

TAYLORS ROAD 'LYNDHURST' LANDFILL COMMUNITY ENGAGEMENT STEERING COMMITTEE

MEETING 7

5.00 – 8.00pm, Thursday 11 September 2008

Meeting room, SITA Environmental Solutions, Hallam road Landfill,
Hallam Road, Hampton Park

MEETING MINUTES

(As confirmed at 8th CESC meeting)

1. Attendees and apologies

CESC members present

Tony O'Hara – Hampton Park Progress Association
Jim Houlahan – Dandenong Residents and Ratepayers Association
Thelma Wakelam – Residents Against Toxic Waste in the South East (RATWISE)
Geraldine Gonsalvez – Community interests in the SE (including RATWISE)
Malcolm Baker – Director, Development Services City of Greater Dandenong
Eric van Toor – Team Leader Asset Management, City of Casey
Laurence Halvy – General Manager, Fresh Start Bakeries, Dandenong South
Michelle Lee – Department of Planning and Community Development
Michael O'Keeffe – Post Collection Manager, SITA Environmental Solutions
Evan Kyriakopoulos – Operations Manager, SITA Environmental Solutions
George Tsivoulidis – Regional Manager, EPA SE Metro Region
Alexa Powell – Community Relations Officer, EPA SE Metro Region
Bruce Turner – Phoenix Facilitation (CESC facilitator)

Visitors (non-members)

Colin McIntosh – Manager Landfill Centre, EPA
Daniel Fyfe – State Manager, SITA
Jani Breider – community member (present until the food break after Item 4)

Apologies/absent

Rob Wilson – Councillor, City of Casey
Ian Jenz – President, Colemans Road Ratepayers Association
Jason Wood – Lynbrook Residents Association
Mark D'Agostino – Environmental Health Officer, Department of Human Services
Jim Memeti – Councillor, City of Greater Dandenong
David Richardson – Manager Engineering and Environmental Services, City of Casey
Grant Tishler – Manager, Property and Development, Pellicano Pty Ltd.
Andrew Tytherleigh – Executive Officer, Victorian Waste Management Association (VWMA)

2. Minutes of previous meeting

An amendment was made to the draft minutes relating to comments made by Malcolm Baker on page 4 (third para). This clarified that the contour plan attached to the planning permit for the landfill (which sets a height limit of 35m) cannot be adopted for waste without a Works Approval (which has not been obtained). With this change the minutes were confirmed as an accurate record of the last meeting.

Thelma indicated that she disagreed with Bruce's suggestion recorded on page two of the minutes (second para of Item 4) that one of the key drivers in establishing the CESC had been SITA's interest in becoming an accredited licensee. She said she had understood EPA and councils had been the drivers in the process rather than SITA. Bruce confirmed that the minutes accurately recorded his understanding from when he first became involved in helping to establish the CESC.

The group reviewed the actions from the last meeting to check that they had been completed and/or under which item they would be addressed in the present meeting. The outstanding actions were:

- Action 5 relating to the formation of a separate working group to develop a scope for a health study for discussion by the full CESC.

- Action 7: Alexa to coordinate publication of an article promoting the CESC's role in the Dandenong Journal and Cranbourne Journal.

3. Presentation from Jani Breider

Jani had prepared information for the CESC regarding a number of issues relating to the landfill that she had concerns about. This was in response to a request by the CESC for Jani to elaborate on questions that she had sent to a number of CESC members and had been tabled at the previous meeting. (A copy of Jani's typed notes are attached at the end of this document).

Bruce reminded the group that the purpose of Jani's presentation was to stimulate the group's thinking and gain valuable input to the group's discussions of topics already on its agenda. The group did not need to immediately resolve all the issues she was raising.

Jani's presentation covered a number of topics relating to the landfill and included detailed handouts she had prepared. The topics included: 'final landform' and the EPA's argument on the interpretation of this concept; licence conditions relating to height; what changes led to changes in height condition?; which final landform is applicable?; RL 35m height increase; wetlands; settlement and conditions 1.7, 1.8, 1.9, 2.41 of the licence; shape and capacity of the landfill; where to from here?.

