



COUNCIL ASSESSMENT REPORT SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE, DA NUMBER	PPSSTH-480 – Bega Valley – DA 2024.321, PAN-492666
LGA	Bega Valley Shire Council
PROPOSAL	Construction of an Organics Processing Facility, associated structures and subdivision of land.
ADDRESS	Lot 402 DP 1191314 and is located at 235 Wanatta Lane, Wolumla.
APPLICANT / OWNER	Kimberly Rushbrook C/- Bega Valley Shire Council
DATE OF DA LODGEMENT	12 February 2025
RECOMMENDATION	Approval Subject to Conditions of Consent
APPLICATION TYPE	Designated Development – Composting facility, associated structures and subdivision.
INTEGRATED DEVELOPMENT	NSW Heritage Permit required under National Parks and Wildlife Act 1997. NSW Environmental Protection Authority Approval is required under the Protection of the Environment Operations Act 1991.
REGIONALLY SIGNIFICANT CRITERIA	State Environmental Planning Policy (Planning Systems) 2021 Schedule 6 – Regionally Significant Development - Item 3: Council related development over \$5 million
CIV	\$10,296,460.00 (Including GST)
CLAUSE 4.6 REQUESTS	NIL
LIST OF ALL RELEVANT LEGISLATION s4.15(1)(a)	Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021 • Native Title Act 1993 • Heritage Act 1977 • Protection of the Environment Operations Act 1997 • National Parks and Wildlife Act 1974 • Biosecurity Act 2015 • Rural fires Act 1997 • Contaminated Land Management Act 1997 • Waste Avoidance and Resource Recovery Act 2001 • Water Management Act 2000 • Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

	• Biodiversity Conservation Act 2016 (BC Act) Relevant Environmental Planning Instruments State Environmental Planning Policies (SEPPs) • SEPP (Biodiversity and Conservation) 2021 • SEPP (Planning Systems) 2021 • SEPP (Resilience and Hazards) 2021 • SEPP (Transport and infrastructure) 2021 Local Environmental Plan • Bega Valley Local Environmental Plan 2013 (BVLEP 2013) Draft Environmental Planning Instruments • Draft Remediation of Land Planning Agreements (existing/draft) • Nil Relevant Council Policy • Bega Valley Development Control Plan 2013. • Bega Valley Local Infrastructure Contribution Plan 2024-2036.
REFERRALS	Internal Referrals Bushfire Development Engineering Environmental Health Environmental Services Water and Sewer Services External Referrals Bega Local Aboriginal Land Council Department of Lands (Nowra) Essential Energy Environmental Protection Authority Fire & Rescue Heritage NSW NBN Co Department of Planning and Environment-Water Transport for NSW
PUBLIC SUBMISSIONS	A total of 4 submissions were received -Two of which have no objection.
SUMMARY OF KEY SUBMISSIONS	• Traffic Impacts/Management • Noise impacts • Odour impacts • Dust impacts • Pest management • Stormwater and leachate management • Incomplete information regarding ongoing operations – end use products, their make-up, storage and transport.

DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment 1: Draft Conditions Attachment 2: Submissions Evaluation Report TW23013-V08 by Talis Consultants dated 18 September 2025 Attachment 3: General Terms of Approval – Environment Protection Authority Notice: 1648570 Attachment 4: General Terms of Approval – IDA, HMS National Parks and Wildlife Act 1974 by Tempe Beaven dated 21 July 2025 Attachment 5: NSW Department of Planning and Environment – Water Controlled Activity Approval Exemption 8 July 2025 Attachment 6: TfNSW STH24/00238/003 – no objections 1 April 2025 Attachment 7: TfNSW STH24/00238/005 – Submissions Report 23 December 2025 Attachment 8: FRNSW recommended conditions, 7 April 2025 Attachment 9: DPHI - Crown Lands 25/00159#16, 14 April 2025. Attachment 10: Revised Plans for Stage 1 PR1121-OPF-07 Rev F by SOILCO 08/07/2025 Attachment 11: Revised Plans for Stage 2 PR1121-A25 Rev F by SOILCO 08/07/2025 Attachment 12: Associated Structures Design PR1121-EP-200 Rev A by SOILCO 15/01/25 Attachment 13: Revised Civil Engineering Number 232321 by Tonkin Consulting 18/08/25
KEY ISSUES	• Biodiversity • Contamination • Noise, Air Quality and Odour • Traffic
BRIEFINGS	1 July 2025
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval Subject to Conditions of Consent
DRAFT CONDITIONS TO APPLICANT	Attachment 1
SCHEDULED MEETING DATE	5 May 2026
PREPARED BY	Kelli White, Town Planner, Bega Valley Shire Council Reviewed by Mark Fowler Planning Services Coordinator, and Cecily Hancock, Manager, Planning and Sustainability, Bega Valley Shire Council
DATE OF REPORT	20 April 2026
Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
Yes	

Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	No

1. EXECUTIVE SUMMARY

1.1 Development Application

Development Application (DA) 2024.321 was lodged on 12 February 2025 for an Organic Processing Facility (OPF), associated structures and subdivision of land. The site is located within the Wolumla Central Waste Facility (CWF) and the DA was lodged by Kimberly Rushbrook on behalf of Bega Valley Shire Council. The proposed development is classified as designated development under Section 4.10 of the *Environmental Planning and Assessment Act 1979* (EP&A ACT) and is deemed Regionally Significant Development under Clause 2.19 of State Environmental Planning Policy (Planning Systems) 2021 (SEPP PS). Consent is sought under Part 4 of the *Environmental Planning and Assessment Act* (EP&A Act) 1979.

