility was first uploaded onto the Council website in October 2005. The website was intended to be comprehensive and provide downloadable access to all information that was made publicly available at the time.

The website was divided into the following weblinks in the Environmental Services section of the Council website:

- New Landfill Facility Background Information.
- New Landfill Facility Planning and Development.
- New Landfill Facility Community Involvement.

The following provides details of the information that was contained in each of the above noted weblinks. A copy of the downloadable information that was on the website is provided in **Appendix J**.

New Landfill Facility Background Information

The following was contained in this weblink:

- Details on the project background, which focussed on the project need in relation to declining landfill capacity at the existing Armidale landfill.
- Landfill siting studies – a link was provided to every landfill siting study that had been completed. The community were able to download copies of the consultant's reports relating to the location of the proposed landfill facility.
- A message from the Mayor, which re-emphasised to the community that
Council's focus is to protect our environment, with its unique ecosystems and World Heritage areas for the enjoyment of future generations.

New Landfill Facility Planning and Development

The following was contained in this weblink:

- Landfill Project Schedule – a downloadable copy of the project programme. This programme was updated at various stages throughout the project, to reflect the current progress of the project.
- Concept Design – a description of concept design measures that are proposed to be implemented in the design of the proposed landfill facility to prevent and minimise damage to the environment. Of particular note was the protection of the water environment (both surface water and groundwater) which was identified at the initial stages of the project as a key community concern. A downloadable copy of the concept design was available.
- About the Proposed New Landfill – general details on the operational aspects of the proposed landfill facility, such as capacity, waste acceptance criteria, life of landfill and development area. General details on AWT were also presented.
- Development of the Landfill - details the work stages which will comprise major milestones in the development of the proposed landfill facility, i.e. preliminary site investigations; proposed site details; concept design; the EA; and landfill construction.
- What Is Currently Happening – an important weblink for the community to identify what studies were currently happening. This related mainly to on-site investigations, such as geotechnical drilling and flora and fauna studies.
- Map – a downloadable map which identified the Project Site in relation to surrounding key landmarks, including Waterfall Way, Gara River and Oxley Wild Rivers National Park.
- Approvals Process - details on the approvals process and requirements for assessment, including the approving authority (DoP) and the environmental legislation.
- Environmental Assessment – details on the EA being prepared, including the range of EAs (and investigations) being undertaken.

¹ <http://www.armidale.nsw.gov.au/environment.html>

New Landfill Facility Community Involvement

This weblink contained information on:

- The importance of community involvement, to ensure that a sustainable solution is achieved for the development of the proposed landfill facility through the mitigation of potential environmental impacts.
- Direct contact details.
- Downloadable copies of all newsletters.
- Downloadable copy of the feedback form for the community to provide comments on the proposed landfill.

7.4.4 Media Releases

Media releases were issued through the Council page in both the *Armidale Independent* and *Armidale Express* local newspapers.

7.4.5 Direct Contact

Various avenues for direct contact were made available to the community to ensure that all members of the community could provide feedback on the proposed landfill facility for use in the EA. Face-to-face contact carried out by EA Systems was facilitated through public displays.

Community Liaison Manager

To ensure consistency and ease of communications with the community, a Community Liaison Manager was appointed by EA Systems as the only point of contact throughout the scope of the proposed landfill development. Any unplanned meeting with the community out of work hours or impromptu visits by the members of the public were directed to contact the Community Liaison Manager, so that all community comments could be consistently handled by the project team.

Free Phone Number and Email

A free phone number was established in February 2006. A dedicated community email address was established in October 2005. The details were:

- Free phone number: 1800 103885
- Email: newlandfill@easystems.biz

The free phone number and email were manned by EA Systems. Any calls or emails received were logged in the consultation database. It is proposed to continue the operation of the free phone number and email during construction of the proposed landfill facility.

Feedback Form

A standardised feedback form was developed to enable collection of appropriate information from the community.

The feedback form enabled the collection of contact details and documentation of any issues or concerns. Responses from the feedback forms were logged in the consultation database. Feedback forms were downloadable from the Council website, available at Council reception and were provided at all public display meetings.

To put into perspective community concerns, the feedback form also requested very general information on the locality of the community member, that is, if they were adjacent to or near the Project Site; a resident in Armidale-Dumaresq LGA or surrounding areas, from a Special Interest Group (environmental interest groups, non-government organisations, elected members or other interested parties) or from elsewhere. An option was also available on the feedback form to allow the community member to be included on the mail out list.

