137-139 Oberon Street
PO Box 84
Oberon NSW 2787

Telephone: (02) 6329 8100
Fax: (02) 6329 8142
Email: council@oberon.nsw.gov.au

OBERON COUNCIL

Attachments for Ordinary Council Meeting Reports

Ordinary Council Meeting

Tuesday 19 February 2013

5.30pm Oberon Council Chambers

Attachments for Report

12.02 DA10.2012.35.1 EXPANSION OF WASTE MANAGEMENT FACILITY

Attachment A – Plans

Attachment B – 79C Report

OBERON COUNCIL

Oberon Waste Depot
Statement of Environmental Effects

BACKGROUND

Oberon Council is in the processes of obtaining a licence off the EPA to continue its land fill operations at Oberon waste depot. Geolyse has been engaged to prepare the relative documents for the proposed expansion and obtain the relevant license from the EPA .

This statement of environmental effects will on focus on the future development of the Oberon waste depot and the operational processes as the supporting document for the report prepared by Geolyse to cover the future expansion.

INTRODUCTION

Proposed

Oberon council propose to stage its expansion development with the construction of three cells, one being predominately constructed to take a one off amount of 50, 000 m3. Plans and documents can be seen in the attached report prepared by GEOLYSE as Part of the expansion processes council has also developed a proposed lay out plan which will incorporate the development of a recycling facility where council can reduce the amount of land fill it imports to its land fill area.

Staging

- ***Development of proposal***
- ***Implementation of proposal***
- ***Construction of cell one***
- ***Importation of 50,000 m3 of fill from former CSR site***
- ***Establishment of weigh bridge***
- ***Construction of recycling facility***
- ***Resource recovery action plan implementation***

Development

The development has been structured so the first major step council will be the construction of cell one to accommodate the one off large volume of fill that council has agreed to take from the former CSR site located on Lowes Mount road. The material classification from the site can be seen in the Geolyse document. Council plans to import the material during the winter months as not to impede on the summer construction program. This will also be beneficial to the environment as the dust factor will be significantly reduced. Council has no weighbridge facility installed at the Oberon waste depot at this stage but has planned for one in the future development of the site. Council will measure the cubic metres each truck imports into the site and will follow up with a volumetric survey of the former CSR site as to ensure it has abdicated records of imported waste.

With the importation of this large amount of material, council will also maintain its normal operational hours but will have to implement a new safety management plan to the site as there will be a vast increase in the amount of vehicles on site as well as heavy plant. Due to the low density of the material to be imported into site, council may have to stock pile some of the material so as to allow the volume of general waste to increase to be able to mix the two to achieve a reasonable amount of compaction to insure maximum life spend of cell one. Once the cell has reached capacity, council will cap the area with clay like material to ensure all surface water runs off the area and will not absorbed into the cell. On completion of the capping process, a top soil layer will be applied and seed with grass and native vegetation.

Future Development

As part of the expansion of the Oberon waste depot, council has incorporated a proposed future lay out for a recycling facility which will be staged over the next 5 to 6 years. Council plans to construct a weigh bridge to weigh vehicles entering the site and leaving the site. The weigh bridge facility will also house the site office block and control centre to direct traffic to the designated dump area.

The system will provide a number of large bins, each one to be used for a specific type of waste. As each bin is filled it will be either taken for recycling or general waste will be taken to the landfill area. The associated drawings for this stage can be found in the attached documents.

Nature of the proposed development

The nature of the proposed development is to secure a licence a from the relevant authority to carry out operations at the Oberon waste depot and simultaneously incorporate a development proposal to expand the facility and future layout of a recycling centre to insure the positive outlook for the future growth of the Oberon community.

IMPACTS

This impact statement will work in conjunction the impact statement prepared by Geolyse but will manly focus on the impacts caused by the expansion and future staging plans of the Oberon waste depot.

Traffic

As stated in the above document, with importation of the 50,000 m3 of material from the former CSR site will significantly increase the volume of heavy vehicles on Lowes Mount road and also in the Oberon waste depot. It is estimated that the 50,000 m3 will take approx. 4,166 truck and dog movements. As both the access road and Lowes Mount road are sealed and meet council relevant standards, the overall impact will be reduced. Existing houses are set back off the immediate road reserve therefore noise pollution should not be an issue.

Air quality

With proposed expansion of the facility air born dust particles may become an issue in the warmer months, however due to the proposed cells been constructed as essentially holes in the ground there will be a physical barriers to reduce the spread of dust particles. Due to the cell having been excavated, it results in there being an abundance of daily cover material available. For further information please refer to the Geolyse document.

Visual

As the current status of the land fill is nearing completion, the areas where it has been filled over the last ten years is visible from Lowes Mount road. The planned expansion will incorporate the existing tree buffer which will block any view of the future and current working areas from outside the site. For more information please refer to the Geolyse document.

Acoustic

With the importation of the 50,000 m3 noise pollution will increase but will only be short lived and should not create any adverse affects to the public. With the proposed future expansion and construction of the recycling facility, the amount of waste imported to the land fill will reduce considerably, therefore resulting in a reduction in noise pollution.

Run off

The current layout does not take into account existing run off area and is add hock around the site. With the introduction of the future expansion proposal, these problems will be rectified and will be built to coincide with the Oberon council waste management plan.

SIGNIFICANCE OF IMPACTS

Both statements of environmental effects have identified that the positives far outweigh the negative impacts raised in both statements with the approval of the proposed expansion and future recycling centre. The community will only benefit BY allowing for future expansion of the Oberon population and also reducing the community carbon foot print.

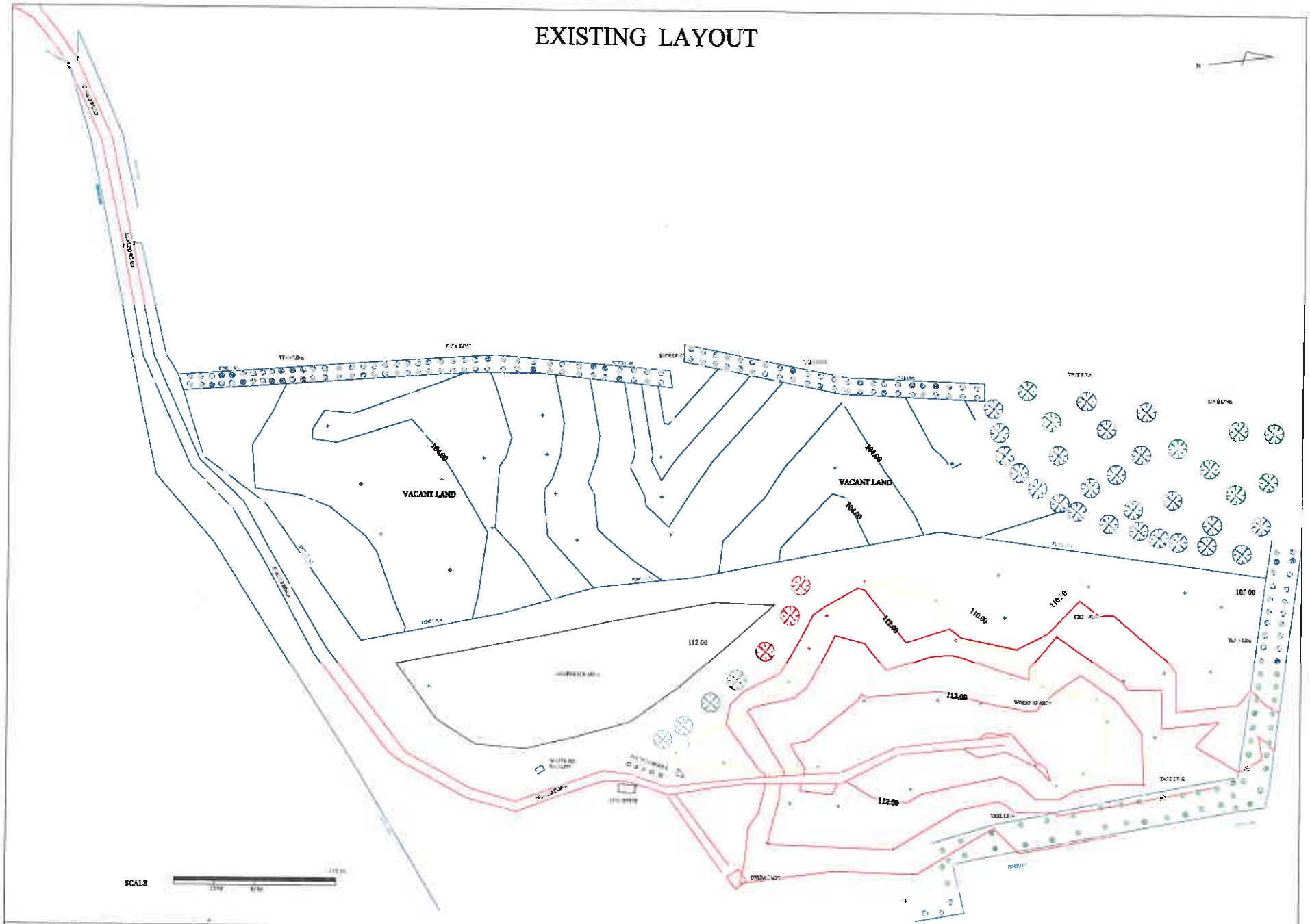
SITE SPEC AND CONDITIONS

Oberon Waste Depot is currently preparing an updated version of its waste management plan to use in conjunction with the documents prepared by Goelyse to increase its productivity. This will ensure council meets all EPA requirements to maximise its land fill capacity so as to reduce any adverse effect on the future expansion of the Oberon population and reduce any impacts on the current and future environment.