Final Landform / Height and associated conditions

Jani presented evidence from a variety of sources dating back to the original works approval application in June 1989 that she believed showed that 'final landforms' were being achieved well before closure. She said this meant the term 'final landform' did not mean post-(after) settlement and that therefore EPA's argument that the RL24m height (in the licence) is a post-settlement height is incorrect.

Tony expressed concern that the current planning permit could allow SITA to go above 35m subject to settlement. Geraldine suggested the planning permit was not current due to a two-year clause. Bruce reminded the group that this issue had been discussed and clarified at the last meeting (see paragraph 3 page 4, CESC minutes meeting 6) and in the present meeting in finalising the minutes. Malcolm reiterated the key points: a works approval would be needed before the landfill could be filled with waste to achieve a final landform of 35m; permit conditions affecting development (e.g. buildings, infrastructure) requires the development to be completed within 2 years; permit conditions affecting use (e.g. depositing waste) do not expire.

Colin indicated that, while he disagrees with Jani's interpretation of the final height clause, he had repeatedly admitted at previous meetings that this clause is open to interpretation and is therefore unsatisfactory. EPA admits responsibility for this and believes it requires clarification. EPA believes the only way to do this is by making the clause define a 'pre-settlement' height.

Daniel acknowledged Jani's argument and said he could see how she reached the conclusion she had on the interpretation of 'final landform'. He said that he wrote the original application in 1989 to establish the landfill and that the landfill operator's view had always been that the 24m height limit was post-settlement. He referred to a letter of 1991 from the then operator which used the term "after settlement" as evidence.

Action 1: Daniel to provide a copy of the letter he referred to for circulation to the CESC and Jani.

Bruce asked about the significance of Clause 53 in the EPA waste discharge licence dated March 1992 (copies of which Jani provided to the CESC) which stated that:

"After settlement, the final surface levels shall be in accordance with Town Planning Permit No. 890471"

Jani said that Planning Permit 890471 (issued in 1991) only related to grades at the landfill, not height. Colin said the plan that formed part of the Planning Permit showed both grades and height, which is significant in terms of indicating that the final landform was to be achieved after settlement.

Daniel noted that the licence and permit for Taylors Road had changed over time and that only the current versions are relevant in looking at whether the landfill complies with the conditions. He said the landfill operator had applied for a height increase above 24m in 2002, but after consultation with the Colemans Road residents the company withdrew the application and applied instead to increase the ratio of Prescribed Industrial Waste (PIW) that the landfill could receive. While, in theory, SITA could still

pursue a works approval to use waste to increase the height of the landfill, Daniel said that in practice it would be difficult to increase the height now that it had been capped.

Daniel explained why PIW was not deposited within 3m of the cap in the mixed waste cells. He said this was an arbitrary limit aimed at ensuring that if some water percolated into the cap, it would not meet an impermeable barrier of PIW near the top (but rather be able to make its way into the leachate collection system).

Wetlands

Jani referred to the commencement of works on Cell 19 and asked why these had begun before the application to change location of the wetlands had been approved. Michael explained that this was because the wetlands were to be built on top of the capped landfill form.

Cell 12A - Cell 11

Jani referred to the issue, previously discussed by the CESC, of the boundary between prescribed waste Cell 12A and the general waste cell (11) to the south. She was concerned that Cell 12A overlaps Cell 11 in breach of the boundary marked on the approved cell plan for the site.

EPA acknowledged that the plan does not adequately reflect the 3-dimensional realities of constructing a landfill where a newer cell overlaps an older to ensure no depressions are left where water can pool. Tony suggested that future licences could include cross-sections to avoid any confusion or concern.

Current height

Jani pointed out that Cell 15 (covering the highest point in the landfill) had been completed in 2000 and is currently 29.7m which she said meant that the cell had settled only 300mm in 8 years. She understood it could be assumed that at least 50% of settlement occurs within the first 10 years of the capping of a cell. She therefore queried how much more settlement could be expected in this area.

Concluding remarks re Licence Conditions 1.7, 1.8, 1.9 and 2.41

Jani recommended that the CESC should ensure these conditions had not been breached before supporting any amendments to them.