Consultation Letters

Direct contact was made by EA Systems with all potentially affected/affected residents or property owners in the immediate vicinity of the site. The purpose was to advise the neighbouring community of hydro-geotechnical investigations that were going to be conducted on the Project Site which would require the use of a drilling rig.

Consultation letters were also posted to those interested members of the community who requested to be included on the mail out list, as identified in the consultation database.

7.4.6 Public Information Displays

EA Systems represented the project team at the public displays which were designed to inform and advise of progress to date in line with specific key project development stages. The feedback forms and newsletters were also available for collection by the community at the public information displays. The public displays were not intended to act as a forum or meeting.

The following public information displays were held:

- A display at the Armidale Australia Day celebrations, 26 January 2006 at the Armidale Racecourse.
- A display at the Wool Expo, 12-14 May 2006. The purpose of this display was to inform the rural community, outside of Armidale, of the proposed development.
- A display at Council reception area, manned between peak 'rush' times of 12 pm and 1 pm on 5 May 2006.
- A display was set up at the Sunday Markets in the Mall on Sunday 26 November 2006. Newsletters 1, 2 and 3 and the Feedback forms were available to the public. In addition, A3 sized laminated maps and aerial photos (as published in the three newsletters) were provided to help with answering questions. The display here was intended to capture the 'wider' community, i.e. those that would simply wander past the stall and register an interest in the project. A head count over a five minute period was used to estimate daily attendance numbers and approximately 5,000 people were in attendance at the Sunday Markets in the Mall. A total of 41 people stopped and talked to EA Systems about the proposed landfill facility.

7.5 Key Issues Raised

A key requirement, as specified in both DGRs, was that the EA must clearly indicate issues raised by stakeholders during consultation and how those matters have been addressed in the EA. Based on consultations undertaken with government departments and the community, as detailed in the sections above, the following sections outline key issues identified. For each issue, cross reference to the relevant section in the EA has been provided.

7.5.1 Government Departments

The following table summarises correspondence received by Government departments. The key issues outlined here relate to the assessment requirements NSW Government departments require to be addressed in the EA. Copies of all government correspondence received are contained in **Appendix A**.

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Table 20: Summary of Criteria Raised by NSW Government Departments

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
EA Format	DoP, 20.11.08	Executive Summary.	See Executive Summary
		Detailed description of the project.	Section 5
		Risk Assessment of the potential environmental impacts of the project, identifying key issues for further assessment.	Section 10
		Detailed assessment of the key issues and any other significant issues identified in the risk assessment.	Section 8
		A SoC, outlining all the proposed environmental management and monitoring measures.	Section 9
		A conclusion justifying the project on economic, social and environmental grounds, taking into consideration whether the project is consistent with the objects of the <i>EP&A Act 1979</i> .	Section 11 and 12
		A signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading.	At front of EA
	DEWHA, 2008	Title of the action.	Project Application
		Full name and postal address of designated proponent.	Project Application
		Clear outline of the objective of the action.	Section 1.3
		Location of the action.	Section 1.4
		Background to the development of the action.	Section 2
		How the action relates to any other actions that have been, or are being, taken or that have been approved in the region affected by the action.	Section 8.18
		The current status of the action.	Section 1.2
		The consequences of not proceeding with the action.	Section 4.1.2

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
	DoP, 20.11.08	Details of waste strategy for the region, and the need for the project within this broader strategic context.	Section 2.1
		Details of alternatives considered, including not proceeding and expansion of existing landfill.	Section 4
		Plans of the proposed landfill, leachate management systems and associated infrastructure.	Section 5
		Proposed rehabilitation of the landfill.	Section 5
	DEWHA, 2008	Description of all components of the action.	Section 5
		Precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts.	Section 5
		How the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts.	Section 5
		Description of any feasible alternatives to the controlled action that have been identified through the assessment and their likely impact.	Section 4
Environmental Impact Assessment	DoP, 20.11.08	A description of the existing environment, using sufficient baseline data.	Section 8
		An assessment of the potential impacts of all stages of the project, including any cumulative impacts, taking into account any relevant policies, guidelines, plans and statutory provisions, including the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> and associated regulations.	Section 8
		A description of the measures that would be implemented to avoid, minimise, mitigate, rehabilitate/remediate, monitor and/or offset the potential impacts of the project, including detailed contingency plans for managing any potential significant risks to the environment.	Section 8
		Description of relevant impacts of the action on matters of national environmental significance.	Section 6.1.1
	DEWHA, 2008	Detailed assessment of the nature and extent of likely short and long term impacts.	Section 8