CONSTRUCTION MECHANISIMS

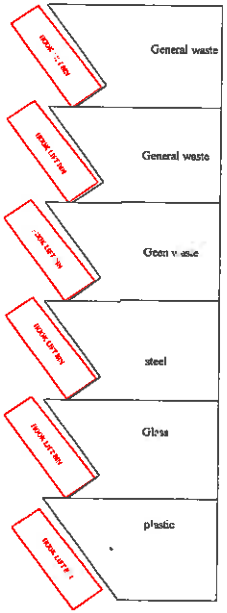
For all construction plans and documentation please refer to Goelyse Documents and drawings as well as other related material attached.

EXISTING LAYOUT

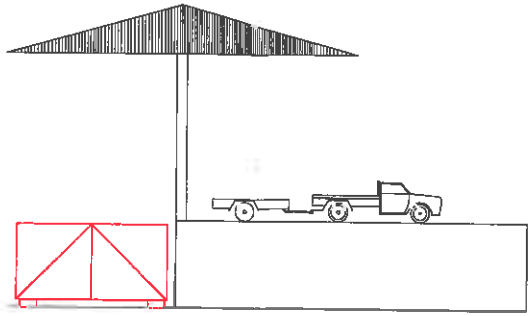


THE OBERON COUNCIL	DESIGNED DRAWN PASSED	APPROVED For Engineering DATE	FILE No. TIF JOB No. CONS. JOB No. TIF AUTOCAD NO. HORIZONTAL & VERTICAL DATUM IS ASSUMED	SHEET No. 1 No. OF SHEETS 3	PLAN No.	PROJECT OBERON COUNCIL LANDFILL	SCALE 1:000

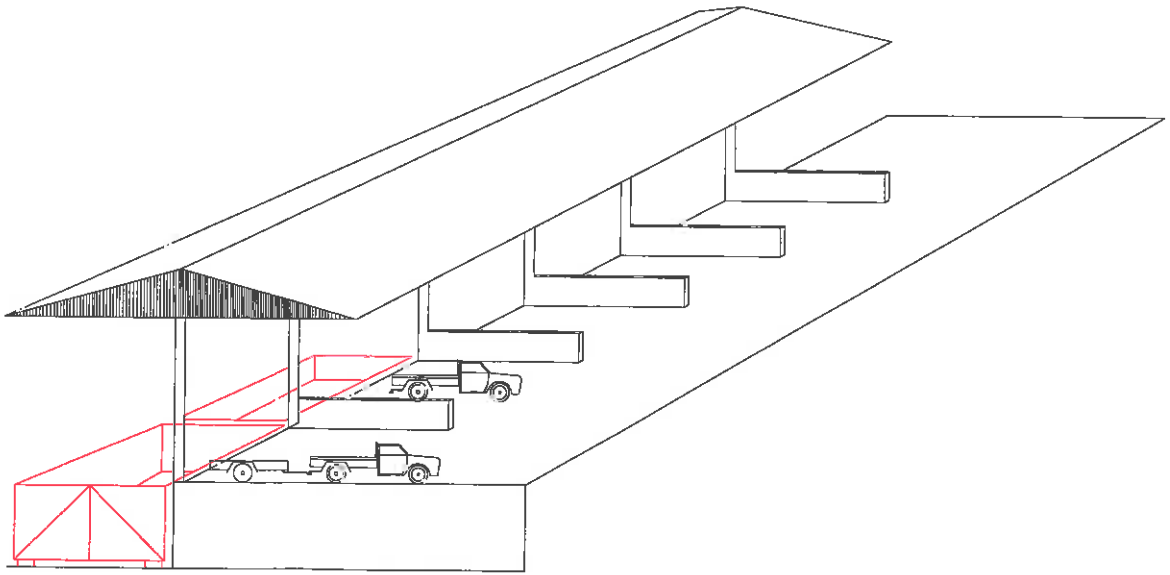
PROPOSED LAYOUT



PLAN VIEW



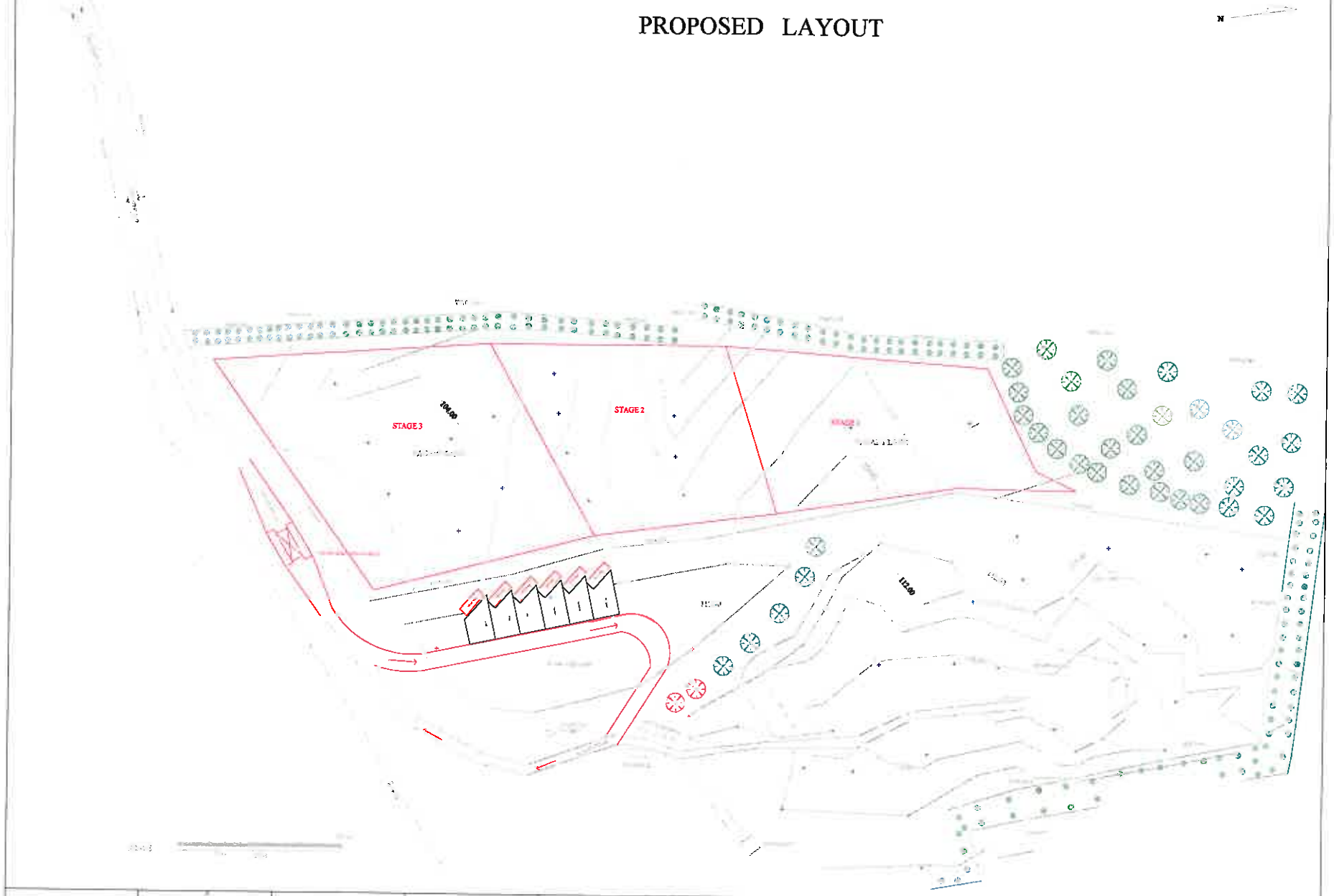
SIDE VIEW



ELEVATION

THE OBERON COUNCIL	DESIGNED DRAWN PASSED	APPROVED Dir. Engineering DATE	FILE No. TIP JOB No. CCAD JOB. TIP AUTOCAD NO. HORIZONTAL & VERTICAL DATUM IS ASSUMED	SHEET No. 3 No. OF SHEETS 3	PLAN No.	PROJECT OBERON COUNCIL LANDFILL	SCALE 1:2000

