



Mr Simon Rule
Wentworth Shire Council
24-28 Adelaide Street
WENTWORTH NSW 2648

11 April 2022

Dear Mr Rule,

**Buronga Landfill Expansion (SSD-10096818)
Response to Submissions (RtS)**

I refer to the Department of Planning and Environment's (the Department's) letter of 23 March 2022, seeking a formal response to issues raised in the advice from government agencies. The Department has now finalised its review of the Environmental Impact Statement (EIS) prepared to support the application.

The Department's review has identified the size and duration of landfill operations and potential conflicts with other existing and future uses in the area.

The Department requires you to provide a written response addressing the advice received from government agencies as well as the matters included in **Attachment 1**.

The written response must be in the form of a submissions report that has been prepared having regard to the *State Significant Development Guidelines (2021) – Preparing a Submissions Report* (see Appendix C). Please provide the submissions report within three months of this letter.

Note that the time between the date of this letter and the date the Secretary receives your response are not included in the period of 'deemed refusal', under clause 94 of the Environmental Planning and Assessment Regulation 2021.

If you have any questions or wish to discuss any of these comments, please contact Susanna Cheng on 9274 6026 or at susanna.cheng@dpie.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads 'C. Ritchie'.

Chris Ritchie
Director
Industry Assessments
as delegate for the Planning Secretary

Attachment 1

Department of Planning and Environment - comments on Buronga Landfill Expansion EIS – April 2022

The Department seeks additional information on a range of issues, including the following:

Development description - general

- It is currently unclear from the EIS what portion of the total waste (100,000 tonnes per annum (tpa)) would be received directly at the recycling facility versus what would be sent directly to the landfill. We therefore require confirmation of the proportion or ratio of recyclable versus landfill waste anticipated over the proposed life of the landfill.
- Also, clarification is required of whether residuals (non-recyclables) from the recycling facility would be sent to the landfill. If so, please provide details of expected amounts of waste in tpa.
- Please ensure that the EIS and appendices are all based on a total of 100,000 tpa waste receipt, being the maximum annual waste receipt (worst-case scenario). Please include an explanation of all assumptions used in the modelling and assessment of the development's impacts.
- A clear description is required of the current operations of, and proposed changes to, the community recycling facility. This should include the existing and proposed capacity in tpa and how this facility would accommodate future increases in the proportion of waste diverted from landfill over time in line with government policies and strategies.

Development description – landfill

- Area(s) subject to land clearing in square metres or hectares
- Clarification of the extent of the historic unlined landfill proposed to be overlaid/'piggybacked' by the new lined landfill cells, the likelihood of disturbing any existing contaminated land, and details of how the interface between existing and proposed cells would be treated
- Existing, Stage 1 and Stage 2 landfill capacity in cubic metres
- Detailed description of construction phases – in particular:
 - Initial construction activities (e.g. land clearing, demolition or relocation of structures, earthworks, construction of internal roads, ponds) and timeframe for each activity
 - Ongoing construction activities (e.g. capping, rehabilitation, progressive landfill cell creation, extension of roads and drainage infrastructure, additional ponds, etc) and timeframe for each activity
- Maximum gradients of side batter slopes as a %
- Intended ultimate land use upon closure of landfill

Operational details

The Department seeks clarification and/or additional information on the following operational aspects of the development:

- Hours of operation are to be consistent between the EIS and consultants' reports (e.g. EIS page 24 and the air quality impact assessment page 9 currently have inconsistent hours of operation)
- Details of management and interim measures for the continued operation of the community recycling facility and active landfill cell during initial and progressive expansion works
- Information demonstrating that the existing gas monitoring system is adequate to address the risks associated with LFG emissions as identified in the hazard assessment, and explanation of the 'economic levels' trigger for the implementation of the LFG (flare) management system
- Information on the gas flare system (new and existing, if any) in particular, maximum line sizes (piping diameters) and maximum operating pressures, fuel source
- Details of how acceptance of flammable wastes (e.g. oils, paints, tyres) would be limited and the proposed maximum volume of stockpiles of flammable waste
- Information on any water licensing requirements under the *Water Act 1912* or *Water Management Act 2000* in Section 4.4.1 of the EIS and indication of whether the project requires water licensing (Section 6.3.4)