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
		Whether any relevant impacts are likely to be unknown, unpredictable, or irreversible.	Section 8
		Analysis of the significance of the relevant impacts.	Section 8
		Any technical data and other information used or needed to make a detailed assessment of the relevant impacts.	Section 8 and Appendices
Waste Management	DoP, 20.11.08	Cell and landfill design and integrity.	Section 5.2
		Source, quantity and type of waste.	Section 2.2, 2.3, 2.4
		Waste management, classification, receipt, separation and stockpiling.	Section 2.2
		Input rates into landfill.	Section 2.4
		Litter and feral animal control.	Section 8.8
	Department of Primary Industries, 29.10.08	The planning and provision for a Drum Muster Depot for collection of chemical drums will support agricultural industries and the environment through responsible collection and recycling of chemical drums.	Section 2
	Department of Environment and Climate Change, 4.10.08	Landfill must be assessed against environmental and Benchmark Techniques in the document <i>Environmental Guidelines: Solid Waste Landfills</i> (NSW EPA 1996).	Section 5 and LEMP (Appendix B)
		Litter and feral animal control.	Section 8.8
Surface Water	DoP, 20.11.08	Water balance for site detailing water sources and quantity, water consumption and recycling, and estimated quantity of leachate and stormwater.	LEMP (Appendix B)
		Surface water impacts including potential impacts on the Gara River and Oxley Wild Rivers National Park.	Section 8.3 and 8.12
		Proposed leachate management measures including pond management and remediation measures, and potential risks on the Gara River and the Oxley Wild Rivers National Park.	Section 8.12, LEMP (Appendix B) and Appendix I

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
		Proposed erosion and sediment controls and stormwater management systems.	Section 8.1.3, 8.3.3 and LEMP (Appendix B)
		Surface water monitoring program.	LEMP (Appendix B)
		Water access and harvestable rights.	Section 6.2.11
		Flooding impacts.	Section 8.3
	Department of Primary Industries, 29.10.08	Appropriate containment of refuse, rubbish, etc. to ensure no net impact on receiving waters.	Section 8
		Appropriate erosion and sedimentation controls along drainage lines in place to control sediment entering waterways after the construction phase is completed, and until the site has been fully stabilised to ensure that there is no net increase in runoff and no reduction in water quality of receiving waters.	Section 8.1.3, 8.3.3 and LEMP (Appendix B)
		Provision of a vegetated buffer zone around the disturbed area and re-instatement of riparian vegetation where possible along water courses and drainage lines to ensure protection of water quality.	Section 8.8 and LEMP (Appendix B)
	Department of Environment and Climate Change, 4.10.08	Conceptual design and calculations for stormwater management that is consistent with the requirements of Landcom's Managing Urban Stormwater: Soils and Construction (2004).	Section 5 and LEMP (Appendix B)
		Any proposed discharge should be considered in terms of NSW Water quality and river flow objectives and utilising the Australian and New Zealand <i>Guidelines for Fresh and Marine Water Quality</i> (2000).	Section 8.4
	DEWHA, 2008	Detailed monitoring program for surface water quality on the site at key areas adjacent to the perimeter of the site and at appropriate locations downstream on the Gara River to: establish baseline data; detect water quality changes over time; identify critical water quality values; identify remedial actions; and identify a period of review and evaluation of effectiveness.	LEMP (Appendix B)

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
	Department of Water and Energy, 4.10.08	Sources of surface water.	Section 8.3
		Details of stream order (Strahler System).	Section 8.3
		Proposed surface water extraction – purpose, location of dams, pumps, diversions, cuttings, levees.	No surface water extraction – Section 5
		Proposed development or diversion works.	Section 5
		Evaluation of proposed method of excavation, construction and material placement.	Section 5
		Potential impacts in terms of vegetation, sediment movement, water quality and hydraulic regime.	Section 8.3, 8.4 and 8.8
		Design features and measures incorporated to guard against long term disturbances to natural hydraulic regime and sediment movement patterns and identification of riparian buffers.	Section 5 and 8.3
		Impact on water quality and remedial measures proposed.	Section 8.3 and 8.4
		Details of any existing or proposed water management structures or dams.	Section 5 and 8.3
		Provision of a sustainable water supply for the proposed project.	Section 5.4.1
Groundwater	DoP, 20.11.08	Groundwater impacts including potential impacts on the Gara River and Oxley Wild Rivers National Park.	Section 8.4.4 and 8.12
		Proposed leachate management measures including pond management and remediation measures, and potential risks on the Gara River and the Oxley Wild Rivers National Park.	Section 8.4.4
		Groundwater monitoring program.	Section 8.4 and LEMP (Appendix B)
		Water access and harvestable rights.	Section 6.2.11
		Flooding impacts.	Section 8.3