1.2 Determining Authority

Schedule 6 of SEPP PS identifies development that is considered regionally significant development. The project CIV is estimated to be \$10.6 million. Council owns the site and will be party to an agreement related to the development. Considering the value of the project and Council's involvement, the development is classified as regionally significant. The determining authority for the DA is the Southern Regional Planning Panel (The Panel) under Clause 2.19 of SEPP PS.

1.3 Site

The site is located at 235 Wanatta Lane, Wolumla being Lot 402 DP 1191314 and is commonly known as the Central Waste Facility (CWF) that is owned and operated by Bega Valley Shire Council. The CWF currently operates as a landfill facility and includes extensive site infrastructure including site offices, roadways, weighbridge and operating landfill areas and wastewater treatment areas. The site is irregularly shaped with an area of 186.2 hectares and encapsulates the NBN Earth Tracking Station. (refer figure 1).

Figure 1 –Aerial Map of Site (ePlanning Spatial Viewer)



1.4 Zoning and Permissibility

The site is zoned RU1 Primary Production under *Bega Valley Local Environmental Plan 2013* (BVLEP 2013). Whilst a Resource Recovery Facility (which is a type of Waste or Resource Management Facility) is not listed as a permissible land use under the provisions of the Bega Valley Local Environmental Plan 2013, the development is enabled under the provisions of Section 2.153 of the Transport and Infrastructure SEPP 2021, which prevails over BVLEP 2013 in this circumstance.

1.5 Related Applications

The DA for the OPF is one of several recent approvals relating to the continued and expanded use of the CWF and other uses in the immediate vicinity of the site. The other applications include:

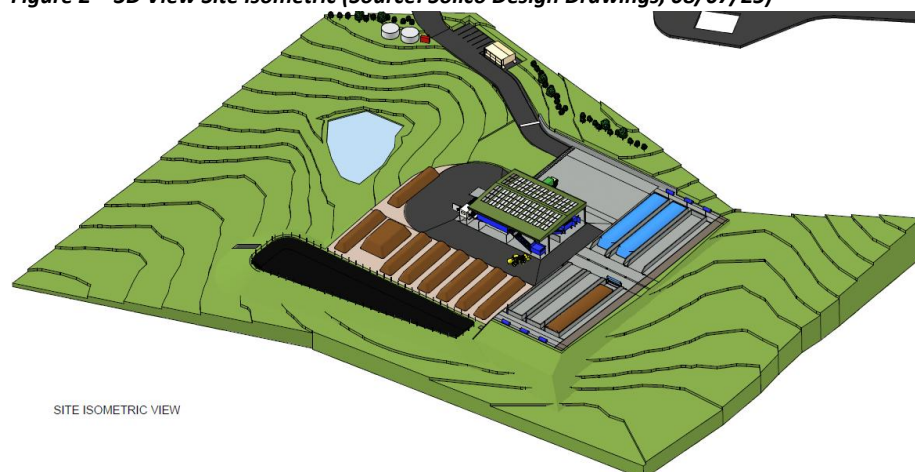
- **DA 2009.563** for a Waste management facility was approved on 3 August 2011, modified on 30 April 2020 and further Modified on 25 May 2023.
- **DA 2012.360** for a Telecommunications Facility was approved on 6 June 2013 and modified on 30 April 2020.
- **DA 2012.485** was approved on 13 March 2013 for a 2 Lot Subdivision that subdivided off the Telecommunications Facility from the waste management facility.
- **DA 2013.120** was approved on 29 May 2013 for building works ancillary to a waste management facility.
- **DA 2024.180** was approved on 23 December 2024 for alteration and addition to the Central Waste Facility.

1.6 Proposed Development

The proposed development is for construction of an Organics Processing Facility (OPF), associated structures and subdivision of land within the boundaries of the CWF site. The proposal seeks approval for processing up to 15,000 tonnes per annum (TPA) into compost in Stage 1 and Stage 2 expansion for the processing of up to 30,000 TPA. Stage 1 of the development has a Capital Investment Value of \$10,296,460.00 (Including GST).

The development is essential infrastructure for mandated Food Organics Garden Organics (FOGO) collections for business and households in NSW. The Environmental Impact Statement details that the existing organics processing facility at the Merimbula Waste and Recycling Centre is over capacity and cannot be expanded at the existing site. It is therefore considered to be a priority application given the need and the potential benefit to the local community of the proposed works. A detailed description of the proposed development is provided in Section 3 of this report. Figure 2 below provides an excerpt of the southwest 3D view at Stage 1.