4. Taylors Road Licence - height

Before completing his presentation on the EPA licensing system from the last meeting, Colin McIntosh gave an update on the situation at the Stevenson's Road landfill in Cranbourne.

Colin informed the group that the residents of Brooklands Greens estate were attending an emergency community meeting that evening with representatives from Council, EPA, CFA, DHS and the Police. Residents would be advised that their safety was at risk due to underground methane gas migration from the closed landfill and would be recommended to relocate from their properties.

Colin suggested that CESC members may be asked about the Cranbourne landfill by members of the community. He advised that there were major differences in the engineering of both SITA's Taylors and Hallam Roads landfills compared to the Cranbourne site. The Cranbourne landfill is unlined and is located in highly permeable, sandy soil. The water levels in the Cranbourne landfill are very high (near the cap) and as a result the gas extraction system is ineffective. A sensitive use (residential) zone immediately abuts the landfill which means there is effectively no buffer between the landfill and houses. In comparison, SITA's landfills are lined and leachate and gas levels are properly managed.

The group discussed the situation at Cranbourne. Thelma asked why the cap could not be removed to address the problem at Cranbourne. Colin explained that there were still impermeable layers that trapped gas within the landfill. Daniel explained that this was another reason that SITA kept PIW away from the cap (see his earlier comment under the previous item).

Colin reported that representatives from EPA and SITA had met to discuss a way forward with the issues relating to the height and the licence. EPA has sought further information from SITA to clarify/confirm that the 24m height can be achieved, post-settlement, and that the drainage will work. He said any pre-settlement contours for the site will need to include cells 12 A, B C (the PIW cells) to provide clarity for the future.

Colin noted that the CESC seemed satisfied with the current contour plan and that EPA would be advocating for minimal disturbance and disruption to the site through reshaping. Tony responded that the CESC was not 'satisfied' with the situation, but accepted that the waste is already there and that it makes sense to not disturb it.

Colin committed to returning to the CESC at a later meeting with further details on the proposed way forward. He also indicated that the CESC and wider community would be consulted wherever possible in any formal amendment processes. Michael indicated that the information sought by EPA was unlikely to be ready in time for the CESC's next meeting.

Jim asked why the contours for the PIW cells were lower than the rest of the landfill. Colin explained that the settlement rates for PIW and municipal waste were different (PIW settles much less). He said it was important to plan for the integration of the two types of cells now to minimise any surprises in the future.

Bruce asked about an issue that Jani had raised; that if SITA's proposed pre-settlement contour plan was adopted it would effectively provide an increase in the landfill's capacity over previous estimates. Colin explained that while the volume within the contours of a pre-settlement plan would clearly be greater than that of a post-settlement plan, the total mass of waste deposited would be the same.

SITA tabled calculations of the remaining airspace as at July 2008 based on SITA's pre-settlement contour plan that had been given to the CESC. The total remaining airspace was calculated to be 880,000 m³ for general waste and 525,219 m³ for PIW.

Action 2: SITA and EPA to report back to the CESC on progress towards resolving the height issue at the November meeting.

5. Taylors Road licence – acceptable wastes

Daniel gave a brief overview of how the current acceptable waste clauses were established. Currently Taylors Road is licensed to receive up to 35% of its total waste as PIW. Daniel said that this could be achieved within the lifetime of the landfill. The licence also allows for temporary fluctuations in the proportion of PIW in the waste stream of up to 40% (or greater with EPA approval).

Daniel explained that SITA had anticipated an increase in the amount of PIW received at Taylors Road once the Tullamarine landfill closed earlier in 2008 (and prior to the landfill levy increase in July) but had expected that this would even out over time to about 2,000 to 2,500 tonnes per month. However, the landfill is currently receiving about 7000 tonnes of PIW per month, which it is basically obliged to take as the only facility in Victoria able to do so. He said this was despite there being technology available for waste producers to reduce the amount of waste going to landfill.

As a result of the ongoing increase in PIW received, Daniel said SITA would not be able to meet the 40% limit. He noted that this limit had been introduced when PIW was being co-disposed with general municipal waste in order to ensure that disposal of general waste was not restricted in favour of PIW. He pointed out that since PIW was now disposed to dedicated cells, the 40% limit was no longer relevant.