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
	DEWHA, 2008	Detailed monitoring program for groundwater quality on the site at key areas adjacent to the perimeter of the site and at appropriate locations downstream on the Gara River to: establish baseline data; detect water quality changes over time; identify critical water quality values; identify remedial actions; and identify a period of review and evaluation of effectiveness.	Section 8.4 and LEMP (Appendix B)
	Department of Water and Energy, 4.10.08	Predicted highest groundwater table at the development site.	Section 8.4
		Works likely to intercept, connect with or infiltrate groundwater sources.	Section 8.4
		Any proposed groundwater extraction – purpose, location and construction details.	Section 8.4
		Flow direction and rates and physical and chemical characteristics.	Section 8.4
		Predicted impacts of any final landform on groundwater regime.	Section 8.4
		Existing groundwater users in the area and potential impacts on users.	Section 8.4
		Assessment of quality of groundwater for local groundwater catchment.	Section 8.4
		Details of how proposal will not potentially diminish current groundwater quality.	Section 8.4
		Details on preventing groundwater pollution so remediation is not required.	Section 8.4
		Details on impacts to and protective measures for groundwater dependent ecosystems.	Section 8.4 and 8.8
		Details of proposed methods for the disposal of waste water and approval from relevant authorities.	LEMP (Appendix B)
		Assessment of potential saline intrusion of the groundwater.	Section 8.4
		Details of results of any models and predictive tools.	Section 8.4 and LEMP (Appendix B)
		Details of proposed monitoring programs, including water levels and quality data.	Section 8.4 and LEMP (Appendix B)
		Reporting procedures for any monitoring program including mechanisms for transfer of information.	LEMP (Appendix B)

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
		An assessment of any groundwater source/aquifer that may be sterilised as a consequence of the proposal.	Section 8.4
		Identification of nominal thresholds.	Section 8.4
		Remedial measure and contingency plans.	Section 8.4 and LEMP (Appendix B)
		Any funding assurances covering the anticipated post development maintenance cost.	N/A
		All proposed groundwater works, including bores must be identified in the proposal and an approval obtained from DWE prior to their installation.	Section 8.4
Leachate Management	Department of Environment and Climate Change, 4.10.08	Details of design, construction and operation of the leachate management system. System must provide for the level of leachate within the cell to be maintained less than 300 mm above the surface of the engineered barrier.	Section 5
		Details on the capacity and location of the leachate storage dam/s and a management regime for those dams.	Section 5.2 and LEMP (Appendix B)
	DEWHA, 2008	Demonstrate the efficacy of the proposed landfill lining in preventing leachate entering groundwater.	Section 8.4.4 and Appendix I
		Remediation of the sediment and dry basins on site should the leachate pond overflow into either of these structures.	Section 5 and 8.4
Soil Management	DoP, 20.11.08	Details of soil structure and potential impacts.	Section 8.1
	Department of Water and Energy, 4.10.08	Assessment of need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC guidelines).	Section 8.1.2
Air quality	DoP, 20.11.08	Odour impacts from all operational sources at the nearest sensitive receivers.	Section 8.5
		Odour control measures.	Section 8.5
		Dust generation.	Section 8.5
	Department of Environment and	Maintain existing rural air quality and protect sensitive receivers from adverse impacts of dust and odour.	Section 8.5