Figure 2 – 3D View Site Isometric (Source: Soilco Design Drawings, 08/07/25)



1.7 Environmental Assessment

1.7.1 Designated Development

The proposed OPF is designated development under the Environmental Planning and Assessment Act 1979 (EP&A Act) and Schedule 3 s.16 of the EP&A Regulation being a composting facility with an intended processing capacity of greater than 5,000 tonnes per year of organic material, requiring Secretary's Environmental Assessment Requirements (SEARs) and the subsequent preparation of an Environmental Impact Statement (EIS) as further detailed under Section 4.1 of this report. The applicant was issued with SEARs on 23 May 2022. The applicant has submitted an EIS addressing the SEARS and relevant consideration under s.4.15 of the EP&A Act.

1.7.2 Integrated development

The proposal is integrated development pursuant to Section 4.46 of the EP&A Act as approval is required from the following state agencies for approval/concurrence, as follows:

- **NSW Environment Protection Agency (EPA)** – Scheduled Activity under ss 43(b), 48 and 55 of *Protection of the Environment Operations Act 1997* (i.e. Nominated Integrated Development). The proposal requires an Environmental Protection Licence (EPL).
- **NSW Heritage** - Permit required under Section 90 of the National Parks and Wildlife Act 1997.

The comments of these relevant authorities and their General Terms of Approval (GTAs) are attached as Attachments 3, 4 and 5. These GTAs have been included in the recommended draft conditions of consent provided at Attachment 1.

1.7.3 Other Referrals

The DA was subject to the following additional external referrals during the assessment:

- Bega Local Aboriginal Land Council
- Department of Lands (Nowra)
- Essential Energy
- Fire & Rescue (FRNSW)
- NBN Co
- Transport for NSW (TfNSW)

Relevant recommendations from these referrals have been incorporated in the draft recommended conditions of consent at Attachment 1.

1.7.4 Statutory Pre-conditions

The statutory pre-conditions to the granting of development consent are considered as summarised in Table 1.

Table 1 – Statutory Pre-Conditions to the Granting of Development Consent			
Statutory Pre-Condition	Pre-Condition	Assessment	Satisfied
<i>Environmental Planning & Assessment Act, 1979. Cl4.16(9)(b)</i>	A consent authority must not determine a development application for designated development - if a submission is made with respect to the application within the submission period, until after 21 days following the date on which a copy of the submission is	All submissions received during the two rounds of public notification were uploaded on the Planning Portal 18 September 2025 and the 21-day period as now expired. The EPA has issued GTA at Attachment 3.	Yes

	forwarded to the Planning Secretary have expired.		
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> Chapter 3 Koala habitat protection 2021, S.3.9	Land is zoned RU1 and has together with adjoining land in the same ownership an area of more than 1 hectare. The council is satisfied that the land is not potential koala habitat, it is not prevented, because of this Chapter, from granting consent to the development application.	The development is likely to have low or no impact on koalas or koala habitat. A Flora and Fauna Assessment has been prepared to determine whether the development is likely to have any significant impact on biodiversity cumulatively with a proposed landfill expansion at the CWF. The development itself does not impact threatened species.	Yes
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> – Chapter 4 – Remediation of Land – S4.6	The consent authority must be satisfied the land if contaminated can be made suitable for the proposed use.	The proposed OPF is in - keeping with the approved CWF use and the proposal in the Environmental Impact Statement identifies appropriate mitigation measures to control the environmental impacts of the proposed OPF development during both construction and ongoing operation.	Yes

1.7.5 Environmental Impacts

The potential impacts of the proposal have been assessed, and the key impacts are summarised as follows:

- **Biodiversity** – The site is not mapped as containing biodiversity values under the *Biodiversity Conservation Act 2016* (BC Act). The site is dominated by exotic grassland (>90% exotic cover as determined by floristic plots). The proposal does not exceed the maximum allowable native vegetation clearing threshold of 1 ha. The Flora and Fauna Assessment prepared by Local Environmental Solutions dated 5/12/2024 has been assessed and it is determined the impact is acceptable subject to recommended draft conditions of consent including soil and water management, weed control, landscaping and impact mitigation during construction.
- **Contamination** – The proposed OPF development will minimise risks of soil contamination by the implementation of mitigation and management measures during construction and operation.

A Soil and Water Management Plan (SWMP) has been prepared for construction in accordance with the 2020 Water Sensitive Urban Design (WSUD) Developer Handbook – Music Modelling and Design Guide. The SWMP will be implemented prior to earthworks and construction activities commencing outlining suitable erosion and sediment controls.

During operations implementation of an Operational Environmental Management Plan (OEMP) will be required, which would include details of (but not limited to) leachate management, stormwater management, spill prevention and response plan, machinery maintenance procedures, and dust control procedure.

The EPA has reviewed the development and has determined that it is able to issue a licence for the proposal, subject to conditions.

- **Noise, Air Quality and Odour** – The noise, air quality and odour impacts have been extensively assessed and demonstrated to be capable of remaining within acceptable levels

at sensitive receivers and for staff of the OPF. Included in the draft conditions of consent are measures specified in the Noise and Vibration Assessment 230099 Revision 8 by Pulse White Noise Acoustics dated 10 October 2024 and the Air Quality and Odour Assessment N2375_01 – Revision 3.1 by The Odour Unit dated 11 December 2024.