PROPOSED LAYOUT



THE OBERON COUNCIL	DESIGNED DRAWN PASSED	APPROVED Dir. Engineering DATE	FILE No. TP JOB No. CCAD JOB No. TP AUTOCAD NO. HORIZONTAL & VERTICAL DATUM IS ASSUMED	SHEET No. 2 No. OF SHEETS 3	PLAN No.	PROJECT OBERON COUNCIL LANDFILL SCALE 1:2000

DEVELOPMENT ASSESSMENT REPORT – DA10.2012.35.1

PROPOSAL:
Council is in receipt of a Development Application 10.2012.35.1 for the expansion of the landfill facility at the Oberon Waste Depot incorporating:

1. An increase in capacity;
2. Establishment of a weigh bridge;
3. A recycling facility which includes resource recovery; and
4. Associated infrastructure on land described as Lot 1 in DP:350774, Lot 1 in DP:598525, lot 36 in DP: 263034, Lot 1 in DP: 844887, 362, 364, 372 Lowes Mount Road, Oberon.

SUMMARY:
To assess and recommend determination of DA 10.2012.35.1. Recommendation will be for approval subject to conditions.

LOCATION OF THE PROPOSAL

Legal Description :	Lot 1 in DP:350774, Lot 1 in DP:598525, lot 36 in DP: 263034, Lot 1 in DP: 844887
Property Address :	362, 364, 372 Lowes Mount Road, Oberon.

ZONING:

The land is zoned Rural 1 (a) in accordance with Councils current Local Planning Instrument, being Local Environmental Plan (LEP) 1998.

REFERALS:

- NSW Office of Water as integrated development in accordance with the Waste Management Act 2000. Comments received 20/8/2012, no conditions imposed.
- NSW EPA as integrated development in accordance with the Protection of the Environment Operations Act 1997. Terms of approval issued 14/8/2012.
- NSW Roads and Maritime Services in accordance with the Infrastructure SEPP. Concurrence recived31/8/2012, no conditions imposed.

EXISTING CONSENT THAT RELATE TO THE LAND:

The latest consent available to staff is Development Consent 223/02 which was approved on the 14 March, 2003. The development approved was an "*inert landfill at council tip*". The statement of environmental effects prepared by Abacus Planning describes the development as an inert land fill on Lot 1 in DP: 844887 of approximately 30.92 hectares adjoining the existing tip receiving predominately processing timber waste from the Oberon Timber Complex. The statement of Environmental Effects prepared by Geolyse indicates, however that the site has been operational as a waste management facility for the use as "a sanitary depot for the disposal of garbage and night soil" since 1966. It was then subdivided for the purpose of a sanitary deport for disposal of garbage in 1977. Accordingly whilst the operation of waste management and landfilling has been operating for some time at the current location it is not presently licensed by the EPA.

The application is not considered to be Designated Development. Schedule 3 of the Environmental Protection and Assessment Regulation 2000 states that **Waste management facilities or works t**hat store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste are designated development if they exceed the required thresholds. This application does not exceed the required thresholds. The development, however, is located within 100 metres of an environmentally sensitive area, Wisemans Creek, which is a trigger for Designated Development.

It can be demonstrated that ongoing monitoring of surface and subsurface storm water flows will be a significant improvement on the sites current operational practices. Furthermore the ground water study by Jewell and Associates (appendix c in SOEE) indicates that works have been designed to provide an integrated stormwater and surface water management system that will provide full control of stormwater entering and leaving the site.

Accordingly Part 2 of Schedule3 in the Environmental Protection and Assessment Regulation, 2000 indicate that the proposal is an addition and/or alteration to the existing facility and as such does not constitute Designated Development. In fact it is considered by staff that the proposed development overall will improve the environmental management performance of the Waste management facility with the implementation of a Landfill Environmental Management Plan (LEMP) in conjunction with the General Terms of Approval (GTO) issued by the EPA.

PERMISSIBILITY:

The development is defined as an expansion to an existing land fill facility "*waste management facility*" that has been operating since the 1940's at its current location. Clause 9 and 10 of Councils current Local Environmental Plan 1998 applies to the development which state:

9 Zone objectives and development control table

(1) The objectives of a zone are set out in the Table to this clause under the heading "Objectives of Zone" appearing in the matter relating to the zone.

(2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the development (if any) that:

(a) may be carried out without development consent, and

(b) may be carried out only with development consent, and

(c) is prohibited, is specified under the headings "Without Development Consent", Only with Development Consent" and "Prohibited", respectively, appearing in the matter relating to the zone.

(3) Except as otherwise provided by this plan, the Council must not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Within the Rural 1 (a) zone the following aims and objectives need to be considered:

Zone No 1 (a) (Rural 'A' Zone)

1 Objectives of Zone

The objectives of this zone are to promote the proper management and utilisation of resources by:

(a) protecting, enhancing and conserving:
- *(i) agricultural land in a manner which sustains its efficient and effective agricultural production potential, and*
- *(ii) soil stability, by controlling and locating development in accordance with land capability, and*
- *(iii) forests of existing and potential commercial value for timber production, and*
- *(iv) valuable deposits of minerals, coal, petroleum and extractive materials, by controlling the location of development in order to ensure the efficient extraction of those deposits, and*
- *(v) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is likely to control land degradation or is significant to scenic amenity or the natural wildlife habitat, and*
- *(vi) water resources, including groundwater, for use in the public interest, preventing the pollution of water supply catchments and water storage, and*
- *(vii) areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitats, and*
- *(viii) items of archaeological or heritage significance, including Aboriginal relics and places, and*

(b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture, and

(c) facilitating farm adjustments, and

(d) minimising the cost to the community of:
- *(i) fragmented and isolated development of rural land, and*
- *(ii) providing, extending and maintaining public amenities and services, and*

(e) providing land for rural small holdings development and for other non-agricultural uses in accordance with demand for that development and in a manner which has the least adverse impact on prime crop and pasture land, and

(f) controlling and locating dwelling-house development to provide buffers from adjoining agricultural land in order to provide adequate environmental safeguards to the inhabitants and not prejudice future agricultural activity in the near vicinity.

2 Without Development Consent

Development for the purpose of:

agriculture (other than building work and intensive livestock keeping establishments); forestry.

3 Only with Development Consent

Development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

bulk stores; commercial premises; motor showrooms; residential flat buildings; sales rooms or showrooms; shops (other than general stores).

The proposed development is a waste management facility. It is permissible with consent in the 1(a) zone and is not antipathetic to the zone objective.

10 General considerations for development within rural zones

(1) The Council must not consent to development on land within Zone No 1 (a), 1 (c) or 1 (e) unless it has taken into consideration, if relevant, the effect of the carrying out of the proposed development on:

- *(a) the present use of the land, the potential use of the land for the purpose of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production, and*
- *(b) vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights), and*
- *(c) the future recovery from known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive minerals, and*
- *(d) the protection of areas of significance for nature conservation or of high scenic or recreational value, and items of archaeological or heritage significance, including Aboriginal relics and places, and*
- *(e) the cost of providing, extending and maintaining public amenities and services to the site of the proposed development, and*
- *(f) the future expansion of settlements in the locality.*

(2) As well as the matters referred to in subclause (1), the Council must take into consideration the relationship of the development to development on adjoining land and on other land in the locality.

(3) Subclause (1) does not apply to development, being:

- *(a) an addition to a building or work, or*
- *(b) development ancillary to a land use for the purpose of which development may be carried out without the consent of the Council, or*
- *(c) the erection of a dwelling-house on an allotment of land created for the purpose of a dwelling-house in accordance with this plan.*

In relation to (a), the subject site has been substantially altered through its past use as a landfill facility. The proposed development will not impact on agricultural production.

