

# Notice of Modification

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, under the delegation of 14 September 2011, I hereby modify the development consent DA 262-09-2001 referred to in Schedule 1, subject to the Conditions in Schedule 2.



Chris Wilson  
Executive Director  
Major Projects Assessment

Sydney

5 December 2012

### SCHEDULE 1

<b>Development Consent:</b>	DA 262-09-2001 (as modified)
<b>Applicant:</b>	Bald Hill Quarry Pty. Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>In respect of:</b>	Parts Lot 7, DP133540; Lots 11 & 12, DP439146
<b>Project:</b>	Bald Hill Quarry Regional Landfill
<b>For the following:</b>	Increase in annual waste input rate from 20,000t to 40,000t

### SCHEDULE 2

The development consent is modified by:

**1. amend Acronyms and Abbreviations in Schedule 2 as follows::**

DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning and Infrastructure
Director-General	Director General of the Department (or delegate)
DLWC	Department of Land and Water Conservation
EA	Environmental Assessment
Minister	Minister for Planning and Infrastructure
MOD 2	Modification to increase in annual waste input rate from 20,000t to 40,000t lodged June 2012
RTA	Roads and Traffic Authority
RMS	NSW Roads and Maritime Service
Reporting year	1 January and 31 December
SWRWMG	South West Regional Waste Management Group

**2. replace Condition 1.1 with the following:**

- 1.1 The Bald Hill Quarry Regional Landfill (the Project) shall be carried out in accordance with:
  - a. the Development Application No.262-09-2001 lodged with the Department on 26 September 2001;

- b. the EIS prepared for the 'Bald Hill Quarry Regional Landfill' and associated documents prepared for the Applicant by R.W. Corkery & Co. Pty. Limited and dated September 2001;
- c. the Landfill Environmental Management Plan (LEMP) approved by the DEC;
- d. all supplementary material prepared by Charles Dearling, titled Aboriginal Cultural Heritage Study dated March 2002;
- e. modification application MOD 121-10-2006, dated 28 September 2006, and supporting information supplied by Bald Hill Quarry Pty Limited;
- f. modification application 262-09-2001 - MOD 2, dated 12 June 2012, and supporting EA titled *Environmental Assessment for the Increase in Annual Waste Quantities to the Bald Hill Quarry Regional Landfill via Jugiong, NSW*, prepared by R.W.Corkery & Co. Pty. Ltd and supporting information supplied by Bald Hill Quarry Pty Limited; and
- g. the conditions of consent granted by the Minister.

If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any inconsistency.

**3. replace Condition 6.1 with the following:**

**6.1 The Applicant shall:**

- a. take all practicable measures to prevent and minimise harm to the environment as a result of the construction, operation and post closure of the development;
- b. comply with section 120 of the POEO Act except as expressly provided by the EPL;
- c. carry out all activities in a competent manner and in particular, those subject to the EPL;
- d. ensure that all plant and equipment used in connection with the activities on the site are maintained and operated in a proper and efficient manner;
- e. establish a community environment liaison committee, comprising representatives of the community and the Applicant, which will meet at least annually. Discussion at the meetings must include implementation of the Development Consent and other statutory approvals, and provide adequate time for the community to raise matters of concern associated with the environmental impact of the development, with a view to achieving mutually satisfactory solutions;
- f. notify the EPA of any incidents causing or threatening material harm to the environment as soon as practicable after becoming aware of the incident in accordance with the requirements of Part 5.7 of the POEO Act; and
- g. ensure that all employees, contractors and sub-contractors engaged to carry out works are aware of the procedures outlined in the LEMP and are aware of, and able to, comply with these Conditions.

**4. insert new Condition 13.2 immediately after 13.1:**

**13.2** Within 2 months of the date of the approval of MOD 2, the Applicant shall commission and pay the full cost of an independent audit of the intersection at the site access road with the Hume Highway. The audit shall:

- a. be prepared in consultation with the RMS and to the satisfaction of the Director-General;
- b. assess the compliance of the existing intersection with the requirements of the RMS;
- c. be undertaken by a suitably qualified independent person; and
- d. be submitted to the RMA and Director-General within 1 month of completing the audit.



