

Submission from South West Regional Waste Management Group to Department of Planning for Bald Hill Landfill Mod 2 - Increase Annual Landfill Tonnage

Applicant: Bald Hill Quarry Pty Ltd

DA No. 262-09-01

Bald Hill Quarry and Landfill Modification - Increase in Annual Waste Input
Tonnage

Submission

To amend the development consent, condition 24. Waste Sources, Volumes and Types, sub clause 24.7, to reflect the following:

“Waste shall only be accepted for landfilling at the waste treatment facility that is sourced from within the local government areas as represented by the members of the South West Regional Waste Management Group.”

Background

The South West Regional Waste Management Group (the Group) is a group of eight (8) Councils working collaboratively together to manage waste within their individual local government areas. The Council members are Boorowa, Cootamundra, Gundagai, Harden, Tumbarumba, Tumut, Yass and Young. The combined Group represents a population of 61'282 residences, residing within 46 communities over an area of approximately 24'081 km² which represents about 3% of the total area of New South Wales.

In 2002, the Group signed an agreement with Bald Hill Quarry Pty Ltd (the Proponent) on the basis that the Proponent would hold the operational Environment Protection Licence and Harden Shire Council would hold the supervisory Environment Protection Licence for the landfill facility at Jugiong.

The agreement included the Group accepting full financial liability for all infrastructures required to operate the landfill facility, and also the responsibility of all financial liability for the closure and post-closure monitoring of the facility.

The original Development Consent for the landfill facility was supported by the Environment Protection Agency on the basis that such a regional engineered landfill would assist local governments to close and rehabilitate smaller rural landfills and therefore reduce the environmental risks. To date a number of member Councils have closed these landfills, and Harden Shire Council in particular no longer operates a landfill within the Shire and is dependent on the Bald Hill landfill for all waste disposal.

In October 2011 the Group held a full meeting with the current operator, the Proponent, regarding the breach of the limited waste tonnages acceptable to the facility, and their request to the Group to support the increased annual tonnages from 20'000 to 40'000 tonnes was discussed. The Group provided support for the increased tonnages, in principal, pending the further negotiations between both parties. In February, 2012, in agreement with the Group and the Proponent, the commercial operators whose tonnages were impacting on the licence limitations were instructed to cease disposal at the facility to ensure compliance by the Proponent.

Justification for Submission Amendment Request

The modification application which proposes an increase in the annual tonnages acceptable at the facility is supported, in principal by the Group.

However, the Group is hereby making a request for an amendment to the Waste Source within the development consent.

The current consent, 262-09-01, condition 24 Waste Sources, Volumes and Types, 24.7 states:

“Waste shall be sourced from local government areas within the:

- South East Region (formerly South East Region Waste Division)
- Riverina Murray Region (Riverina Economic Region of Councils REROC)
- Western Region

as expressly permitted by the EPL.”

Whilst the original intent of this clause was to restrict the waste source area, and does include the Group member Councils in the regional organisations of Council, it at the same time allows for any of the regional organisations other Council members not in the Group to utilise the facility, and the term Western Region could be construed to incorporate a very large area of regional “western” New South Wales which would benefit from the Group’s financially funded infrastructure and commitments.

Throughout the modification application the Proponent refers to the eight local government areas of the Group and this confirms the long term working relationship and commitment of the parties.

As outlined above this landfill, from its inception has been supported by the Group both financially and practically to ensure its success and longevity was to the benefit of the Group’s local government area communities. The Group’s commitment and acceptance of the infrastructure, closure and post-closure monitoring responsibilities and financial liabilities are evidence of the level of involvement and dependability of the Group on the landfill facility and in this regard the requested amendment to condition 24, 24.7 would ensure that only communities and commercial operators within the Group’s area would benefit from the landfill facility that the Group supports.

It is the Group member Council’s and their communities that would be disadvantaged both financially, in that the Group member Councils have invested significantly in this facility, and environmentally, by needing to find alternate disposal sites should waste from outside the Group areas be permitted.

It is acknowledged that whilst the agreement between the Proponent and the Group limits the source area to the Group member Council’s local government areas, it is fundamental to the clarity and uniformity of all legal documentation that the development consent replicates and supports this agreement.

The existence of an agreement between the Group and the operators sits outside the provisions of the EPA Act, 1979 and while it may be perceived that this request may restrict the commercial operations of the facility operators, the proponent has consistently relied upon the support of, and waste generation within, the Group as justification for the need for this facility. This is evident in both the original application and the current modification.

Summary

As the Proponent, being the current operator of the facility, has indicated they do not have a desire to source waste outside the Group area and the significant investment of the Group in the establishment, operation and ultimately closure of the facility it is not unreasonable for the development consent to reflect this. The modification of condition 24.7 would provide certainty to the Group for protection of their investment and leave any potential future purchase/operator in no doubt about the intention of the Group, Department of Planning, Environment Protection Authority and Proponent in relation to the waste generation areas of this facility.

In the modification application, under Proposed Operations, 2.3.2 Waste Sources, the Proponent clearly state:

“The eight local government areas that collectively make up the South West Regional Waste Group currently deliver approximately 19 000 tonnes annually, and have indicated an existing and future need for 25 000 tonnes per annum. As is the case now, the balance will be sourced from industrial and commercial facilities from within those same LGAs.”

The Group hereby requests that the Department of Planning consider and accept the request for the amended waste source areas.