

**BALD HILL QUARRY PTY LTD RESPONSE TO SUBMISSIONS RECEIVED
FOLLOWING PUBLIC EXHIBITION OF DEVELOPMENT APPLICATION
DA. No 262-09-01 MOD 2.**

1. HARDEN SHIRE COUNCIL (6 July 2012).

Submission summary:

- 1.1 Seeks to have clause 24.7 amended such that the South East, Riverina Murray and Western Regions are replaced by the 8 members of the South West Region Waste Management Group (SWRWMG) comprising the local government areas of Boorowa, Cootamundra, Gundagai, Harden, Tumbarumba, Tumut, Yass and Young as the source for waste to this landfill.
- 1.2 Waste 'leakage' from sources outside the SWRWMG.
- 1.3 Harden Contribution Plan
- 1.4 That Harden Shire Council supports the Development Modification.

Response:

- 1.1.1 Bald Hill Quarry Pty Ltd submits that the existing clause 24.7 provides adequate direction for the area from which waste may be sourced. It reflects the intent of the original DA which was to allow flexibility in determining which nearby Local Governments could deliver waste to the site, yet exclude waste from distant major urban centres of the likes of Canberra or Sydney.

Additionally, to specifically address any issue of 'certainty', Bald Hill Quarry Pty Ltd entered into a legally binding agreement to only accept waste from the South West Region Waste Management Group, all of whose current members exist within the regions defined in clause 24.7.
- 1.2.1 The existing conditions of consent oblige the operator to check the origin of waste to maintain compliance. Protections against waste 'leakage' from areas outside the SWRWMG at the landfill are active, and considered sufficient to detect and resist any pressure that could arise from the Carbon Tax implementation. Bald Hill Quarry Pty Ltd submits that this concern is adequately covered by the existing consent conditions as worded.
- 1.3.1 Waste deliveries are received via the Hume Highway, which being a Federally funded Highway is not subject to the Harden Contribution Plan. Additionally, the great bulk of the waste derives from outside the Harden Shire Local government area, therefore excluded from the plans effects. Bald Hill Quarry Pty Ltd submits that this point is not of sufficient relevance.
- 1.4.1 Bald Hill Quarry Pty Ltd thanks Harden Shire Council for its support and assistance in this process.

2. SOUTH WEST REGIONAL WASTE MANAGEMENT GROUP

Submission Summary:

- 2.1 Seeks to have clause 24.7 amended such that the South East Region, Riverina Murray and Western Regions are replaced by the 8 members of the South West Region Waste Management Group (SWRWMG) comprising the local government areas of Boorowa, Cootamundra, Gundagai, Harden, Tumbarumba, Tumut, Yass and Young as the source for waste to this landfill.

2.2 The SWRWMG supports the Development Modification.

Response:

2.1.1 Referring back to the EA that accompanied DA. 262-09-2001 (The Landfill) and to clarify the reasoning for the identified waste source regions please note the following:

- i). Prior to the submission of DA.262-09-2001, Bald Hill Quarry had notified Harden Shire Council that it was going ahead with the preparation and submission of a DA for a 'Regional Landfill' at Jugiong and that this would occur regardless as to the commercial involvement of Harden Shire Council. This was clearly understood by all... that Bald Hill Quarry Pty Ltd was prepared to take the substantial risk alone, and it proceeded to submission on this basis.
- ii). At the time the submission was made there was no agreement between Bald Hill Quarry Pty Ltd and Harden Shire Council. The South West Regional Waste Management Group did not yet formally exist.
- iii). At the time of submission, there was uncertainty as to which Local Government areas would be part of the SWRWMG. The Shires of Temora, Cowra and Junee had been approached by Harden Shire with the view to inclusion.
- iv). The EA submission considered carefully the concerns of the Dept of Agriculture relating to the importation of Biological pathogens, insects and pests. The areas selected from which waste could be received, were chosen with a clear geographical / biological boundary in mind. The agricultural activities of the Western, Riverina Murray and South East regions were considered to be similar such that any transfer of waste 'within' and 'between' those regions would represent a minimal threat though the introduction of Biological pathogens etc that were not already present.
- v). Canberra, Sydney, Illawarra areas were recognised as having a significant Agricultural, Demographic, Climatic and Biological difference, such that the risk of importation of a new or unknown Biological threat to the region was unacceptable.

On this basis the EA legitimately sought the approval for the Western, Riverina Murray and South East Regions to cover for the foreseeable possible outcomes that, at the time were very much in a state of flux, whilst meeting the identified environmental issues.

Bald Hill Quarry Pty Ltd always intended a 'regional landfill' as the outcome of its DA. The SWRWMG then resolved its composition, proposed a contract to Bald Hill Quarry Pty Ltd which was negotiated and eventually agreed with mutual benefits and obligations within the terms of the approval and conditions of consent.

Certainly, throughout, Bald Hill Quarry Pty Ltd actively informed and discussed the proposal with Harden Shire Council, always with the view to a mutual arrangement, but recognising that at any point, Harden Shire Council (or eventually the SWRWMG) could have walked away. Bald Hill Quarry Pty Ltd continued towards its 'Regional landfill' submission using the known facts at the time, and assessing the risks of incomplete negotiations to determine the substance of the final submissions accompanying the landfill DA.

