

DOC19/671197

Ms Sheelagh Laguna
 A/Principal Planner
 Industry and Investment
 Department of Planning, Industry and Environment
 320 Pitt Street
 SYDNEY NSW 2001

Dear Ms Laguna

Thank you for the opportunity to provide comment on the draft Development Consent conditions for SSD 5792 relating to the Cairncross Waste Management Facility expansion. Following a review of these conditions, the Environment Protection Authority (EPA) has identified several matters of concern for your attention and consideration.

Section 4.42(1)(e) of the *Environmental Planning & Assessment Act 1979* ('EP&A Act') discusses how EPLs are treated in the context of State Significant Development, in that the EPL must be substantially consistent with the consent. The abovementioned matters relate to the consistency of the Environment Protection Licence (EPL) 11189 for the facility with regard to the draft development consent conditions, and are as follows:

1. Operating hours

The current hours of operation for the facility are contained in section L4 of EPL 11189, as follows:

L4.1 *The hours of operation of the landfill are limited to between 7:00am and 6:00pm Mondays to Fridays and between 8:00am and 5:00pm Saturdays, Sundays and public holidays.*

L4.2 *The hours of operation for "Waste processing (non-thermal treatment)" are limited to between 7:30am and 4:00pm Mondays to Fridays. No operations are to occur on Saturdays, Sundays or public holidays*

The draft conditions of consent provide proposed operating hours in Table 1 of condition B30 which are inconsistent with the EPL, as shown in the extract from Table 1 as provided below:

Table 1 Hours of Work

Activity	Day	Time
Operation - Landfill	Monday – Sunday	7 am to 5 pm
	Saturdays and Public Holidays	8 am to 4 pm

The operating hours proposed in condition B30 are not consistent with those in the EPL. The EPA requests that the Department of Planning, Industry and Environment (DPIE) consider a modification to draft condition B30 so as to align with the operating hours as they currently exist in

L4.1 and L4.2 of the EPL, and as provided in the General Terms of Approval (GTA) as submitted by the EPA to DPIE on 11 March 2019.

2. Waste limit description

Draft condition A7 omits terminology which is present in EPL condition L2.2, and for consistency, the EPA requests that DPIE considers including the terminology in L2.2 in its entirety.

Draft condition A7 is as follows:

A7 *The Applicant shall not store more than 4,000 tonnes of concrete, brick and asphalt waste on site at any one time.*

EPL condition L2.2 is as follows:

L2.2 *The total quantity of all concrete, brick and asphalt stored on the premises for the purpose of "Waste processing (non-thermal treatment)" and "Waste storage" must not exceed 4000 T of concrete, brick and asphalt stored at any one time.*

3. Commencement of works

The draft DA sets timeframes for the submission of certain reports or management plans which form part of the overall administration strategy for the site. The EPA maintains that a condition relating to a specific plan should require the applicant to provide information prior to the 'commencement of construction' of a particular part or stage of the development, rather than prior to the 'commencement of operation' for the corresponding part or stage.

This commentary is especially relevant to the following draft DA conditions:

- B16** – Leachate Management Plan
- B17** – Water Management Plan
- B23** – Air Quality Management Plan
- B28** – Landfill Gas

4. Waste management records

Draft condition **B4** relates to the retention of records and requires the applicant to retain all sampling and waste classification data for the life of the development in accordance with the requirements of the EPA.

EPL conditions **M1.2(b)** and **R1.6** require that records be kept for a period of at least four years

The EPA requests that DPIE review this condition for consistency with the EPL.

5. Dust management

Draft consent condition **B21** requires the applicant to ensure that dust from certain work activities is controlled 'during construction'. The EPA requests consideration that this condition be modified to require dust control measures at all times during the operation of the landfill, including during construction. Alternatively, consideration could be given to modifying condition B20 to read:

"The applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. The applicant must maintain the premises in a condition that minimises the emission of dust from the premises during all operations and activities occurring at the premises."

6. Odour management

Draft condition B25 relates to odour management:

B25 *The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).*

The EPA requests that consideration be given to modifying the draft condition to read:

B25 *The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act) from the premises".*

Thank you for your consideration of these matters. If you have any further questions, please contact Rhys Edwards (02) 6659 8230

Yours sincerely



SCOTT HUNTER
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Environment Protection Authority