- Details of operational water supply and usage (in addition to the information provided on water supply for firefighting)
- Detailed and consolidated site water balance for the site, which is to take into account the proposed soil and vegetation characteristics of the rehabilitated landfill cells
- Funding mechanism for rehabilitation of the landfill
- Estimate of jobs to be created during both initial and progressive construction and operational phases

Civil drawings and layouts

The Department requests additional drawings that show the relationship between existing and proposed structures, roads and other site infrastructure, and that illustrate how the progressive expansion of the landfill would work in relation to the continued operation of the community recycling facility and the active landfill cell. The additional drawings should include:

- Site plan(s) showing existing and proposed structures, site entrance, onsite road network (sealed and unsealed), car park and connections between structures, hardstand areas and roads with relevant dimensions, separations, setbacks and site boundaries shown
- Plans showing proposed upgrades to Arumpo Road at the entrance to the site
- Plans showing progressive construction / opening of internal roads to the active landfill cell. Access to the tipping face of the landfill over time appears unclear
- Location and details of the existing 45,000L static water supply, proposed additional water supply, draw off points and new emergency access road from Arumpo Road to the water supply
- Elevations and sections of relocated and proposed new structures
- Cross sections showing the historic unlined landfill proposed to be overlaid/'piggybacked' by the proposed lined landfill cells
- Concept landscape plan for the rehabilitated landfill cells
- Signage strategy including at entry and onsite directional signage
- Plans showing sediment and erosion control measures for initial works to relocate or construct buildings, hardstands, basins and internal roadways, and ongoing/progressive extension of roads and landfill cell and basins construction

Demand for regional waste facility

The Department seeks additional information on how the size of the landfill and the 120-year timeline has been determined and whether the scale of the landfill is justifiable. Furthermore, the EIS needs to respond to the potential need to progressively increase the capacity of the community recycling facility relative to the capacity of the landfill having regard to the anticipated increase in diversion of waste from landfill during the proposed life of the landfill. In this regard, please submit the following information:

- Detailed projections showing how the waste disposal amount of 100,000 tpa has been determined
- Evidence demonstrating the demand for a regional waste facility (e.g. memorandum of understanding or letter of support from neighbouring councils)
- Justification for the size of the recycling facility relative to the size of the landfill having regard to the waste hierarchy that seeks to reduce, reuse, recover and use landfill as last resort
- Consideration of the *Regional Waste Strategy 2017-2021* prepared by RAMROC of which Wentworth Shire Council is a member
- Update / correction of the Direction numbers in the *Far West Regional Plan 2036*

Landowner's consent

Landowner's consent is required from Crown Lands.

- The request for Crown consent would need to address the following:
 - Subject Lots 197 and 212 in DP 7569460 which are Crown land (reserved for the purpose of a rubbish depot)
 - Arumpo Road and the east-west road on the southern boundary of the site which are identified as Crown land. The proposal requires upgrades to Arumpo Road and part of the front end recycling facility building appears to encroach onto the east-west road.
- The request for Crown consent may be lodged through cl.western.region@crowland.nsw.gov.au

Potential land use conflicts

The EIS needs to identify potential conflicts with cultural, agricultural, mining and Crown interests within or in the vicinity of the site and outline how the development addresses these conflicts. The following additional information is required:

- Address the undetermined Aboriginal Land Claim (ALC 22090) on Lots 197 and 212 DP 7569460 which may limit use of the existing landfill lots
- Confirmation that two Crown road lots adjoining the project footprint will not be impacted, or otherwise provide Crown consent or details of any proposed acquisition of Crown land
- A Land Use Conflict Risk Assessment (LUCRA) to address potential conflicts with surrounding agricultural uses, prepared in consultation with the Department of Primary Industries – Agriculture, including but not limited to consideration of suitable water supply and impacts on agricultural resources and land and any travelling stock routes
- Map and information on existing mining lease titles from the Department of Regional NSW – Mining, Exploration & Geoscience’s MinView website in Figure 21 of the EIS in place of or in addition to Council map
- Details of consultation with current mining lease title holders in the area (i.e. Larmon Pty Ltd, Mallee Quarries Pty Ltd and Morello Earthmoving Pty Ltd) and in particular include consultation by letter with Morello Earthmoving as required by Department of Regional NSW – Mining, Exploration & Geoscience in their advice on SEARs
- Confirmation that no biodiversity offset areas are proposed within the site that would result in a reduction in access to prospective land for mineral exploration or potential sterilisation of mineral or extractive resources

History of use of the site

Prior to approving any expansion, the Department must ascertain that the existing landfill has been operating consistently with the planning controls applicable during its history of operation. In this regard, the following information is required:

- A complete history of the zoning of the site and permissible use of the land for waste management
- A copy of the Council approval and assessment report for the borrow pits (DA15/54)

Biodiversity

The Biodiversity Assessment Report (BDAR) has been reviewed by the Department’s Biodiversity and Conservation Division (BCD) and found to be inadequate. Please submit:

- Revised Biodiversity Assessment Report (BDAR) to address SEARs requirements including but not be limited to the identification of regrowth native vegetation in the vegetation zones assessment and details of measures to mitigate, monitor and manage impacts at specific locations – refer to advice of the Biodiversity and Conservation Division in letter dated 17 March 2022 for details which can be found on the portal <https://www.planningportal.nsw.gov.au/major-projects/projects/buronga-landfill-expansion>

Groundwater

The Department seeks clarification of potential impacts of the proposal on groundwater, including:

- Details of protection measures for Water NSW’s monitoring borehole and how access to the borehole would be maintained
- Details of potential groundwater impacts on any licensed water users or other landholder rights
- Clarification about the maximum extent of excavation/cut, noting the EIS (p.37) indicates the landfill cells will extend to approximately 5-8m below ground level to achieve a 2m separation from groundwater, however, the Geotechnical Report (p.8) indicates groundwater has been detected at 5.9-9.7m below ground level, which would suggest a maximum excavation of 3.9m (rather than 5m) would be required to achieve the 2m groundwater separation.

Leachate management and drainage

The Department seeks clarification of leachate management and drainage system, including:

- Details of the surface and stormwater management system and assessment of potential surface water impacts for the landfill and community recycling facility

- Amended drainage plan showing drainage lines consistent with the north-south orientation of Stage 2 landfill cells
- Details of how the new landfill cells in Stage 1 would connect to the existing leachate pond, which would be used until such time as the new leachate pond and service alignment are constructed
- Details of the capacity of the existing leachate pond, including approximate service life remaining and likely timing of the construction and use of the proposed new leachate pond and service connections

Air quality assessment

The Department seeks the following clarifications and additional information in relation to air quality impacts:

- Assessment to be based on the hours of operation as indicated in the EIS
- Additional modelling of PM_{2.5} and PM₁₀ with a view to attaining no incremental increase from the proposal, as required in the EPA's *Approved Methods*
- Clarification if actual data has been used in the modelling, and if not, provide justification
- Assessment of the impacts of the LFG flare

Hazard analysis

The Department is unable to complete its hazards assessment until the following information is provided:

- A preliminary risk screening in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 and the Department's *Applying SEPP 33* as required in the SEARs
- Locations and quantities of dangerous or potentially hazardous goods (e.g. tyres, batteries, drums, waste oil, contaminated soil) which may be stored on-site or transported to and from the site
- Verification the Preliminary Hazard Analysis (PHA) is appropriate for the development with consideration of the gas flare system and its fuel source

Traffic and access

The Department seeks an amended traffic impact assessment that uses appropriate methodology for the full extent of the capacity and timeline of the landfill and that includes an assessment of the proposed internal road network, including the following:

- Assessment of traffic generation based on a landfill capacity of 100,000 tpa being the proposed maximum capacity of the landfill (rather than 60,000 tpa)
- Confirmation that assessment is based on Arumpo Road being a classified regional road
- Written confirmation from Transport for NSW (TfNSW) that the methodology used, being an alternative to SIDRA modelling, is satisfactory
- Justification for assuming the 'current AADT' (Annual Average Daily Traffic) for each of the affected roadways and whether any adjustments are warranted having regard to the 70-year life of Stage 1 and 50-year life of Stage 2
- Separate assessments for the initial construction/establishment phase, and the operational and ongoing progressive construction phases of the development
- Assessment of internal road network, including but not limited to the following matters:
 - swept paths for heavy vehicles
 - potential conflicts between light and heavy vehicles
 - progressive extension of road network to the active landfill face
 - queuing management for the community facility and landfill active face
- Additional information on peak traffic generation, including assessment of operational peaks for light and heavy vehicles relative to AM and PM peaks and how this may affect RMS operating capacity of the road network

Noise and vibration impact assessment

The Department requests clarification and additional information on noise and vibration impacts, including:

- Assessment to be based on the hours of operation as indicated in the EIS
- Clarification as to whether the assessment includes:
 - noise generated during the initial construction phase of the new/relocated structures, basins, roadways and other on-site infrastructure
 - noise from the general public using the recycling facilities
 - noise from monthly shredding of green waste and C&D waste, and the shredding of tyres to maintain a 3m stockpile height
 - differentiation of noise from light rigid, heavy rigid and articulated vehicles
 - noise associated with final capping and rehabilitation of each cell as it reaches completion
- Assessment to include:
 - assessment of annoying noise characteristics for the hours of operation up to 1900 Monday to Sunday (in addition to daytime measurements provided)
 - L_{A10} measurements (in addition to the L_{A90} , L_{eq} , and L_{max} measurements provided)
 - justification for the use of 'default noise-enhancing meteorological conditions' and the exclusion of any noise-enhancing weather or worst-case sound propagation conditions in line with Fact Sheet D of the NPfl
- Noise contours

Visual impact

The Department requests the following information to ascertain how the completed landfill cells would appear in the relatively flat landscape:

- Visual assessment from key sightlines with diagrammatic representation of views to proposed structures and Stage 1 and Stage 2 rehabilitated dunes
- Explanation of the north-south orientation of the Stage 2 cells being at right angles to the east-west orientation of the Stage 1 cells which are said to be sympathetic to other regional landforms (EIS pp. 51 & 68-69)

Landscaping

The Department requests the submission of landscape plans as specified in the SEARs:

- Landscape plans should include:
 - trees to be removed / land clearing areas
 - location of proposed plantings
 - schedules showing the number and species of plantings throughout the site and including rehabilitation plantings that are representative of endemic vegetation sympathetic to the surrounding environment

Social impact assessment

The EIS appears to focus on positive social impacts of the development, however, does not identify or address any potential adverse social impacts of the development. The Department requests the following:

- Revised information (EIS Section 6.9) to include an assessment of any negative and cumulative impacts and issues such as way of life, health and wellbeing and aesthetic values

Consultation

The following consultation information is required, with reference to the SEARs:

- Evidence of consultation with:
 - Environment Protection Authority
 - Environment and Heritage of DPE (formerly Environment, Energy and Science)
 - Water Group of DPE
 - Fire and Rescue
 - NSW Rural Fire Service
 - WaterNSW

- Consolidation of Applicant's responses to the key issues raised by all agencies and Council in Section 5.2 of the EIS

CIV

- Justification for:
 - excluding cell staging (or otherwise confirm the allowances are adequate to account for the cost of works when split into stages)
 - excluding dust control, water infrastructure and gas management, which are considered to be key establishment costs
 - excluding escalation costs, even though the project timeline and expected life of each cell for both Stage 1 and Stage 2 are described in Table 3.5 and p.60 of the EIS
 - limiting rehabilitation plantings to shrubs only, with no allowance for trees