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
	Climate Change, 4.10.08	An air impact assessment in accordance with the DEC document "Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW, 2005".	Section 8.5 and Appendix O
Noise and vibration	DoP, 20.11.08	Construction, operation and traffic noise.	Section 8.7 and Appendix Q
	Department of Environment and Climate Change, 4.10.08	Design and operate landfill and associated activities to comply with the NSW Government's Industrial Noise Policy (INP).	Section 8.7 and Appendix Q
		Access road should be evaluated as a noise source under the INP.	Section 8.7 and Appendix Q
		Noise impacts associated with road haulage will need to be assessed against DECC's guidance document 'NSW Environmental Criteria for Road Traffic Noise (ECRTN) (EPA, 1999)'. Vibration impacts should be assessed against DECC guideline "Assessing Vibration: A Technical Guideline DEC 2006".	Section 8.7 and Appendix Q
		Construction impacts need to be fully evaluated with reference to the Environmental Noise Control Manual Chapter 171 – Construction Site Noise.	No vibration impact anticipated
			Section 8.7 and Appendix Q
Traffic and transport	DoP, 20.11.08	Traffic volumes likely to be generated during construction and operation, and an assessment of the predicted impacts of this traffic on the safety and capacity of the surrounding road network.	Section 8.14
Regulatory Authority Consultation	DoP, 20.11.08	Relevant local, State and Commonwealth government authorities and service providers. The following groups must be consulted with: DEWHA; DECC; DWE; DPI; NSW RTA; and Uralla, Walcha and Guyra Councils.	Section 7
	DEWHA, 2008	Details of any consultation about the action.	Section 7
Community consultation	DoP, 20.11.08	Consult with community groups and affected landowners.	Section 7
		Describe consultation process and issues raised.	Section 7
	DEWHA, 2008	Details of any consultation about the action.	Section 7

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
Flora and fauna / Biodiversity	DoP, 20.11.08	Impacts of threatened species, populations or ecological communities and their habitats.	Section 8.8
		Impacts on aquatic habitats and groundwater dependent ecosystems.	Section 8.8
		Proposed biodiversity offsets and management.	Section 8.8.17 and Appendix H
		Weed management, including potential risks to the Oxley Wild Rivers National Park.	Section 8.8
	Department of Primary Industries, 29.10.08	Attraction of feral animals and their access to food waste. Prevention of feral animal access is imperative to control the risk of endemic and exotic disease. Avoiding the attraction of pests helps avoid the increased damage they cause to primary production such as fox predation on lambs, bird damage to orchids, etc.	Section 8.8
		Weeds spreading off site as a result of incomplete composting and dumping of green waste. Green waste needs to be composted according to Australian Standards. If green waste compost is to be transported throughout the State, the Landfill will need to consider composting in accordance with a compliance agreement accredited through NSW DPI.	Section 8.8
	Department of Environment and Climate Change, 4.10.08	Conduct a field survey of the site.	Section 8.8 and Appendix E
		Assess likely impacts on threatened species and their habitat.	Section 8.8.15
		Actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts. Assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.	Section 8.8.16
		Offset strategies need to be considered where avoidance or mitigation is not possible. Particularly in relation to four environmental values: water quality, soils, salinity and biodiversity.	Section 8.8.17 and Appendix H
		The EA needs to clearly state whether it meets each of the key thresholds set out in Step 5 of the 'Draft Guidelines for Threatened Species Assessment'.	Section 8.8 and Appendix E
		Hectares of native vegetation that will be cleared.	Section 8.8 and Appendix E

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
		Floristic and botanical communities of native vegetation that will be cleared.	Section 8.8 and Appendix E
		The extent of vegetation on site that may be remnant vegetation, protected regrowth or non-protected regrowth as defined by the <i>Native Vegetation Act 2003</i> .	Section 8.8 and Appendix E
	DEWHA, 2008	Threatened ecological communities and threatened species potentially present and listed under section 18 and 18A of the <i>EPBC Act</i> .	Section 8.8 and Appendix E
		Migratory species listed under the <i>EPBC Act</i> .	Section 8.8 and Appendix E
		Ramsar Wetlands.	Section 8.8
Heritage	DoP, 20.11.08	Impacts on the heritage values of the Oxley Wild Rivers National Park as part of the Gondwana Rainforests of Australia World Heritage Area.	Section 8.8, 8.12
		Impacts on other Aboriginal and non-Aboriginal heritage.	Section 8.10 and 8.11
	Department of Environment and Climate Change, 4.10.08	Address and document information requirements set out in the draft <i>Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> .	Section 8.10 and Appendix R
		Identify nature and extent of impacts of the project on Aboriginal cultural heritage values and consider any impact in a regional context.	Section 8.10 and Appendix R
		Actions that will be taken to mitigate impacts or compensate to prevent unavoidable impacts. Assessment of effectiveness and reliability of these measures.	Section 8.10.3 and Appendix R
		Clearly demonstrate that effective community consultation with Aboriginal Communities has been undertaken.	Section 7.3, 8.10.1 and Appendix R
	DEWHA, 2008	Places listed on the National Heritage register.	Section 8.11 and 8.12
		World Heritage areas.	Section 8.8