- **Traffic** – The proposed OPF does not rely on any road upgrades. The supplementary traffic reporting accompanying the EIS and associated traffic reports addresses traffic including cumulative impacts. The continued use of Wanatta Lane and existing access routes to the OPF are acceptable given the likely input and output quantity to the site will remain the same or similar. As recommended, included in the draft conditions of consent is the requirement for a Construction Traffic Management Plan.

1.8 Submissions

The DA was notified on two occasions with a total of four unique submissions being received, two of which were objections. The submissions are addressed in Section 5.2 of this report.

1.9 Panel Briefing

The Panel was briefed on one occasion on 1 July 2025. The key issues raised were about receiving the General Terms of Approval from the EPA under the POEO Act and Heritage NSW under the National Parks and Wildlife Act 1974.

1.10 Recommendation

Following a detailed assessment of the proposal, DA2024.321 is reported to the Panel with a recommendation for approval pursuant to section 4.16(1)(a) of the EP&A Act subject to the recommended draft conditions of consent at Attachment 1 of this report.

2. THE SITE AND LOCALITY

2.1 The Site

The Site is legally described as Lot 402 DP 1191314, 235 Wanatta Lane, Wolumla and is owned by the Bega Valley Shire Council. The site is commonly known as the Wolumla Central Waste Facility or CWF and is currently operated by the Bega Valley Shire Council as a landfill facility since 2013. The site comprises an irregular shaped lot with an area of 186.2 hectares. The land comprises gently undulating hills and woodlands along the southern boundary providing a generous buffer to adjacent residential development. The landfill area is in the northeastern corner of the CWF site and has been partially rehabilitated. (refer Figure 3).

Figure 3: Aerial view of site context (Source SOILCO Design Drawings 08/07/25)



Most of the proposed development site vegetation consists of cleared grassland areas which are dominated by exotic and invasive species. The site is mapped as bushfire prone land with category 1 and 3 vegetation.

The site is not identified as flood prone. The allotment is intersected by several 1st and 2nd order ephemeral drainage lines, but none are directly impacted by the planned development. The subject site drains towards a tributary of Wolumla Creek.

A small dam is located within the subject site (refer Figure 4).

Figure 4: Existing Dam, view looking west (site photo by Kelli White)



The site is zoned RU1 Primary Production under *BVLEP 2013*, with a 10m Height of Building (HOB) provision. The existing Central Waste Facility is located on the site within Lot 402 DP 1191314 with a

National Broadband Network (NBN) site occupying Lot 401 of DP 1191314 within the bounds of the CWF site. (refer Figure 5).

As part of the OPF development, a segment of land within the CWF lot will be subdivided (Proposed Lot 403) and is representative of where the development will occur (refer Figure 5). The operator will oversee the operations within the lot boundary at the subject site for an initial ten-year contract.

Figure 5: Plan of Subdivision (Appendix F of EIS)



Proposed Lot 403 would sit within the centre of the existing site, having an area of 3.308ha and is proposed to be accessed by a right of access easement to be established as part of this subdivision. Existing easements C, E, F (refer Figure 6 below) which are currently used by Lot 402 would be used by Lot 403 as well as an additional easement G of variable width shown in figure 7. It would be leased to the contractor for the construction, operation and maintenance of an OPF. Proposed Lot 404 will be residual lot once Lot 403 is created. It is 183.2ha in area. The site would remain in the ownership of BVSC for ongoing landfilling activities.

2.2 The Locality

The site is approximately 17.5km to the south of the Bega town centre and 5.7km northwest of the Wolumla village and is in a rural setting surrounded by large rural properties. (refer Figure 3 & 6) The

site has an existing access from Wanatta Lane approximately 1.7km from the Princes Highway. Wanatta Lane also services local rural residential properties the closest one being 700m away.

Figure 6: Site Context Map (ePlanning Spatial Viewer)