With reference to (b), the vegetation impacted upon by the proposed development is previously regenerated vegetation. Providing the management measures recommended in the Statement of Environmental Effects are implemented, impacts on vegetation are considered not to be significant. The development would not adversely impact on timber production or land capability. The EPA has assessed the application and has issued General Terms of Approval (GTA) for the required Environmental Protection Licence (EPL) has assessed the application and granted its conditional concurrence. The issue of the GTAs and concurrence indicates adequate measures will be in place to protect water resources.

In relation to (c), the subject site has been selected as being suitable for the proposed development. In this regard, the proposed development will not adversely impact on prospective mining.

With reference to (d), the proposed development will not adversely impact on the protection of areas of nature conservation significance, or high scenic/recreational value, or items of heritage significance.

The proposed development, in reference to (e), will not require the provision, extension of maintenance of public amenities or services.

In relation to (f), the EPA has assessed the application and has issued GTAs for the required EPL. The issue of the GTAs indicates adequate measures will be in place to protect local amenity in terms of noise and air quality.

Furthermore it is noted that the existing land fill operations have been undertaken on the site since the 1940's and the proposal is for an expansion to the existing facility. An expansion to the existing waste facility is permissible development in this zoning subject to securing development consent. Land to the east, Hills Estate, is zoned No.1 (c) (Rural 'C' Zone) and comprises rural small holdings. The landfill extension is in a direction away from this existing land use

Clause 23 Development that must be advertised. This clause does not apply to Development Application 10.2012.35.1 as the development is not required to be advertised under the LEP, however due to the developments size and scale the proposal has been advertised and notified.

Clause 27 Environmentally sensitive land and destruction of trees. Does not apply to Development Application 10.2012.35.1 as the land is not environmentally sensitive in accordance with the definition in the LEP.

Clause 28 Flood liable land. Does not apply to Development Application 10.2012.35.1 as the land is not flood liable land.

POLICY IMPLICATIONS (OTHER THAN DCP's)

Nil.

FINANCIAL IMPLICATIONS (eg Section 94)

B.11 APPLICATION OF CONTRIBUTIONS.
For the purpose of this Plan the application of contribution will be made to each of the following events (with the exception of those events which are identified as "exempt developments" in accordance with the Oberon Council Development Control Plan – Exempt Development):
v. to the establishment of any new commercial or industrial activities, or the expansion of and/or addition to existing commercial or industrial operations where no contribution towards services and/or amenities in the locality has previously been made or determined. Therefore Section 94 contributions apply. No contributions towards services has been established.

LEGAL IMPLICATIONS

Any Environmental Planning Instrument
Consider SEPPs, REPs & LEPs. RELEVANT Provisions of LEP (eg permissibility, development standards, heritage listing, advertising requirements of another authority who administers a SEPP or REP). Is a SEPP1 objection required?

No REP's are applicable to the proposed development.

Applicable SEPP's:
Oberon Council also has obligations pursuant to cl.123 (1) of the *State Environmental Planning Policy (Infrastructure) 2007* as the development is for a waste disposal facility. Clause 123(1) is reproduced below.

123 Determination of development applications

(1) In determining a development application for development for the purpose of the construction, operation or maintenance of a landfill for the disposal of waste, including putrescible waste, the consent authority must take the following matters into consideration:

(a) whether there is a suitable level of recovery of waste, such as by using alternative waste treatment or the composting of food and garden waste, so that the amount of waste is minimised before it is placed in the landfill,

It is understood that Council has previously determined that opportunities for alternative waste treatment are economically viable for the Oberon LGA. Notwithstanding, Council is committed to education programs to help the community minimise the quantities of wastes generated.

(b) whether the development:

(i) adopts best practice landfill design and operation,

As appropriate the staging plans have incorporated relevant Benchmark Techniques into the design.

(ii) reduces the long term impacts of the disposal of waste, such as greenhouse gas emissions or the offsite impact of odours, by maximising landfill gas capture and energy recovery,

Landfill gas capture is not proposed. Monitoring wells will determine what landfill gas is generated.

(c) if the development relates to a new or expanded landfill:

(i) whether the land on which the development is located is degraded land such as a disused mine site,

The land is not degraded, however it does not provide a high conservation values from a biodiversity perspective and has very limited agricultural production capacity.

(ii) whether the development is located so as to avoid land use conflicts, including whether it is consistent with any regional planning strategies or locational principles included in the publication EIS Guideline: Landfilling (Department of Planning, 1996), as in force from time to time,

The 50 year plus history of the site for landfilling and the absence of complaints demonstrates that land use conflicts can be avoided. The proximity to Wisemans Creek has always been a reality. The expansion does not exacerbate the risk. To the contrary, the lining and leachate collection system proposed will help manage this risk, while the monitoring network will help early detection of any future impact.

(d) whether transport links to the landfill are optimised to reduce the environmental and social impacts associated with transporting waste to the landfill.

No change to access is proposed.

Potentially Hazardous or Potentially Offensive Development

State Environmental Planning Policy No. 33 – "Hazardous and Offensive Development" (SEPP 33) is an enabling instrument that aims to ensure the merits of a proposal are properly assessed prior to determination (NSW Government Department of Planning 1994).

Potentially Hazardous Industry is defined as:

…a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

(a) to human health, life or property, or

(b) to the biophysical environment, and includes a hazardous industry and a hazardous storage establishment.

The proposed development could be considered as potentially hazardous due to the potential risk (if no mitigation measures were to be employed) of hazardous waste material being dumped. However, SOEE identifies that hazardous wastes would be not accepted at the site. There could be three (3) types of hazardous materials that may be stored on site: lubricating oils, herbicides and pesticides, and petrol. The applicant advises, however, that the storage quantity of each of these materials is below the threshold limits of SEPP 33. In this regard, the proposed development is not defined as potentially hazardous and therefore a preliminary hazard analysis is not required.

LEGISTATIVE REQUIREMENTS:

Environmental Planning and Assessment Act 1979

Section 91 of the *Environmental Planning and Assessment Act 1979* links development consent for waste facilities above nominated threshold levels, being "integrated developments", to approvals prescribed within the *Protection of the Environment Operations Act 1997*.

Specifically, environment protection licences must be sought to authorise the carrying out of scheduled activities at any premises described as a waste facility that receives in excess of the prescribed quantity of waste annually. The development is also not regional development as it does not have a capital investment value of more than $5 million.

Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* sets forth the steps that are required to gain development consent for the establishment or alteration of new and existing developments or activities. This includes the lodgement of Development Applications (DAs), accompanying information requirements and associated charges. Notably, Part 1, Schedule 3 of this regulation sets threshold criteria for designated developments. The development is not considered designated for the reasons set out in the SOEE and as discussed above.

SECTION 79C ASSESSMENT:

Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

There are no proposed environmental planning instruments that have been publicly exhibited and applicable to the proposed development or the development site.

Council's *Oberon Land Use Strategy Draft – June 2011* (LUS) has recently (January 2012) come off a period of public exhibition. The Draft LUS identifies lands to the north of the Waste Depot as Future Rural Lifestyle (Investigation Area 3: Rural Lifestyle Living). A portion of this land falls within Council's 500 m buffer policy. The rationale for potentially compromising the 500 m buffer, and the prospect of possible future residential encroachment from the north is not apparent; notwithstanding the LUS stating 'it is not affected by the nearby Oberon Waste Centre'

Any Development Control Plan

Councils DCP 2001 in particular parts; A and D specifically applies to the proposal. It is considered that given the information supplied and Councils assessment the development is generally consistent with the DCP.

The main impact of this development to the existing provisions of the Development Control Plan relate to the extension of the existing buffer (500m) surrounding the waste facility.

Council's *Development Control Plan 2001* specifies buffer distances to minimise land use conflicts, avoid 'undue interference with the living amenity of residents' and restrict any increase in density. The buffer from a 'garbage tip', as adopted by Council in 2006, extends 500 metres from the boundary: notwithstanding the DCP text links the distance from the 'footprint of operations', and also includes 250 m from the boundaries of the site for an Inert Landfill [sic]. The difference between an Inert Landfill and Garbage Tip is not defined.

Notwithstanding the above, Council's *Oberon Land Use Strategy Draft – June 2011* (LUS) has recently (January 2012) come off a period of public exhibition. The LUS sets directions to determine how land should be developed over the next twenty years (Council, 2011).