Bald Hill Quarry Pty Ltd remains of the view that condition 24.7 continues to reflect clearly the intent and substance of the EA as originally submitted with DA 262-09-2001, and does not materially disadvantage any party currently joined by agreement.

Refer to clause 1.1.1 above. The legal agreement between the SWRWMG and Bald Hill Quarry Pty Ltd is clearly 'external' to the Conditions of Consent and the EPA operating licence. There is no disadvantage or advantage to either party as to the efficacy of the agreement contingent on the proposed amended clause 24.7. Simply, a legal agreement between two private parties that has its scope defined by the conditions of consent of a Development Approval, cannot legally 'define' those conditions of consent.

Bald Hill Quarry Pty Ltd submits that a desire for 'clarity and uniformity' is not a sufficient justification in this circumstance for amending condition 24.7.

- 2.2.1 Bald Hill Quarry Pty Ltd thanks the SWRWMG for its support and open and frank discussions in this application process.

3. ROADS AND MARITIME SERVICES.

Submission Summary:

- 3.1 The RMS seek justification for the expected traffic increase resulting from the increase being only 8 movements per day.
- 3.2 The RMS seek clarification on the status and design of the intersection of the access road and the Hume Highway.

Response:

- 3.1.1 Traffic movement or TM (a journey in or out of the site) for the 20000t of waste in question was calculated as follows:

$$\text{Daily Loads} = [\text{Annual waste (tonnes)} / \text{average truck load (Tonnes)}] / 260$$

Where:

Annual waste increase = 20000 t

Average Load carried by the Waste delivery trucks = 20 t

260 = days per year landfill open to receive waste

$$= [20000 / 20] / 260$$

= 4 Loads delivered per day averaged over one year

= 8 traffic movements per day.

- 3.2.1 The adequacy of the intersection was considered in the 1998 North Ridge Quarry DA T.98.027 and EIS, which was approved by Harden Shire Council in April 1999. At the time of submission of DA 262-09-2001 (The Landfill), the intersection was in the process of being upgraded in accordance with the conditions of consent granted previously by Harden Shire Council. This was acknowledged in the landfill EIS and there were no subsequent conditions imposed to alter the existing process of design approval or construction.

At that time, and as required and approved, an engineered intersection design was submitted to Harden Shire Council and the then RTA for a 2 stage crossing with CHR and AUL treatment, including pavement design and surface treatment.

RMS Yass office was successful in winning the construction works, with the Harden Shire Council performing the spray sealing works. Construction was completed shortly after the DA 262-09-2001 (The Landfill) was approved in 2002.

Copies of the intersection plans and drawings for the intersection have been requested from Ganesh K, District Works Manager RMS Yass office, and Harden Shire Council to verify the design. Both RMS and Harden Shire Council could not locate their copies of the plans submitted for approval and construction.

Both acknowledge that they existed, but had likely 'disappeared' into archives somewhere.

It has come to light that there remains two works items yet to be carried out to complete the intersection upgrade done to comply with the North Ridge Quarry DA. conditions of consent, these being;

- i). The RMS are still to complete the 'line marking', and
- ii). Harden Shire are yet to complete the 2nd of the spray seal coats on the deceleration lanes.

Other than these 2 items we are confident that the intersection complies as required by the North Ridge Quarry DA.

If it is deemed necessary, an independent and qualified engineer shall be engaged to confirm that the intersection complies with the relevant design as specified by DA T.98.027.

4. DEPARTMENT OF PRIMARY INDUSTRY

Submission Summary:

- 4.1 Office of Water make no objection or comment.
- 4.2 Agriculture NSW questions the fact that no change to the proposed rehabilitation to a standard for 'on going productive agricultural use' is considered.
- 4.3 Agriculture NSW suggests a consideration of current (2010) guidelines regarding Agricultural Issues for Landfill Developments.

Response:

- 4.2.1 Bald Hill Quarry Pty Ltd submits that the nature of the landfill design, and the limited area involved prevent any meaningful agricultural use for the landfill cap for possibly 50 years post closure. Being some 100m deep, the landfill will experience considerable settling over this period until decomposition of waste is effectively complete.

To allow for this, a self sealing 'capillary cap' has been designed to be fenced off from stock thereby maintaining the integrity of the vegetative cover which is also integral to the cap function.

- 4.3.1 Bald Hill Quarry Pty Ltd submits that the original landfill Development Application and Environmental Assessment considered the potential Agricultural impacts clearly, and the current operation executes the controls necessary to minimize any concern as detailed in the 2010 Agricultural Guidelines for Landfills.

5. NSW EPA

Submission Summary:

- 5.1 Amend condition 22.1 to replace the words “Within ten years of the commencement of landfilling activities” with “By 31 December 2012”.

Response:

- 5.1.1 Bald Hill Quarry Pty Ltd is well placed to meet the proposed amended condition time frame. A draft report is expected to be available early August 2012.

Should you require any further information please contact John Wilkinson (0418 670291) or Tony Willsallen (0417 471404)

John Wilkinson

26-July 2012