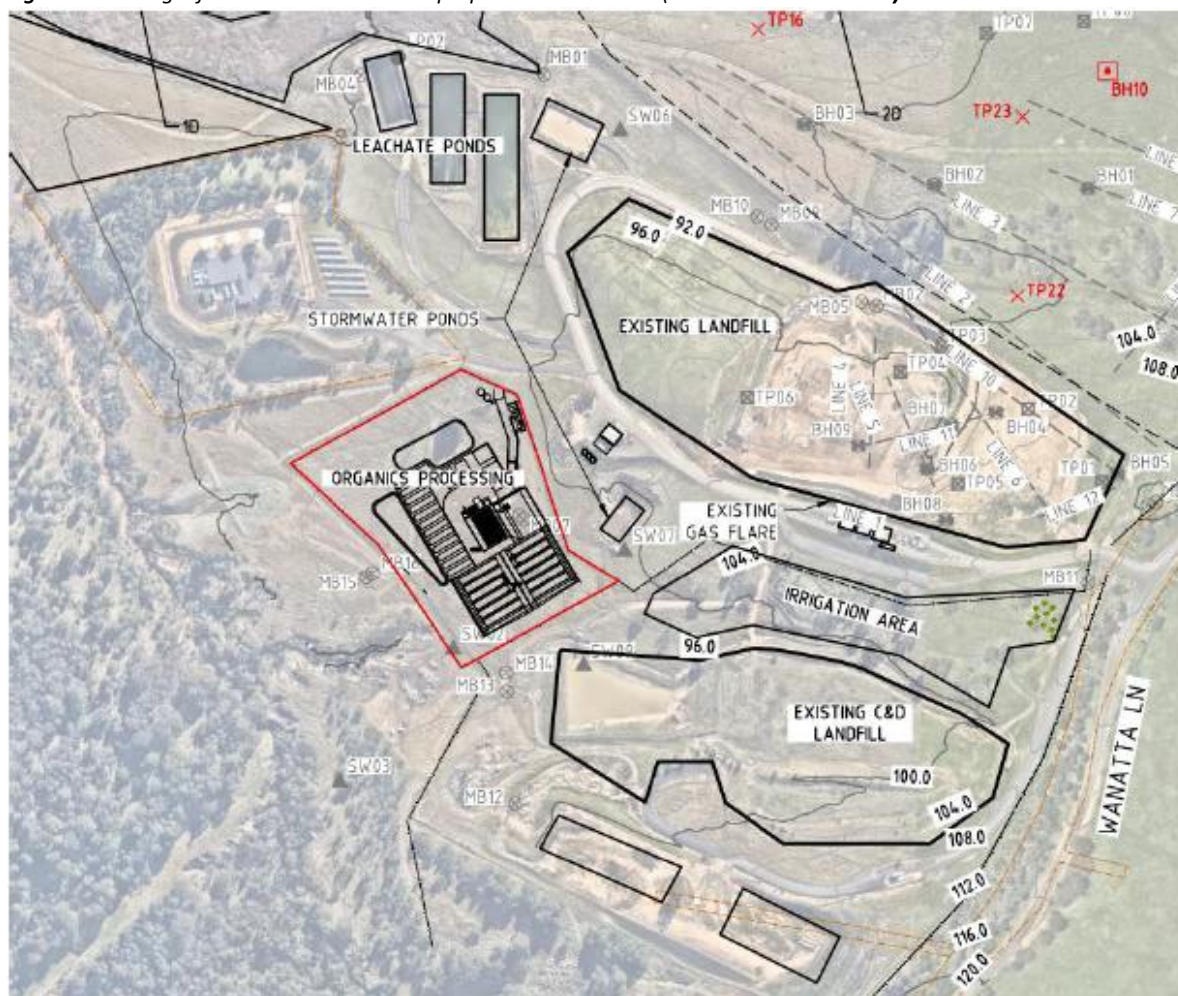
2.3 Wolumba Central Waste Facility

Bega Valley Shire Council has been operating the Central Waste Facility on the site since 2013. The landfill operates six days a week and receives waste from the community (via kerbside collection trucks), commercial operators, and rural Waste and Recycling Centres at Bemboka, Candelo, Wallagoot, Bermagui, Eden and Merimbula. Resident access is not permitted at the CWF and only large commercial operators are permitted. Operators are directed to the active landfill tip face for disposal or relevant stockpile areas for recoverable materials.

Figure 7 details the location of some of the existing infrastructure of CWF which includes:

- Landfill
- Stockpile area for recoverable materials
- Leachate management system
- Active landfill gas extraction system
- Surface water management system
- Litter net

Figure 7: Existing infrastructure at CWF and proposed OPF location (Talis - EIS statement)



3. The Proposal and Background

3.1 Site History

Table 2 provides an overview of the site history.

Table 2 – Site History	
Date	Event
03/08/2011 Part 1 Approved 30/04/2020 Part 2 Approved 25/05/2023 Part 3 Approved	Addition to Waste Management Facility 2009.563
06/06/2013 Part 1 Approved 22/11/2013 Part 2 Approved	Telecommunication facility (NBN),
13/03/2013	2 Lot Subdivision 2012.485
29/05/2013	Building works ancillary to waste management facility 2013.120
23/12/2024	Alteration and addition to CWF 2024.180

3.2 National and NSW Strategic Direction

The proposed OPF will assist NSW Government to achieve the targets of the Strategy through the collection of 'Food Organics and Garden Organics' (FOGO) and diverting them from landfill.

3.2.1 National Context

The *National Food Waste Strategy* (NFWs) 2017 addressed the challenges currently including food wastage in Australia and the environmental impacts resulting from disposing food waste to landfill,

specifically carbon emissions. A strategy was identified to adopt a circular economy approach, and a waste hierarchy was outlined focusing on avoidance, reuse, recycling, reprocessing, recovery and disposal. Avoidance and reuse can be encouraged, but it is anticipated that food waste will still be generated. Recycling of food waste can take many forms including composting to produce a high value product that can close the loop on food production and agriculture. The OPF takes organic waste that would otherwise be destined for landfill.

The National Waste Policy Action Plan 2019 (DAWE, 2019) sets key action areas critical to achieving the national targets for the National Waste Policy.

3.2.2 State Context

The *NSW Waste and Sustainable Materials Strategy (NSW WaSM) 2041* follows a similar approach to NFWS by committing to transition to a circular economy. One of the main focus areas of the NSW WaSM is to divert organics from landfill in order to reduce carbon emissions and save landfill space. The NSW WaSM Strategy aims to mandate food and garden organics collection for all NSW households and select businesses.