The Draft LUS identifies lands to the north of the Waste Depot (a portion of which falls within the 500 m buffer) as Future Rural Lifestyle (Investigation Area 3: Rural Lifestyle Living).

The land is approximately 102.6 ha in size and assuming an average lot size of 5 ha, has a capacity for twenty (20) dwellings. Within the draft LUS, this area is described as the northern extension of the Hills Estate (the current rural residential development east of the Waste Depot). If it eventuates, the LUS states that these lands would be zoned R5 Large Lot Residential in Council's new Local Environmental Plan (LEP).

It is noted that no submissions were made relating to this locality as part of the draft LUS public exhibition

Parking - No specific parking rates are provided within the *Development Control Plan* (DCP) for a waste management facility. The most similar use for the proposed employees of the facility would be 'offices', which under the DCP requires one (1) space per 40m² of gross floor area. However, as much of the employees work is undertaken outside, the floor area of the building provided is not representative.

Sufficient area exists for the loading and unloading of the public's vehicles adjacent to the various waste category disposal areas. In this regard, the provision of parking is considered appropriate for the proposed development.

Bushfire - The Landfill Environmental Management Plan (LEMP) will be required to outline measures for dealing with bushfire.

Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?
Nil.

Any matters prescribed by the regulations that apply to the land

Nil.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposal is an expansion to an existing landfill facility. It is considered that the expansion will have minimal impacts upon the amenity of the area. Conditions will be imposed regarding windblown rubbish, environmental monitoring, day to day operations of the facility to be dealt with via the LFMP.

The proposed development adjoins the rail line, which has heritage significance. Notification was made to John Holland Rail Pty Ltd and OTHR. No objections regarding the tracks heritage significance. Staff consider the possibility of any impact to the rail line to be negligible.

Safety security and crime prevention - Sufficient fencing and signage have been proposed to discourage unauthorised entry. Adequate measures have been provided to restrict the public from entry to unauthorised areas of the facility.

Social impact in the locality - A large proportion of adverse social impact associated with landfills is perceived. Providing the facilities are managed appropriately, off site negative externalities will be minor, if at all creating an adverse social impact. The facility will be visually inconspicuous. Combined with existing developments in the locality, the proposed development is unlikely to result in any noticeable additional adverse social impacts providing it is managed in accordance with the relevant environmental standards.

Property Values - There is no conclusive evidence that indicates that a landfill does or does not adversely impact on property values. However, the proper management, operation, and maintenance of such a facility is an important factor in maintaining local amenity.

Traffic & Amenity – potential short term impacts relating to Stage one of the development are possible due to the requirement of transport of material form the existing OTC to the landfill along Lowes Mount Road. The applicant has indicated that a transport management plan will be submitted for Council consideration and approval prior to any transportation occurring. It is considered that these short term impacts can be minimised by hours of operation and adequate covering of transport vehicles. A complaints line is proposed to be included within the EPA's conditions of consent that will monitor any concern and as such it is considered that the impacts can be minimised in this instance.

The Suitability of the site for the development

The site is considered to be suitable for the development. The development is permissible in the zone and is consistent with the aims and objectives of the Rural 1 (a) zone. There are no human of natural hazards that would consider the proposal to not be considered. As such the application is considered to be suitable for the site. Visual impact is negligible.

The subject site is appropriately zoned for the proposed development. It provides a site that does not require substantial preparatory works to facilitate the development. It is appropriately/adequately buffered from conflicting land uses.

The principles of Ecologically Sustainable Development (ESD) are a relevant consideration under Section 79C(1)(e) of the EP&A Act. The *Protection of the*

Environment Administration Act 1991 (POEA Act) identifies that ESD can be achieved by implementation of the following principles (Clause 6(2)):

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms

By providing its GTA's for the proposed development, the EPA has indicated that it has considered the principles of ESD in relation to the proposed development. In this regard, the proposed development is not considered to be inconsistent with the principles of ESD.

Any submissions made in accordance with this Act or the Regulations
The application was advertised in the Oberon review on two occasions it was also neighbour notified for a 2km radius for a period of 30 days with notification closing on 20 August, 2012. Through the submission period Council staff have received the following submissions to the proposal.

Submission dated:	**Issues raised:**
07/08/2012	• increased noise; • increased traffic to and from the site; • littering from vehicles entering the tip (already a problem); • increased dust; • increased odour.
2/08/2012	Not an Objection, however raising issues of illegal dumping in state forests. Forest NSW requests that any plans to increase the size of the Depot include a comparable focus on compliance management to focus on illegal dumping. Forest NSW also wants to meet with Council staff to discuss strategies.
10/08/2012	• Price increase associated to the tip – resulting in further illegal dumping of rubbish in the Forest; • Increased noise • Increased dust and odour.
21/09/2012	• The property be fenced • Regular monitoring program maintained in regard to ground water and stormwater monitoring and quality issues.

The following issues have been raised and the following comments have been received from the applicant:

- Increased traffic and noise - The increase in noise and traffic will peak with the importation of fibre waste from CSR. This is a one off activity and will last for approximately 4 months. It is envisaged that 4,166 truck and dog movements will occur over this period. The materials will be hauled by CSR nominated contractors under the care and control of Council. Measures to deal with the noise and increased traffic will be dealt with by the LEMP. Long term the acoustic amenity values will continue to be protected and are not likely to be compromised by the proposed expansion.
- Littering from vehicles entering the tip – The LEMP will also stipulate control measures and management of littering.

- Dust - The LEMP will stipulate control measures for dust suppression furthermore operational activities such as daily covering and final capping will minimize the potential for off-site impacts.
- Odour - The LEMP will stipulate control measures for odour control. Burning will not be undertaken at the facility and operational activities such as daily covering and final capping will minimize the potential for off-site impacts.
- Littering and dumping in state forests adjoining the land fill – The LFMP will need to establish a management plan for the control of dumping.
- Fencing of the land – The waste management facility has been fenced.
- Stormwater and groundwater monitoring – EPA requires ongoing water monitoring and will be required as a condition of both the licence and consent.

The EPA adopts benchmark techniques as a point of reference when assessing LEMP's and Licence applications. The LEMP proposed to be implemented must meet these benchmark techniques and as such forms will form a pivotal part of the Development Consent if approved. The LEMP will also require the endorsement of the EPA and will need to be in place prior to the commencement of works on site. As such it is considered that the proposed conditions of consent adequately address the planning concerns submitted as part of the notification process.

Public health and safety - The proposed development is suitably designed to ensure compliance with noise, air and water quality requirements. Appropriate management measures will be employed to manage other potential adverse impacts from the development which may impact on health and safety including management of feral animals and traffic safety. In this regard, it is held that the proposed development will not adversely impact on the health and safety of the public.

THE PUBLIC INTEREST

Apart form those interests mentioned above no other public interest impacts are perceived.

DISCUSSION AND CONCLUSIONS

The application is permissible in the zone and is consistent with the aims and objectives of that zone. Any perceived impacts can be minimised by onsite techniques in place or through conditions of consent. As such it is considered that the application can be supported in this instance.

ATTACHMENTS

1. General Terms of Approval form the EPA
2. Conditions of Development Consent

ATTACHMENT 1

General Terms of Approval - Notice No: 1507918

ADMINISTRATIVE CONDITIONS

1. Information supplied to the EPA

Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA10.2012.35.1 submitted to Oberon Council on 6 July 2012;
- the Statement of Environmental Effects, Oberon Landfill Proposed Expansion prepared by Geolyse Pty Limited and dated May 2012 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including additional information provided by Oberon Council and titled Oberon Waste Depot, Statement of Environmental Effects.

2. Fit and Proper Person

The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

LIMIT CONDITIONS

3. Pollution of waters

Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

4. Concentration limits

1. For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

2. Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

3. To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

5. Water and Land

Point 1 - Surface Water Storage Pond as shown in Figure 02B_E03 of Appendix B of the Statement of Environmental Effects, Oberon Landfill Proposed Extension

Pollutant	Units of Measure	50% concentration	90% concentration	3DGM concentration	100% concentration

		limit	limit	limit	limit
pH	pH				6.5-8.5
Total Suspended Solids (TSS)	mg/L				50
Oil and Grease	mg/L				10

The TSS limit specified in the table above do not apply when the discharge occurs solely as a result of rainfall at the premises which exceeds a total of 44 millimetres of rainfall over any consecutive five (5) day period.

Note: a 44 mm rainfall depth is defined by the publication Managing Urban Stormwater: Soils and Construction (Landcom 2004) as the rainfall depth in millimetres for 95th percentile 5 day rainfall events for the Central Tablelands consistent with the storage capacity (recommended minimum design criteria) for Type D sediment retention basin for waste landfills (Vol 2B of Landcom 2004).