Tony suggested that SITA may have future plans to use Hallam Road landfill to store PIW. Daniel stated that SITA had no interest or intention to try to get approval to have the Hallam Road landfill take PIW. He indicated that currently SITA had approval from EPA to take greater than 40% PIW at Taylors Road but this was not a permanent solution. He said SITA would need ongoing approval until such time as the licence is amended to remove the redundant limit.

Geraldine commented that it was important to plan for the long-term and to make any amendments in relation to the landfill properly.

George explained that an amendment to change the licence for something such as removing the 40% PIW limit would not necessarily require a Works Approval but that there would still be some form of consultation process with the community. Malcolm commented that the City of Greater Dandenong would expect some form of community consultation as well as for Council to be consulted. Bruce reminded the group that a key part of its role was to advise on how best to consult with or involve the wider community.

Tony said his aim was to have the Taylors Road landfill closed once there was an alternative location for disposing of PIW. Thelma asked what would stop expansion of the landfill once 12C was filled if there was nowhere else to go.

Daniel commented that the levy increase for PIW from July 2008 had provided a huge financial incentive to reuse or treat more hazardous wastes rather than disposing of them to landfill. He suggested that any efforts to further decrease the volumes of PIW would make it less economic to develop a new, secure containment facility for these wastes.

6. Community Update

Alexa reported that people living in the vicinity of Taylors Road had been contacting her to ask if their families were at risk from a situation like the one occurring at the Stephenson's Road landfill in Cranbourne.

7. Towards a Community Engagement Plan

Alexa circulated the community engagement plan, which incorporated feedback she had received from members since the previous meeting. The group discussed the action plan and the idea of holding an open day before the end of the year. After discussing a number of options (including weekends in early December and a Friday night in mid-January 2009), *it was generally agreed that an open day during the week spanning the afternoon and early evening in early December would be preferable*. SITA will be developing communication material for use at the open day. Geraldine suggested that any information provided be not too technical (e.g. not getting in to the detail of possible licence amendments). Tony suggested that it would be helpful to have information about the EPA's review of PIW policy and regulations. The CESC's advice will be sought on how best to invite and attract people.

Action 3: SITA to circulate draft communication materials for comment by/at the next meeting.

Action 4: CESC members to agree on a final date and details of the Open Day at the next meeting.

Action 5: CESC to submit comments on the Community Engagement plan (tabled at the meeting) to Alexa via email.

8. Communications

There was little time for discussion under this item. The action relating to publication of an article to promote the CESC's role and encourage community members to contact CESC members was carried over until the next meeting.

Action 6: Alexa to coordinate publication of the article in the Dandenong Journal and Cranbourne Journal.

9. Next meeting

5.30pm – 8.30pm, Thursday 23rd October 2008

Agenda items for the next meeting include:

- Community Engagement plan
- Meeting dates for remainder of 2008
- Management and coordination of the CESC beyond 2008

NB The following pages of this document are copies of handouts provided to CESC members by Jani Breider (a local community member) to support her presentation to the committee under Item 3. As such, they represent Jani's comments and interpretation of licences and other documents. The inclusion of these handouts does not imply agreement with or endorsement of the comments or interpretations by the CESC, but rather a commitment to an open and robust process of community involvement at the Taylors Road Landfill.

INFORMATION FOR CESC MEETING OF 11TH SEPTEMBER, 2008
(by Jani Breider)

Lyndhurst Tip Height and Other Matters

1. Final Landform

a) From submission accompanying the works approval application dated **June 1989**.

*The landfill will be developed in a number of stages using the area fill sanitary landfill method. Each stage will be filled in a manner which results in the **progressive completion of final landforms** in accordance with **the post closure concept plan**. Landscaping and revegetation of filled areas will follow the placement of final cover in any worked areas.*

***Final landforms** and progressive revegetation therefore will occur on parts of the site **well before final completion**.*

b) From Nolan ITU, consultants to the City of Greater Dandenong, report of **October 2000** which related to the works approval application made to the EPA for an increase in height to RL 35 metres AHD, which the EPA did not grant. Nolan ITU had visited the Lyndhurst tip.