The strategy also identified the need for new infrastructure to meet demand by 2030. The Australian Organics Recycling Industry Capacity Assessment (DAWE, 2020-21), states that NSW could potentially increase its processing capacity from 7.5Mt to 13.9Mt.

The Draft FOGO Mandates (source separated FOGO collections for larger business and all NSW households, and food donation reporting mandates) focus on similar aspects as discussed in the sections:

- Reducing FOGO waste to landfill;
- Turning FOGO waste into compost for use at parks, sporting fields and agriculture; and
- Achieving carbon emission reductions by diverting waste from landfill.

The FOGO Mandates aim to achieve net zero emissions from organics in landfill by 2030. The processing of organics has several benefits including decreased greenhouse gas emissions, improved soil health, increased water retention and increased crop yields when compost products are applied to land.

3.2.3 Regional and Industry Waste Plans

A. Canberra Regional Joint Organisation (CRJO) Waste Strategy (2022)

seeks to improve waste management for the region inclusive of Bega Valley Shire Council and encourages sustainable use of materials by aligning with the goals and strategic direction of Stage 1 (2021-2027) of the WaSM Strategy. Of particular focus in this alignment are the three focus areas of Stage 1 as outlined below:

- Meeting future infrastructure and service needs;
- Reducing carbon-to-atmosphere emissions from waste and its management; and
- Protection of the environment and human health

In order to align with Stage 1 focus areas, CRJO has formed an aligned set of objectives. Of particular interest to the OPF development are the following objectives:

- Actively work to reduce FOGO sent to landfill;
- Assist in building equity in waste and resource recovery programs;
- Support future waste and resource recovery infrastructure needs;
- Support the NSW Government to meet their target of net zero emissions by 2050 through better waste and materials management;

- Continue to foster effective communication and collaboration with all stakeholders.

B. The Bega Valley Waste Management and Resource Recovery Strategy (Bega Waste Strategy)

2018 -2028 Outlines the following core themes:

1. Avoid and reduce waste generation;
2. Increase recycling;
3. Divert more waste from landfill;
4. Manage problem wastes better;
5. Reduce litter;
6. Reduce illegal dumping; and
7. Review and develop operations.

The proposed OPF development is supportive of themes 2, 3 and 7 of BVSC's Bega Waste Strategy.

C. Bega Circular Valley

The Regional Circularity Co-operative is a co-operative with a goal to create local circular linkages within the Bega Valley via the implementation of the Bega Circular Valley Program. This program aims to connect regenerative economic and environmental development with social equity across the region, underpinned by efficient water and energy utilisation.

The product being produced at the Merimbula OPF has high levels of contamination and decomposed granite from the pad where processing occurs. The technological improvements resulting from the CWF OPF development will generate a compost product more suitable for reuse on local farms, household gardens and public spaces. This development will assist in the creation and support of a paddock to plate to paddock circular system. It is noted that while the development aligns and will support the aims of the Circular Valley Program, it is not reliant on it and will yield benefits to the community regardless of the program's success.

3.3 The Proposal

The current BVSC OPF at the Merimbula Waste Recovery Centre is over capacity being licensed to process 5,000tpa. The site has spatial constraints and leachate management limitations preventing the expansion of the facility, impacting its long-term operational viability. As a result, the proposed OPF development on the CWF site is intended to replace this facility.

The existing access to the CWF will be used for the development. The existing internal road network of the CWF passes adjacent to the proposed development site to the north. A portion of the BVSC owned lot 402 DP1191314 will be subdivided to contain the OPF. The proposed OPF development also seeks approval to compost organic wastes, and manufacture and distribute a range of soil, compost and mulch products.

A multi criteria analysis (MCA) process determined the preferred organics recycling approach for the development to be aerobic composting technologies. The most cost effective and best suited technology for the type and quantity of organic material proposed resulting in Covered Aerated Static Pile (CASP).

BVSC have signed a contract with the operator, SOILCO, to design, construct, operate and maintain the OPF on BVSC's behalf. The term of the contract is an initial 10-year contract with up to two five-year extensions. BVSC will operate the OPF in perpetuity after the contract with the operator ceases either themselves or via a new operations and maintenance contract. The contract is worth \$24.8 million and is comprised of a \$10.6 million Estimated Development Cost.

The development application is seeking approval for staged construction and operation of a new OPF and required infrastructure at the subject site. The two phases of construction for the development include:

- Phase 1: Development of initial 15,000 tonnes per annum (tpa) facility and associated infrastructure (refer Figure 7); and
- Phase 2: Development of the infrastructure to support an additional 15,000 tpa capacity expansion (total 30,000 tpa processing capacity, refer Figure 8).