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
		A Management Plan that identifies the potential impacts on the heritage values of the downstream GRAWHA, including: identification of values; water quality monitoring; control of weed invasion; identification of thresholds; detailed contingency plans; and a period of review and evaluation of its effectiveness.	Section 8 and LEMP (Appendix B)
Planning	DEWHA, 2008	Details of local or state government planning scheme/plan/policy under any local or state government planning system detailing what EA is being carried out and how the scheme provides for the prevention, minimisation and management of any relevant impacts.	Section 6
		Description of and approval that has been obtained from a state, territory or commonwealth agency or authority.	Section 6
		Statement identifying any additional approval required.	Section 6
		Description of monitoring, enforcement and review procedures that apply or are proposed to apply.	Section 8 and LEMP (Appendix B)
Greenhouse Gas	DoP, 20.11.08	Quantitative assessment of the potential scope 1, 2 and 3 emissions of the project, and qualitative assessment of the potential impacts of these emissions on the environment.	Section 8.6
		Detailed description of the measures that would be implemented to ensure that the project is energy efficient.	Section 8.6
	Department of Environment and Climate Change, 4.10.08	Comprehensive assessment and report on the project's predicted GHG emissions. This should include direct emissions, indirect emissions and any significant upstream and/or downstream emissions associated with the project.	Section 8.6 and Appendix P
		Emissions should be estimated using an appropriate methodology such as DoP's <i>Draft Guidelines: Energy and Greenhouse</i> in EIA (2002) or the Australian Greenhouse Office's (AGO) <i>Factors and Methods Workbook</i> (2006).	Section 8.6 and Appendix P
		Annual emissions should be compared against 'best practice' and total annual NSW emissions.	Section 8.6
		Additional measures to reduce GHG emissions, including offsets.	Section 8.6.4
Visual	DoP, 20.11.08	Impact on surrounding residences and Waterfall Way.	Section 8.16

Key Criteria	Raised by NSW Government Department	Assessment Requirement	Relevant Section of Environmental Assessment
Hazards	DoP, 20.11.08	Fire management.	Section 8.15
Socio-Economic	DoP, 20.11.08	Any impacts on the surrounding agricultural activities.	Section 8.13
	Department of Primary Industries, 29.10.08	Plastic bags blown off site can be ingested by inquisitive livestock causing digestive problems leading to sever weight loss and even death. Strategies should be put in place to protect neighbouring property owners and stock route against plastic bag contamination	Section 8.8 and 8.9
		Harbouring of pest animals such as mice and cats is a concern as these can serve as a source of infestation for neighbouring landholders.	Section 8.8
Mitigation Measures	DEWHA, 2008	Description and assessment of expected or predicted effectiveness.	Section 8
		Any statutory or policy basis for mitigation measures.	Section 8
		Cost of measures.	N/A
		Outline of environmental management plan that sets out framework for continuing management, mitigation and monitoring programs for relevant impacts, provisions for independent auditing.	LEMP (Appendix B)
		Name of agency responsible for endorsing/approving each mitigation measure/monitoring program.	LEMP (Appendix B)
		Consolidated list of mitigation measures.	SoC in Section 9 consolidates mitigation measures of EA
Environmental record of person proposing to take the action	DEWHA, 2008	Details of any proceedings under a commonwealth, state or territory law for the protection of the environment or the conservation and sustainable use of natural resources against: the person proposing to take the action; and for an action for which a person has applied for a permit.	N/A
		If the person proposing to take the action is a corporation – details of the corporation's environmental policy and planning framework.	N/A

7.5.2 Community

Community consultation is a fundamental component of the EA process. The aim of managing and maintaining a detailed and accurate list of issues is to inform the EA and guide the development of appropriate mitigation measures to address these issues.

From the outset of the project, a comprehensive database has been compiled and maintained to ensure that an accurate record of community issues is obtained. Community issues were recorded by the Community Liaison Manager in the consultation database. The continual identification and update of issues ensured that the impact assessment process was relevant and addressed key concerns of stakeholder groups.

Table 21 summarises the key issues that have been identified through phone calls, emails and written submissions (including feedback forms) received by the Community Liaison Manager. The issues were raised by:

- Action groups against the proposed landfill - namely the Gara Valley Environment Preservation Association (GVEPA).
- Government departments (not involved in identifying EA requirements).
- The wider community.
- Neighbouring properties.