Should the audit ascertain that the intersection does not comply with the intersection treatment required by the RMS, the Applicant shall, within a six month period (or other as determined by the RMS and Director-General) from the audit completion date, commission and pay the full cost of any intersection and/or pavement upgrade works.

**5. replace Condition 16.2 with the following:**

16.2 The Applicant shall prepare and implement a revised Landfill Environmental Management Plan (LEMP). The LEMP shall:

- a. be prepared in consultation with the EPA and to the satisfaction of the Director-General;
- b. be prepared in accordance with the EPA's Environmental Guidelines: Solid Waste Landfills;
- c. incorporate MOD 2; and
- d. be submitted to the Department within 3 months of commencement of MOD 2.

**6. replace Condition 17.1 and 18.1 with the following:**

17.1 Every year from the date of this approval, unless the Director-General agrees otherwise, the Proponent shall submit an Annual Environmental Management Report (AEMR) to the Director-General and relevant agencies. The AEMR shall:

- a. be conducted by suitably qualified person;
- b. be submitted within 3 months of the period being assessed by the AEMR;
- c. identify the standards and performance measures that apply to the development;
- d. include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
- e. include a summary of the monitoring results for the development during the past year;
- f. include an analysis of these monitoring results against the relevant:
  - impact assessment criteria;
  - monitoring results from previous years; and
  - predictions in the EA;
- g. identify any trends in the monitoring results over the life of the development;
- h. identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies;
- i. identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance; and
- j. identify continuous improvement measures, outlining new developments in environmental control measures and practices that have been implemented on the site during the previous year, to reduce environmental impacts.

18.1 Every 3 years from the date of this approval, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:

- a. be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
- b. be undertaken in consultation with the EPA and Council;
- c. assess the environmental performance of the project and undertake any works necessary to determine whether it is complying with the relevant standards, performance measures, and statutory requirements;
- d. review the adequacy of any strategy/plan/program required under this approval; and, if necessary,

- e. recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.

**7. replace Condition 22.1 with the following:**

22.1 Prior to February 2013 (or a date otherwise approved by the EPA), the Applicant shall prepare and submit an assessment of the upper weathered stratigraphy of the quarry void to determine whether there is the need to install a wall lining system (ie. if the weathered zone has an insitu bulk hydraulic conductivity of greater than  $10^{-9}$  m/s). The assessment shall:

- a. be undertaken by a suitably qualified independent person;
- b. be prepared in consultation with the EPA and to the satisfaction of the Director-General; and
- c. be submitted to the EPA and Department within 1 month of completing the assessment.

If a barrier is identified as being required by the report, a barrier system should be proposed including detail on the type, quantity and permeability of material(s) to be used, and the proposed construction and quality assurance methods and timeframes, to the satisfaction of the EPA and Director-General.

**8. replace Condition 24.3 with the following:**

24.3 The total tonnage of waste disposed of at the landfill between 1 January and 31, December of any year must not exceed 40,000 tonnes.

**9. insert new Condition 24.3a immediately after 24.3:**

24.3a The Applicant shall ensure that a minimum of 25,000 tonnes of the total annual waste disposal capacity of the landfill is reserved specifically for the disposal of the SWRWMG's municipal waste that is delivered directly to the Landfill by the SWRWMG and/or contractors engaged by the SWRWMG.

If the SWRWMG confirms in writing to the Applicant by June 30 of each reporting year that it does not require the full 25,000 tonnes waste disposal capacity, then the Applicant may utilise the balance of the 25,000 for other waste sourced from within the local government areas within the SWRWMG.

**10. replace Condition 24.7 with the following:**

24.7 Waste shall only be sourced from local government areas within the SWRWMG.