The site is very large and is operating in three modes at the same time:

- *Preparing new cells and constructing the lining, groundwater depressurisation and leachate collection systems,*
- *Filling the cells with waste; and*
- ***Capping and rehabilitating completed cells.***

*Completed areas in the south and north west corners have been **capped and grassed**. A newly completed area in south east corner has been capped and **prepared for grassing**. Tipping was taking place in the middle of the site.*

Comment:

Final landforms were being achieved and well before closure. The term '*final landform*' then does not mean post settlement/after settlement.

INFORMATION FOR CESC MEETING OF 11TH SEPTEMBER, 2008
(by Jani Breider)

Lyndhurst Tip Height and Other Matters

2. EPA's argument.

EPA have argued that condition 52 and 53 of licence dated March 1992 are evidence that the term 'final landform' and 'after settlement' are the same and that the works approval dated 19th February 1990 refers to the height as after settlement.

It is assumed that the EPA was trying to argue that the RL 24 metre height is an after settlement/post settlement height.

Comment:

a) Condition 51 needs to be included as it is very relevant to condition 53. Condition 51 reads,
*Prior to post-closure the **final surface** shall be graded to promote runoff for the **final land form**.*

Condition 53 reads,

After settlement, the final surface levels shall be in accordance with Town Planning Permit No. 890471.

Condition 52 relates to the height and reads,

Waste shall not be deposited to a height greater than that which shall allow a final landform height, including cap, of reduced level (R.L) 24 metres.

Condition 51 requires that the final surface be graded to promote runoff for the final landform. Obviously, the term '*final surface*' is different to '*final landform*' which is the term relevant to the RL 24 metre height.

In condition 53, the final surface levels to be achieved after settlement relate grades and these grades must be in accord with planning permit no. 890471.

Condition 2 (i) of the planning permit requires that the grade of the clay cap not exceed 20%.

2. Prior to the commencement of buildings and works hereby permitted a concept plan for the ultimate use of the land generally in accordance with this application but modified to show:

- (i) *Specifications to the effect that clay cap grades shall be a maximum of 20% and that deep rooted vegetation on areas underlain by clay the cap can be planted provided additional top soil is added,*

shall be submitted to and approved by the responsible authority and when

approved such plan shall become the approved plan under this permit.

Further, a similar condition to condition 53 of March 1992 licence is found in the first licence dated 17th October 1990 and in that licence the RL 24 metre height clearly relates to how high wastes can be deposited.

18. Site rehabilitation shall include the following features:

(iv) Wastes shall not be deposited on the site to height greater than a reduced level (R.L.) of 24 metres.

(v) After settlement, the final surface levels shall be in accordance with Town Planning Permit No. 890471 as indicated on the attached plan, annexed and attached as "Schedule C"

Obviously, the final surface levels have nothing to do with the height.

b) There was nothing found in contour plan attached to the 19th February 1990 Works Approval that refers to the height as '*after settlement*'.

INFORMATION FOR CESC MEETING OF 11TH SEPTEMBER, 2008
(by Jani Breider)

Lyndhurst Tip Height and Other Matters

3. Licence condition relating to height

(a) First licence dated 17th October 1990

18. Site rehabilitation shall include the following features.

(iv) Wastes shall not be deposited on the site to height greater than a reduced level (R.L) of 24 metres.

(b) Second licence dated 6th September 1991

52. Wastes shall not be deposited to a height greater than that which shall allow a final landform height, including cap, of reduced level (R.L) of 24 metres.

(c) Twentieth licence dated 30th April 2003

2.45 Waste must not be deposited to a height greater than one which allows a final landform height, including completed cap, of reduced level (R.L) of 24 metres.

(d) A condition that has been in the licence since the Lyndhurst tip was permitted to take prescribed wastes makes it clear that the height relates to filling height and capping height.