7.6 Ongoing Community Consultation

Community consultation activities relating to waste management after construction of the proposed landfill facility are considered outside the scope of this EA. It should be noted however that ongoing community consultation is considered necessary to ensure:

- The continual appropriate use of waste facilities.
- That the community are educated and informed on relevant waste management issues.
- To foster positive attitudes and to build an on-going relationship between Council, its contractors, and stakeholders in order to gain long term support for the proposed landfill facility.

The Council Waste Management Committee fosters a "Whole of Community" approach to the management of solid waste, which acknowledges the interests and needs of the main stakeholder groups in the Armidale Dumaresq area and the impact of solid waste on the environment. It is therefore envisaged, at this stage, that the Waste Management Committee would be the most appropriate means by which to continue community engagement efforts relating to the operation and management of the proposed landfill facility.

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Table 21: List of Key Issues Raised by the Community

Key Issue	Specific Issues Identified	Relevant Section of Environmental Assessment
Site Selection	Justification that the site location is suitable when the new site is located on the eastern edge of town, meaning that all traffic will have to travel through the town.	Section 8.14
	Information on which other councils will utilise the Regional landfill and potential for increased impacts associated with increased number of users.	Section 2.1 and Section 2.4
	Information on soil properties and soil suitability for landfill construction.	Section 8.1
Landfill Design and Operation	Information on the class of waste to go to the proposed landfill.	Sections 2.3 and 5.5 LEMP (Appendix B)
	Information on infrastructure to be established on the proposed landfill including on-site manager's residence. Details on the types of buildings to be constructed and their function.	Section 5.3 and 5.5.6
	Information on what constitutes 'state of the art' in terms of landfill design and operation.	Section 5
	Information on the type of Alternative Waste Technologies that will be incorporated with the landfill management at the transfer station.	Section 2.2 and 2.4
	Information and images of the exact location of the property boundary, the proposed landfill area and buffer zones.	Section 1.3 and Figure 2
	Can the integrity of waste sorting at the transfer station be guaranteed?	Section 2.2, 2.4 and 5
	Operating procedures for waste contractors/Council operators which provide protocols on waste management to be included in the Environmental Assessment.	Section 5 and LEMP (Appendix B)
	Confirmation that roadside collection will be sorted at existing facility and not taken directly to the new site.	Section 2.2 and Section 5
	What procedures will be in place for waste, such as those delivered in 'skips' to be sorted at the transfer station (e.g. a five litre container of chemical or putrescible wastes in amongst a 10 tonne industrial waste skip)?	Section 5.5 and LEMP (Appendix B)
	Concern that proposed landfill will accept clinical waste.	Section 5.5.6

Key Issue	Specific Issues Identified	Relevant Section of Environmental Assessment
Litter and Indiscriminate Dumping	Information on how litter will be controlled on the proposed landfill site including how rubbish will be prevented from blowing into the air and onto adjoining properties.	Section 5 and LEMP (Appendix B)
	What actions are available to the public if litter drifts onto adjacent private land?	LEMP (Appendix B)
	Information on methods of transport of the waste from the transfer station and insurance that all waste will be covered, including skip bins.	Section 5
	Actions to prevent indiscriminate dumping of rubbish near the proposed landfill.	Section 5 and LEMP (Appendix B)
	Measures to be put in place to stop illegal dumping of wastes near the site.	Section 5, 8.8.16 and LEMP (Appendix B)
Transport and Traffic	Description and explanation of the options available for the access route into the site and insurance of a safe intersection with Waterfall Way.	Section 5.4.1
	Information on the provision of overtaking lanes to improve driver safety on the road due to slow moving vehicles at the Waterfall Way intersection.	Section 8.14 – Provision of right hand turning lane
	Number of traffic movements per day from transfer station to and from the proposed landfill.	Section 8.14
	Justification of why the site access route cannot be located further east so that it may require one not two watercourse crossings. Moving the access road further east may improve visual amenity and reduce truck noise reverberation off the hill. It may also increase the road buffer zone to reduce impacts on adjoining landholder.	Section 5.4 and Section 8
EPA Licensing Conditions	Information on the process of changing DECCW-EPA licensing conditions. Is it possible that significant changes such as operating hours, number of deliveries and type of waste received can be changed by a change of licensing conditions without the need for community consultation? What guarantee is there that in ten years time, the number of trucks, hours of operation or other potentially impacting aspects of the proposed landfill operation will not be changed.	LEMP (Appendix B) Project objectives for proposed landfill not expected to change, Section 2 and Section 3
	Information on the frequency of DECCW-EPA inspections for compliance for the Regional landfill and Long Swamp Road landfill.	LEMP (Appendix B)
Air quality	What procedures and methodology will be used for the odour impact assessment?	Section 8.5 and Appendix O
	Will the access route be tarred to reduce dust impacts?	Section 5.4.1
	Discussion of the effectiveness of EPA guidelines on odour. How can the community be assured that any odour emanating from the proposed landfill, albeit if they were within EPA guidelines, would not be intolerable.	Section 8.5