Figure 8: Phase 1 Site Plan (Source: Soilco Design Drawings, 08/07/25)

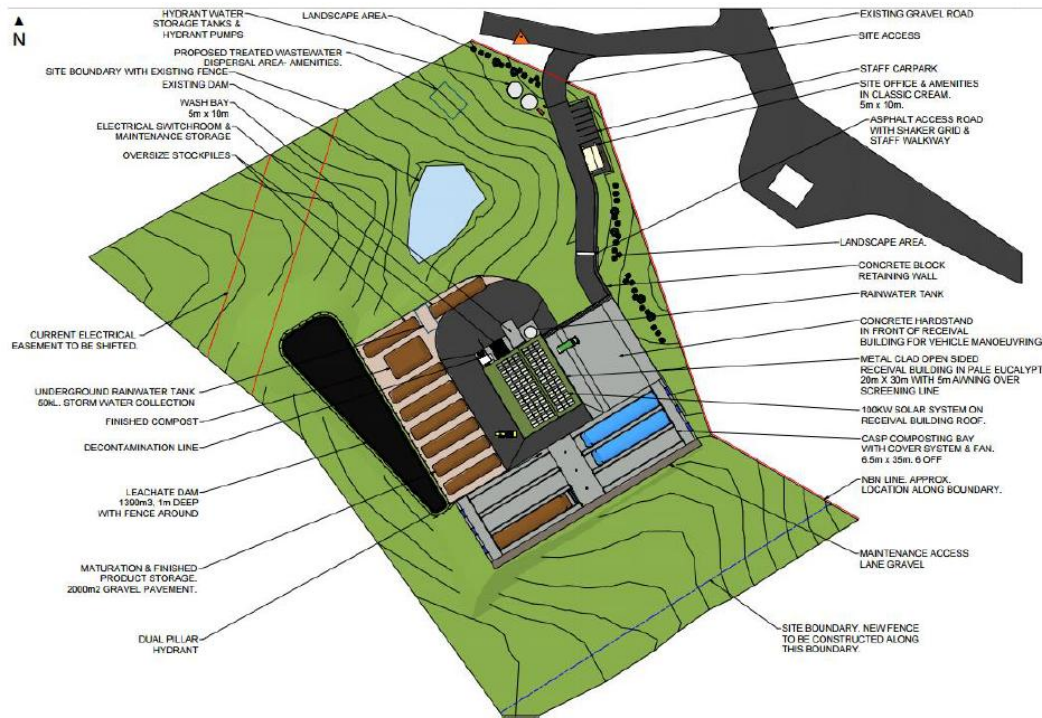
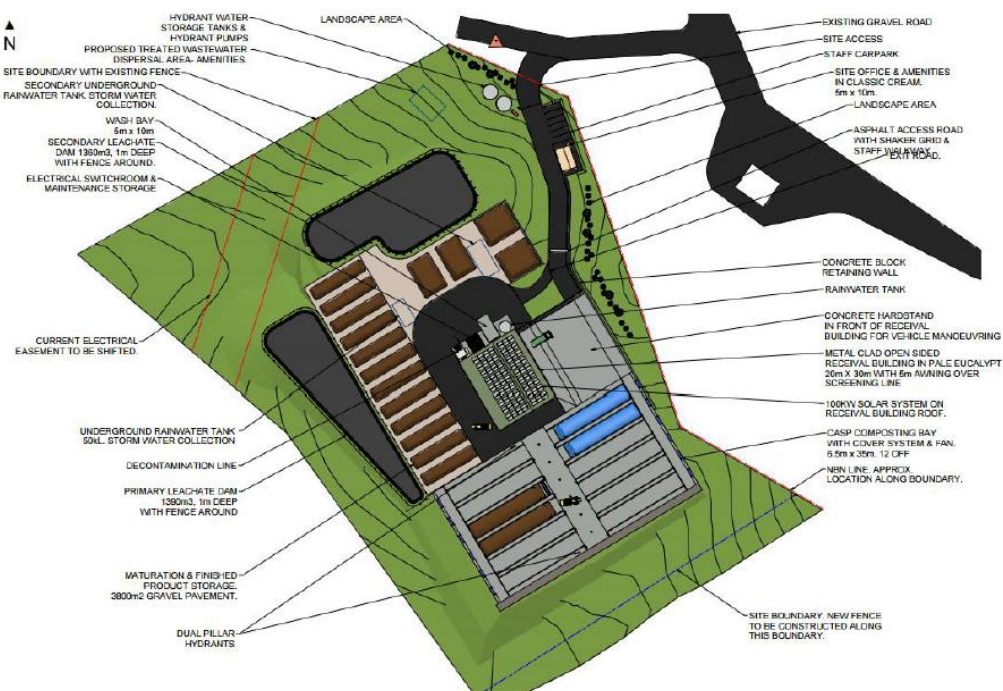


Figure 9: Phase 2 Site Plan (Source: Soilco Design Drawings, 08/07/25)



Existing and Proposed Infrastructure

The infrastructure required for the proposed development includes the following:

- Site Office & Amenities building
- Receival and Drop Off Building
 - Concrete hardstand;
 - Metal clad open sided receival building;
- Pre-processing Equipment
- Covered Aerated Static Piles (CASP) Bays;
 - CONVAERO membrane cover;
- Compost Maturation and Finished Goods Storage;
- Water Management:
 - Underground rainwater tank (50kL Phase 1 – 15,000 tpa);
 - Additional underground rainwater tank (225kL Phase 2 – 30,000tpa);
 - Leachate Dam 1 (Phase 1 -15,000 tpa);
 - Leachate Dam 2 (Phase 2 – 30,000 tpa);
- Electrical Services;
 - Solar Systems;
 - Electrical switch room and maintenance storage;
- Hydraulic Services;
 - Dual pillar hydrant;
 - Hydrant water storage tanks and hydrant pumps; and
 - Wash bay.