2.48 Wastes listed in Table 1 must not be deposited within 3 metres of the final cap level specified in condition 2.45

INFORMATION FOR CESC MEETING OF 11TH SEPTEMBER, 2008
(by Jani Breider)

Lyndhurst Tip Height and Other Matters

4. What changed that led to changes in height condition?

(a) Second licence dated 6th September 1991

52. Wastes shall not be deposited to a height greater than that which shall allow a final landform height, including cap, of reduced level (R.L) of 24 metres.

Comment:

In December 1990, just two months after receiving their first licence, the operators of the tip lodged a works approval application to allow them to receive prescribed wastes.

In the application they wrote,

*Each cell will be **filled to full height** before the next cell is commenced. **Completed cells will be capped** and revegetated immediately in order to minimise rainfall infiltration through the fill.*

The operators proposed that waste be deposited to RL 24 metres (filled to full height) and then place the cap on top of this. The condition relating to the height required that the cap be included in the RL 24 metre height.

(b) Twentieth licence dated 30th April 2003

2.45 Waste must not be deposited to a height greater than one which allows a final landform height, including completed cap, of reduced level (R.L) of 24 metres.

Comment:

In licences in the 11 ½ years before the 30th April 2003, there was a condition that required that the operators must submit a proposed premises rehabilitation plan at least 12 months before closure.

In the licence of the 30th April, this condition changed requiring that such a plan be submitted by the 1st of January 2004. The condition also listed all that was required to be included in the plan.

The requirement to submit the proposed premises rehabilitation plan by 1st January 2004 says the tip was expected to be filled and closed sometime in 2005. This accords with the operators estimation in 2000 that the tip would close in April 2006 without a height increase.

The expected 2005 closure also accords with the claim that the increase in percentage of prescribed waste from 25% to 35%, applied for in 2002, could accelerate the closure of the tip. This claim was made in response to concerns that the lifespan of the tip would increase with the increase in percentage.

**INFORMATION FOR CESC MEETING OF 11TH SEPTEMBER, 2008
(by Jani Breider)**

Lyndhurst Tip Height and Other Matters

5. Which Final Landform is applicable?

The latest condition relating to the height has been in place since 30th April 2003. This relates the height to the landform including completed cap, but the tip was also expected to close in 2005.

The previous condition relating to height was in place from 6th September 1991 till the 30th April, 2003. This condition related to the capping applied at completion of filling a cell.

Cells or parts of cells within the highest area of the tip are 4, 5, 11, 14, 15, 16, 17 and 18 and closure dates are from 1997 to 2007.

The majority of cells within the highest area were closed when the height applied to the filling and capping of cells.

INFORMATION FOR CESC MEETING OF 11TH SEPTEMBER, 2008
(by Jani Breider)

Lyndhurst Tip Height and Other Matters

6. RL 35 metre height increase

In 1998, the operators of the tip applied for and were granted an amendment to the permit to increase the height of the tip to RL 35 metres by the City of Greater Dandenong. This increase was granted subject to an EPA works approval.

A works approval was never issued and it is understood that the operators withdrew their works approval application for the height increase and pursued an increase in the percentage of prescribed wastes permitted from 25% to 35%.

Now, ten years on, it seems the City of Greater Dandenong contends that the RL 35 metre height granted in 1998 is still valid and that it is a post-settlement height.

As there is nothing to date in the information available that supports that the RL 35 metre height is a post-settlement height, the community engagement process would surely require that the Council support their contention with solid arguments and documentation.

It is suggested that the Council would also need to seek legal advice on whether the amendment to the height granted in 1998 subject to a works approval is still valid and make such advice publicly available.

**INFORMATION FOR CESC MEETING OF 11TH SEPTEMBER, 2008
(by Jani Breider)**

Lyndhurst Tip Height and Other Matters

- 1. Final Landform**
- 2. EPA's Argument**
- 3. Licence Conditions relating to height**
- 4. What changed that led to changes in height condition?**
- 5. Which Final Landform is applicable?**
- 6. RL 35 metre height increase**
- 7. Other Matters:**
 - Wetlands
 - Conditions 1.7, 1.8, 1.9, 2.41
 - Shape of landfill and capacity
 - 29.7 metre height/lack of settlement cell 15?
- 8. Where to from here?**