6. Waste

1. The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

2. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "activity" in the table below.

3. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

4. This condition does not limit any other conditions in the licence.

Code	Waste	Description	Activity	Other Limits
N/A	General solid waste (putrescible)	As defined in Schedule 1 of the POEO Act, in force from time to time	Waste disposal (application to land)	The total amount of general solid waste (putrescible and non-putrescible), asbestos and waste tyres disposed of at the premises must not exceed 10,000 tonnes per annum 1.
N/A	General solid waste (non-putrescible)	Wastes assessed as General Solid Waste which are also subject to general or specific immobilisation approvals which have a restriction that they may only be disposed of at waste facilities which have currently operating leachate collection systems.	Waste disposal (application to land).	The total amount of general solid waste (putrescible and non-putrescible), asbestos and waste tyres disposed of at the premises must not exceed 10,000 tonnes per annum 1.
N/A	Asbestos waste	As defined in Schedule 1 of the POEO Act, in force from time to time.	Waste disposal (application to land).	The total amount of general solid waste (putrescible and non-putrescible), asbestos and waste tyres disposed of at the premises must not exceed 10,000 tonnes per annum 1.
N/A	Waste tyres	As defined in Schedule 1 of the POEO Act, in force from time to time	Waste disposal (application to land)	The total amount of general solid waste (putrescible and non-putrescible), asbestos and waste tyres disposed of at the premises must not exceed 10,000 tonnes per annum 1.

1. This total yearly tonnage excludes 'one off ' disposal of contaminated soil from the remediation of Kings Stockyard Creek and up to 35,000 tonnes of wood fibre to be removed from within the Oberon Timber Complex.

7. Hours of operation

1. All construction work at the premises must only be conducted between 7:00am to 6:00pm, Monday to Friday (except on Public Holidays), and 8:00am to 5:00pm on Saturdays.

2. Activities at the premises, other than construction work, may only be carried on between 7:00am to 5:00pm Monday to Sunday (except Good Friday and Christmas Day).

3. These conditions do not apply to the delivery of material outside the hours of operation permitted by the conditions above, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

4. The hours of operation specified in the conditions above may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

OPERATING CONDITIONS

8. Odour

Activities at the premises must not cause or permit the emission of offensive odour beyond the boundary of the premises.

9. Dust

1. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

2. All trafficable areas, stockpile areas, storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises of wind-blown or traffic generated dust.

3. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

10. Stormwater/sediment control - Construction and Operation Phases

An erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction and operational activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom 2004). The ESCP may form a component of the Landfill Environmental Management Plan.

11. Waste Water Utilisation Areas

1. Waste water (leachate) must only be applied to the following areas: the surface of active landfill cells of the Oberon Waste Depot.

2. Spray from waste water application must not drift beyond the boundary of the waste water utilisation area to which it is applied.

12. Landfill Environmental Management Plan

1. A Landfill Environmental Management Plan (LEMP) must be developed and implemented prior to commencing the construction of Stage 1 of the Oberon Waste Depot ("the premises").

2. The premises must be operated in accordance with the LEMP and the conditions of any environment protection licence issued by the EPA.

13. Leachate Barrier System

1. A leachate barrier system must be installed on any surface to be used for the direct impoundment of leachate.

2. The floor of the landfill cells must have a compacted clay or modified soil liner at least 90 centimetres thick with an in situ co-efficient of permeability of less than 1x10-9 metres per second (or a demonstrated synthetic equivalent).

3. The leachate barrier system for the landfill cells must be designed and installed in accordance with the quality requirements specified in an approved Construction Quality Assurance Program developed in accordance with Australian Standard (AS 3905.2). The Program must include, but not be limited to the following:

(a) the extent of the in situ material to be used for the leachate barrier,

(b) the permeability of the material to leachate and gas,

(c) the integrity of the material, and the presence of any imperfections that may compromise its effectiveness (eg. root holes, cracks or gravel layers), and;

(d) any possible reactions between the in situ material and the leachate.

4. The leachate barrier system must have a longitudinal gradient design of 1 percent and a transverse gradient design of 3 percent.

14. Leachate Collection System

1. All leachate in excess of the field capacity of the waste must be collected in a leachate collection system and prevented from escaping from the landfill into groundwater, surface water or subsoil.

2. The floor of the leachate evaporation ponds must have a compacted clay or modified soil liner at least 90 centimetres thick with an in situ co-efficient of permeability of less than 1x10-9 metres per second (or a demonstrated synthetic equivalent).

3. The leachate collection system for the landfill cells must be designed and installed in accordance with the quality requirements specified in an approved Construction Quality Assurance Program developed in accordance with Australian Standard (AS 3905.2). The Program must include, but not be limited to the following:

(a) the extent of the in situ material to be used for the leachate barrier,

(b) the permeability of the material to leachate and gas,

(c) the integrity of the material, and the presence of any imperfections that may compromise its effectiveness (eg. root holes, cracks or gravel layers), and;

(d) any possible reactions between the in situ material and the leachate.

4. Perforated collector pipes must be placed within the drainage layer at intervals of not more than 50 metres to facilitate the collection and drainage of leachate. The pipes should be a minimum of 150 millimetres in diameter, be strong enough not to collapse under the weight of the waste, have a minimum longitudinal gradient of 1 percent, and be capable of being rinsed and monitored.

15. Leachate Disposal

1. Leachate collection and storage facilities must be maintained so as to collect and impound without discharge to waters, all leachate from or generated by a storm event of 1 in 20 years recurrence with an interval of 24 hours duration.

2. The volume of leachate directed to the irrigation area must not exceed the capacity of the area to assimilate leachate.

3. The leachate evaporation ponds must be managed in order to maintain 0.5 metres freeboard.

16. Surface Water Controls

1. Drainage from areas not subject to waste disposal or leachate disposal must be directed away from the leachate management system.

2. All water that has entered waste-filled areas, and water that has been contaminated by leachate, should be handled and treated in the same manner as leachate.

3. The exposed or cleared areas at the landfill site must be minimised at all times, and all topsoil set aside for revegetation purposes. All completed areas of the landfill must be progressively revegetated, and any areas exposed for greater than 30 days must be stabilised so as to prevent soil erosion.

17. Fire Prevention

1. Cell construction, compaction and the use of cover material must be undertaken in a manner conducive to the prevention of a landfill fire.

2. Fires must be extinguished at the landfill as soon as possible.

3. Adequate fire prevention measures must be in place and implemented.

18. Tyre Storage

1. The total quantity of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) stockpiled at the premises must not exceed 50 tonnes.

2. The landfill occupier must ensure that stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) are located in a clearly defined area.

3. The landfill occupier must ensure that stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) are managed so as not to create or be likely to cause the harbouring of vermin.

4. The landfill occupier must ensure that measures are taken to prevent stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) from catching on fire.

19. Screening of Wastes Received

1. Waste acceptance and screening procedures must be implemented to ensure the premises does not accept wastes that are prohibited from entry.

2. Signs that clearly indicate the types of wastes that are to be accepted and those that are not to be accepted must be prominently displayed at the point of entry.

3. A program for the inspection of incoming waste loads must be developed and implemented.

4. Landfill staff should receive adequate training in order to recognise and handle hazardous or other unapproved wastes.

20. Waste Compaction

1. Following the daily completion of compacting the waste, the active area must be covered with 150 millimetres of cover material.

2. A compaction of 650 kilograms per cubic metre must be achieved for all waste disposed of at the premises.

3. The achieved compaction rate of landfilled waste (excluding cover material) must be stated in the annual report for the premises.

21. Filling Plan

1. A filling plan that identifies waste cells that are to be used in the future for the disposal of waste must be maintained and updated at intervals of no greater than 12 months.

22. Completion of the landfill cells

1. Landfill cells must be effectively capped progressively during operations when the cell is full and the level of waste reaches the final height.

2. The landfill must have a final capping compromising of two layers in order of installation: a seal bearing surface and a revegetation layer.

23. Security of the Site

1. Lockable security gates must be installed and maintained.

2. All gates must be locked whenever the premises is unattended.

3. A perimeter stock fence must be installed.

24. Litter Control

1. Procedures must be introduced that prevents the dispersal of litter away from the active waste cell, such as continuous compaction and the use of litter fences, and the retrieval of all wind-blown litter that leaves the premises.

2. All litter fences, perimeter fences and gates should be inspected daily and cleared of litter on a daily basis, or as required.

