

29 July 2013

Mr C. Wilson
Executive Director
Major Projects Assessment
Level 1, 23-33 Bridge Street
Sydney, NSW 2000

Dear Mr Wilson

06_0220 Armidale Regional Landfill

AECOM is Armidale Dumaresq Council's consultant and project manager for the proposed new Armidale Regional Landfill, the subject of Consent No 06_0220.

Armidale Dumaresq Council is requesting confirmation from Department of Planning and Infrastructure that the ground and surface water management plan for this facility is to be submitted as part of the Leachate Management Plan, prior to construction and not within 6 months of project approval.

We refer to Condition 9 of the Conditions of Approval for the Armidale Regional Landfill Project (dated 4 July 2012) relates to the Leachate Management Plan for the landfill.

Condition 9(b) states that the Leachate Management Plan must be approved by the Director General, prior to the commencement of construction. Condition 9(f) provides for the preparation of a ground and surface water monitoring plan, which is to be *submitted to the Director-General within 6 months of the date of this approval and be endorsed by NOW before submission.*

The ground and surface water monitoring plan is a sub-plan to the Leachate Management Plan, which is the subject of Condition 9. Therefore as Condition 9(f) appears to contradict the timing required by Condition 9(b), Armidale Dumaresq Council requests confirmation that the ground and surface water management plan is to be submitted as part of the Leachate Management Plan, prior to construction and not within 6 months of project approval.

Council would appreciate your response on this matter.

Yours faithfully



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Dear Ms Phillips

**Armidale landfill Project Approval (06_0220)
Surface Water Management Plan**

I refer to your letter of 29 July 2013 seeking to clarify condition 9 of Schedule 4 of the Project Approval. As you note, clause (f) of condition 9 appears to be at odds with clause (b) as it requires submission of a surface water management plan within 6 months of approval, whereas clause (b) requires approval of the over-arching leachate management plan, only prior to the commencement of construction. The Department notes that the 6 month period referred to in clause (f) expired on 4 January 2013.

The Department is aware that clause (f) was inserted by the Planning Assessment Commission when it determined the Project Application. However, it is unclear whether the Commission intended to require a separate submission date for the surface water management plan as there is no supporting argument in the Commission's determination report.

While interpretation of the condition is a statutory matter, it is the Department's view that failing to comply with clause (f) would not lead to environmental harm, and would not necessarily invalidate the consent. Therefore, the Department does not object to the submission of the surface water management plan at the same time as the leachate management plan, prior to the commencement of construction.

Yours sincerely

Chris Ritchie
**Manager – Industry
Major Projects Assessment**

20/8/13.