Key Issue	Specific Issues Identified	Relevant Section of Environmental Assessment
Noise	Acceleration, deceleration and airbrakes may disturb existing residences. Provide mitigation measures for noise disturbances.	Section 8.7.4
	Concerns over machination and high pitched reversing horns on site. Is the same equipment that is used at current site proposed for the new one? What mitigation measures will be in place to control noise?	Section 8.7.4
Surface water, Groundwater and Hydrogeology	Justification on the number of deep and shallow test bores that were used to gain information on the depth of the water table and the presence or movement of aquifers for the site.	Section 8.1
	Information on the effectiveness of clay liners in mitigating leachate. Indication of the most likely direction of movement of the leachate in case of failure of the liner or after decades of operation.	Section 5, Section 8.3.3, LEMP (Appendix B) and Appendix I
	Information on the potential fault line that is shown to traverse the proposed landfill site.	Section 8.2.1
	Detailed information on management of surface water flows including response and management of a 100 mm or more rainfall event.	Section 8.3
	Information on how the redesign of the landform and the site access road will affect surface water runoff into adjacent properties.	Section 5.4.1 and Section 8.3
	Concerns that un-controlled surface runoff will flow into World Heritage Area.	Sections 8.3, 8.8 and 8.12
	Potential effects and mitigation measures in relation to contaminated groundwater polluting nearby bores used for livestock.	Section 8.4
	Requesting that the map included in the EA shows current drainage lines and location of waterways on the site, adjacent to the site, and include the Gara River.	Figure 2 and Section 8.3
Ecology, Flora and Fauna	Information on the degree of threat to the waterways, habitat and World Heritage Areas from contamination of waters.	Sections 8.3, 8.8 and 8.12
	How will pollution of the Macleay River be prevented?	Section 5 and Section 8
	Information on threatened flora and fauna and justification of the survey effort time. Map showing location and extent of surveys.	Section 8.8 and Appendix E
	Disturbance and weed invasion will not be able to be prevented.	Section 8.8
	Concerns that a variety of threatened plant and animal species may be located on and adjacent to the proposed landfill site.	Sections 8.8 and Appendix E
	Feral cats, dogs or foxes attracted to the proposed landfill may interfere with native wildlife.	Section 8.8 and Appendix E
	Increased potential for fuel spill on Waterfall Way that may contaminate land or water.	Section 8.15

Key Issue	Specific Issues Identified	Relevant Section of Environmental Assessment
Community consultation	There is a lack of time to gain access to accurate data and prepare reports during the 30 day period of public review. Can the public consultation period be extended to allow for independent professional examination of data and reports that will be presented in the EA?	Council and the DoP have extended the EA exhibition period to 60 days.
	Once Council has purchased the land, will access to the land be permitted for independent consultants to carry out studies?	Purchase of the land by Armidale Dumaresq Council would occur subject to planning approval for the proposed landfill development. Discussions relating to site access would be undertaken only after land acquisition.
Visual Impact Assessment	Provision of a visual impact assessment that shows the finalised impression of the development.	Section 8.16
	Will the final result look like a filled valley or a third hill? How high above the skyline and above the existing landform will the final height be?	Section 8.16
	Include a view from the north showing completed mound height at site closure, including the existing hills east and west for reference and total dump height above existing ground level.	Section 8.16
Tourism	Concerns that the proposed landfill may impact on Armidale's tourism (site is located just off a National Tourist Drive, linking Coffs Harbour to the New England area).	Considered that this relates to a visual amenity and land use impact issue. Refer to Sections 8.13 and 8.16
Cultural Heritage	Concerns regarding the cultural heritage significance of the site.	Section 8.10 and 8.11
Land Use	Concerns regarding impact on local agricultural land practices.	Section 8.13
	Possible impact to adjacent agriculture and horticulture resulting from the spread and/or introduction of disease, vermin, insects and weeds.	Sections 8.8 and 8.13