3. Entry and exit signs must be installed to advise transport operators that they can be fined for any litter on public roads from their transportation of inadequately secured waste.

4. Any litter that leaves the premises should be retrieved on a daily basis.

25. Cleaning of Vehicles

1. The tracking of mud and waste from the premises must be minimised.

26. Pest, Vermin and Noxious Weed Controls

1. Waste must be compacted and covered, keeping the amount of exposed waste to a minimum. Additional effort may be required for loads containing large amounts of highly biodegradable wastes.

2. The landfill occupier must take steps to ensure that surfaces are adequately drained to prevent ponds of water forming on the site.

3. A plan to manage pests, vermin and declared noxious weeds must be developed and detailed in the LEMP.

27. Landfill Closure and Post-Closure Monitoring and Maintenance

1. The operator must develop and submit to the EPA a written Closure Plan within six months of completion of landfilling activities on the premises.

2. The Closure Plan must include, but not necessarily be limited to, the following:

a) a post-closure monitoring and maintenance program which ensures the long-term integrity of the landfill.

b) An outline of the steps to be taken in closing and stabilising the premises, and the time frame.

c) A system and contact numbers for neighbouring residents to discuss any problems.

d) A system to ensure that waste materials are not received for disposal at the premises after operations close.

3. The Closure Plan must also address the following closure targets:

a) Gas concentration levels in all perimeter gas wells have fallen to less than 1% methane (v/v) and less than 1.5% carbon dioxide for a period of 24 months.

b) Waste stabilisation has been completed, including documentation of the composition of the leachate changing to a low level of contamination and posing no hazard to the environment.

c) Groundwater monitoring has indicated no failure of the landfill liner that would pose a threat to groundwater quality.

d) The landfill capping has been assessed over some years and found to be stable with acceptable surface water drainage.

e) Documentation to demonstrate that all functions in the closure planning segment of the LEMP and written confirmation of procedures have been completed.

f) The need for appropriate notation on the respective s.149 certificates of each Lot associated with the former landfill.

MONITORING AND RECORDING CONDITIONS

28. Monitoring records

1. The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development must be recorded and retained as set out in the conditions below.

2. All records required to be kept by the licence must be:

a) in a legible form, or in a form that can readily be reduced to a legible form;

b) kept for at least 4 years after the monitoring or event to which they relate took place; and

c) produced in a legible form to any authorised officer of the EPA who asks to see them.

3. The following records must be kept in respect of any samples required to be collected:

a) the date(s) on which the sample was taken;

b) the time(s) at which the sample was collected;

c) the point at which the sample was taken; and

d) the name of the person who collected the sample.

29. Requirement to monitor concentration of pollutants discharged

1. For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

30. Water and Land

Point 1 - Surface Water Storage Pond as shown in Figure 02B_E03 of Appendix B of the S*tatement of Environmental Effects, Oberon Landfill Proposed Extension*

Pollutant	**Units of measure**	**Frequency**	**Sampling Method**
Total Suspended Solids	mg/L	Monthly on discharge	Grab sample
pH	pH	Monthly on discharge	Grab sample
Conductivity	microsiemens per centimetre	Monthly on discharge	Grab sample
Oil and Grease	mg/L	Monthly on	Grab sample

		discharge	

Points 2-7 - Shallow Groundwater Monitoring Wells shown in Figure 5 of Appendix C of the *Statement of Environmental Effects, Oberon Landfill Proposed Extension*

Pollutant	**Units of measure**	**Frequency**	**Sampling Method**
Total Dissolved Solids	mg/L	6 monthly	Grab sample
pH	pH	6 monthly	Grab sample
Conductivity	microsiemens per centimetre	6 monthly	Grab sample
Standing water level	m AHD	6 monthly	In situ
Calcium	mg/L	6 monthly	Grab sample
Magnesium	mg/L	6 monthly	Grab sample
Potassium	mg/L	6 monthly	Grab sample
Sodium	mg/L	6 monthly	Grab sample
Chloride	mg/L	6 monthly	Grab sample
Sulfate	mg/L	6 monthly	Grab sample
Alkalinity (as Calcium Carbonate)	mg/L	6 monthly	Grab sample
Total organic carbon	mg/L	6 monthly	Grab sample
Nitrogen – ammonia	mg/L	6 monthly	Grab sample
Nitrogen – nitrate	mg/L	6 monthly	Grab sample
Nitrogen – nitrite	mg/L	6 monthly	Grab sample
Total Phosphorous	mg/L	6 monthly	Grab sample
Aluminium	mg/L	Annually	Grab sample
Arsenic	mg/L	Annually	Grab sample
Barium	mg/L	Annually	Grab sample
Cadmium	mg/L	Annually	Grab sample
Chromium (total)	mg/L	Annually	Grab sample
Cobalt	mg/L	Annually	Grab sample
Copper	mg/L	Annually	Grab sample
Iron	mg/L	Annually	Grab sample
Mercury	mg/L	Annually	Grab sample
Manganese	mg/L	Annually	Grab sample
Lead	mg/L	Annually	Grab sample
Zinc	mg/L	Annually	Grab sample
Fluoride	mg/L	Annually	Grab sample
Benzene	mg/L	Annually	Grab sample
Toluene	mg/L	Annually	Grab sample
Ethylbenzene	mg/L	Annually	Grab sample
Xylene	mg/L	Annually	Grab sample
Total phenolics	mg/L	Annually	Grab sample
Total Petroleum Hydrocarbons	mg/L	Annually	Grab sample
Organochlorine pesticides	mg/L	Annually	Grab sample
Organophosphate pesticides	mg/L	Annually	Grab sample
Polycyclic aromatic hydrocarbons	mg/L	Annually	Grab sample

Points 8-11 - Deep Groundwater Monitoring Wells shown in Figure 5 of Appendix C of the *Statement of Environmental Effects, Oberon Landfill Proposed Extension*

Pollutant	Units of measure	Frequency	Sampling Method
Total Dissolved Solids	mg/L	Annually	Grab sample
pH	pH	Annually	Grab sample
Conductivity	microsiemens per centimetre	Annually y	Grab sample
Standing water level	m AHD	Annually	In situ
Calcium	mg/L	Annually	Grab sample
Magnesium	mg/L	Annually	Grab sample
Potassium	mg/L	Annually	Grab sample
Sodium	mg/L	Annually	Grab sample
Chloride	mg/L	Annually	Grab sample
Sulfate	mg/L	Annually	Grab sample
Alkalinity (as Calcium Carbonate)	mg/L	Annually	Grab sample
Total organic carbon	mg/L	Annually	Grab sample
Nitrogen – ammonia	mg/L	Annually	Grab sample
Nitrogen – nitrate	mg/L	Annually	Grab sample
Nitrogen – nitrite	mg/L	Annually	Grab sample
Total Phosphorous	mg/L	Annually	Grab sample
Aluminium	mg/L	Annually	Grab sample
Arsenic	mg/L	Annually	Grab sample
Barium	mg/L	Annually	Grab sample
Cadmium	mg/L	Annually	Grab sample
Chromium (total)	mg/L	Annually	Grab sample
Cobalt	mg/L	Annually	Grab sample
Copper	mg/L	Annually	Grab sample
Iron	mg/L	Annually	Grab sample
Mercury	mg/L	Annually	Grab sample
Manganese	mg/L	Annually	Grab sample
Lead	mg/L	Annually	Grab sample
Zinc	mg/L	Annually	Grab sample
Fluoride	mg/L	Annually	Grab sample
Benzene	mg/L	Annually	Grab sample
Toluene	mg/L	Annually	Grab sample
Ethylbenzene	mg/L	Annually	Grab sample
Xylene	mg/L	Annually	Grab sample
Total phenolics	mg/L	Annually	Grab sample
Total Petroleum Hydrocarbons	mg/L	Annually	Grab sample
Organochlorine pesticides	mg/L	Annually	Grab sample
Organophosphate pesticides	mg/L	Annually	Grab sample
Polycyclic aromatic hydrocarbons	mg/L	Annually	Grab sample

Point 12 – Leachate pond as shown in Figure 02B_E03 of Appendix B of the *Statement of Environmental Effects, Oberon Landfill Proposed Extension.*

Pollutant	Units of measure	Frequency	Sampling Method
Total Suspended Solids	mg/L	Annually	Grab sample

pH	pH	Annually	Grab sample
Conductivity	microsiemens per centimetre	Annually y	Grab sample
Calcium	mg/L	Annually	Grab sample
Magnesium	mg/L	Annually	Grab sample
Potassium	mg/L	Annually	Grab sample
Sodium	mg/L	Annually	Grab sample
Chloride	mg/L	Annually	Grab sample
Sulfate	mg/L	Annually	Grab sample
Alkalinity (as Calcium Carbonate)	mg/L	Annually	Grab sample
Total organic carbon	mg/L	Annually	Grab sample
Nitrogen – ammonia	mg/L	Annually	Grab sample
Nitrogen – nitrate	mg/L	Annually	Grab sample
Nitrogen – nitrite	mg/L	Annually	Grab sample
Total Phosphorous	mg/L	Annually	Grab sample
Aluminium	mg/L	Annually	Grab sample
Arsenic	mg/L	Annually	Grab sample
Barium	mg/L	Annually	Grab sample
Cadmium	mg/L	Annually	Grab sample
Chromium (total)	mg/L	Annually	Grab sample
Cobalt	mg/L	Annually	Grab sample
Copper	mg/L	Annually	Grab sample
Iron	mg/L	Annually	Grab sample
Mercury	mg/L	Annually	Grab sample
Manganese	mg/L	Annually	Grab sample
Lead	mg/L	Annually	Grab sample
Zinc	mg/L	Annually	Grab sample
Fluoride	mg/L	Annually	Grab sample
Benzene	mg/L	Annually	Grab sample
Toluene	mg/L	Annually	Grab sample
Ethylbenzene	mg/L	Annually	Grab sample
Xylene	mg/L	Annually	Grab sample
Total phenolics	mg/L	Annually	Grab sample
Total Petroleum Hydrocarbons	mg/L	Annually	Grab sample
Organochlorine pesticides	mg/L	Annually	Grab sample
Organophosphate pesticides	mg/L	Annually	Grab sample
Polycyclic aromatic hydrocarbons	mg/L	Annually	Grab sample

31. Landfill Gas Monitoring System

1. A gas monitoring system, involving subsurface, surface and within building monitoring points, must be developed, as part of the LEMP, in accordance with the Benchmark Techniques (Environmental Guidelines: Solid Waste Landfills January 1996) for review by the EPA before implementation.

32. Gas Accumulation Monitoring

1. All buildings within 250 metres of deposited waste or areas identified in the LEMP as having the potential to have methane concentrations of greater than 1.25% (v/v) in the subsurface must be tested on a monthly frequency with a tested and calibrated methane detector. If any buildings are to be built within this area they must be designed so as not to accumulate methane gas.

2. Buildings are not to have gas concentrations exceeding 1.25% (v/v). If methane is detected above this threshold, daily testing is required until ventilation or other measures control the methane build-up.

REPORTING CONDITIONS

33. Annual Return

1. The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable.

Attachment 1A– Mandatory Conditions for all EPA licences

Operating conditions

34. Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner. This includes:

- the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

35. Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- must be maintained in a proper and efficient condition; and
- Must be operated in a proper and efficient manner.

Monitoring and recording conditions

36. Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies. The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

37. Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months following the issuing of the Environment Protection Licence for the premises.

Reporting conditions

Annual Return documents

38. What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a Statement of Compliance; and
- a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

39. Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below.

Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on #

- in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- in relation to the revocation of the licence – the date from which notice revoking the licence operates.

40. Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the ‘due date’).

41. Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

42. Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

(a) the licence holder; or

(b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

43. Notification of environmental harm

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person

becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act. Notifications must be made by telephoning the EPA's Environment Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

44. Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

(a) where this licence applies to premises, an event has occurred at the premises; or

(b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;
- the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

ATTACHMENT 2

CONDITIONS OF CONSENT

1. **Approved Plans**

The development is to be carried out in accordance with the approved stamped plans as follows:

- The Statement of Environmental effects – Oberon Landfill prepared by Geolyse, dated May 2012;
- The information supplied by Oberon Council in support of the Development Application referred to as the Oberon Waste Depot Statement of Environmental Effects including the proposed layout for the recycling bays and site plan ;
- The additional information supplied by Oberon Council in support of the Development Application to clarify activities on site dated;
- The additional information supplied by Oberon Council in support of the Development Application dated 29 January, 2013;

Except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

2. General Terms of Approval

Compliance with the NSW Environmental Protection Agency's General Terms of Approval for issue of a Environmental Protection Licence under the Protection of the Environment Operations Act 1997 (Notice No. 1507918) as annexure A.

Reason:- to confirm and clarify the terms of the Environmental Protection Licence.

3. Installation and ongoing maintenance of equipment

The installation of all equipment to monitor noise, air and water quality is required in accordance with the NSW Environmental Protection Agencies requirements, prior to any works commencing on site. The equipment is to inspected and maintained on a regular basis.

Reason: To ensure onsite monitoring is established and carried out in accordance with the General Terms of Approval

4. **Excavation and backfilling to be executed safely**

All excavation and backfilling must be executed safely and in accordance with appropriate work cover and work place health and safety requirements. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason:- to ensure safety of the site is maintained for both employees and the public.

5. Separate DA required

Prior to the commencement of construction works on site associated with the Statement of Environmental Effects including the site office and associated infrastructure as stage three (3), a separate Development Application containing fully detailed plans and specifications is to be submitted to and approved by Council.

Reason: To meet the requirements of Section 76A of the Environmental Planning and Assessment Act 1979.

6. **Submission of construction certificate**

Site works are not to commence on the site office and associated infrastructure as stage three (3) as described by the Statement of Environmental Effects until such time as Council has received a construction certificate for the proposed works. Council or an Accredited Certifier may issue construction certificates.

Note: Only the person who appointed the PCA may be the applicant for the Construction Certificate.

Reason:- to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act.

7. Landfill Environmental Management Plan

The Landfill Environmental Management Plan (LEMP) must be approved by Council, developed and implemented prior to commencing the construction of Stage 1 of the Oberon Waste Depot. The LEMP must include the following details:

- Implementation of a pollution line;
- Implementation of Benchmark Techniques as identified in the Statement of Environmental Effects;
- Implementation of a management strategy for the cartage and disposal of wood fibre product from the Oberon Timber Complex;
- Measures to mitigate the risk of bushfire;
- Measures dealing with dust and odour suppression;
- Control measures for littering and dumping of rubbish;
- Implementation of a management plan for the capping and rehabilitation of the existing landfill site and each cell.
- Management plan for the resale of green waste and a resource recovery management plan for recycling;
- The implementation of a landscaping plan including details for ongoing maintenance to facilitate the reduction of visual impact of the existing and proposed landfill sites.

Reason:- to confirm and clarify the terms of Council's approval and to ensure the ongoing management of the landfill is carried out in a environmentally responsible and sustainable manner.

8. Haulage of contaminated wood fibre

The Landfill Environmental Management Plan (LEMP) is to detail the proposed management of the transportation off haulage of contaminated wood fibre from CSR to the landfill and to identify and address potential impacts associated to this activity prior to commencing the construction of Stage 1 of the Oberon Waste Depot. The LEMP must include the following details:

- Identification of the number of truck movements to be undertaken and the period when this will occur;
- Identification of the plant and equipment to be used
- Identification of the hours of operation as to when the waste is to be carted along Lowes Mount road;
- The implementation of a management system to deal with notification of adjoining land owners, telephone complaints line and signage;
- The implementation of a management plan to ensure the contaminated waste is contained during transportation;
- The implementation of a management plan to assess the impact and maintain Lowes Mount Road due to use by large scale heavy machinery.

Reason:- to confirm and clarify the terms of Council's approval and to ensure the ongoing management of the landfill is carried out in a environmentally responsible and sustainable manner.

9. Developer Contributions

Prior to the release of the commencement of works on site, payment of Section 94 contributions in accordance with the schedule below, or those applicable at the time of payment, as prescribed in Council's Annual Fees and Charges Schedule.

SERVICE	**REQUIRED CONTRIBUTION in2013/2013**
Public Open Space	$222.00
Emergency Services	$266.00
Community Facilities	$222.00
Rural Roads	$4,333.00 OR 5 cents per-tonne-per-kilometre being levied on the net weight of wood fibre product delivered from the Oberon Timber Complex to the Waste Management Facility, which ever is the greater.
TOTAL	**$5,043.00**

Reason:- To advise that under Part B.11 of Council's Contributions Plan 2000 developer contributions are payable for the expansion of the Oberon Waste Management Facility. These contributions are charged at the rate when paid, set each year in Council's Management Plan. Part B.15 of Council's Development Contributions Plan 2000.