The existing CWF weighbridge will be used to weigh materials entering the subject site. To increase operational efficiencies for both BVSC and the operator, an additional outgoing weighbridge will be installed in 2025 by BVSC, adjacent to the existing weighbridge, prior to the operational stage of the development.

The operational hours of the development will be 8am to 4pm Monday to Saturday, with no active onsite Sunday operations.

Figure 10: Office and Amenities Plan (Source: Soilco Design Drawings, 15/01/25)

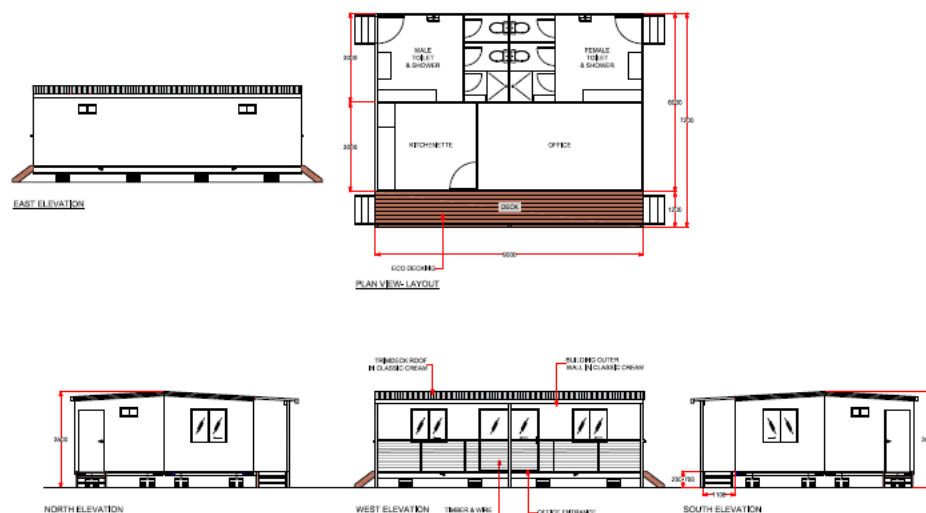
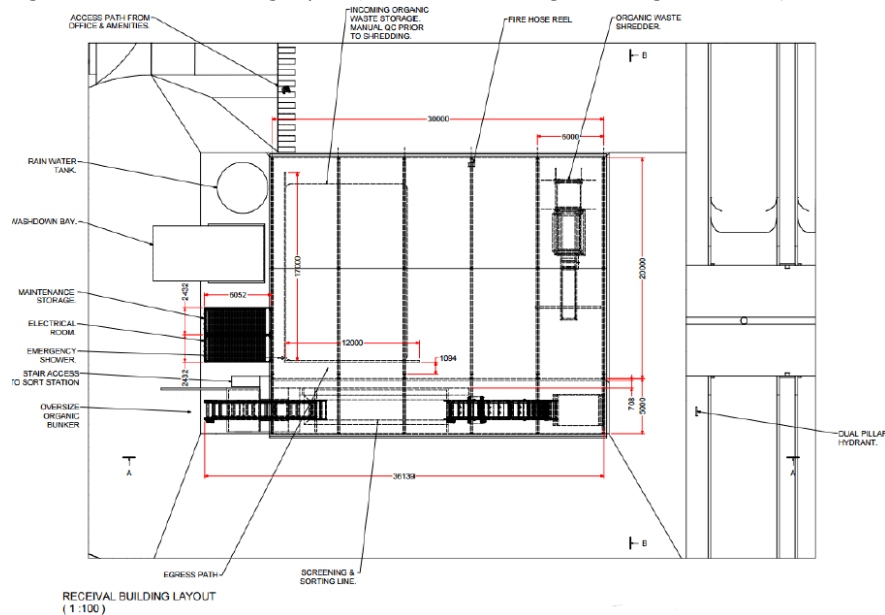


Figure 11: Receival Building Layout (Source: Soilco Design Drawings, 08/07/25)



3.4 Background

The EIS addresses the issued SEAR's from the Department of Planning and requirements from consultation with other agencies, where the impact assessment issues associated with the project were noted as follows:

- Air Quality and Odour
- Traffic and Access
- Geology and Soil
- Water
- Flooding
- Bushfire and Fire Safety Assessment
- Biodiversity
- Aboriginal Cultural Heritage
- Heritage Impact Assessment
- Noise and Vibration
- Social and Economic
- Visual Design

The original DA was lodged on 12 February 2025. A chronology of the DA since lodgement is outlined below in **Table 3** including the Panel's involvement (briefings, deferrals, etc) with the application.

Table 3: Chronology of the DA	
Date:	Event:
23 May 2022	SEARs issued and BVSC requested a 1 year extension for initial lodgement.
27 November 2024	BVSC resolution to allow the application to be lodged for the subdivision of Lot 402 DP1191314 (CWF) for lease purposes, to provide for long term lease of the land consistent with the provision of the Conveyancing Act.
12 February 2025	Application Lodged
7 March 2025	Internal Referrals Building Certifier Environmental Health Officer

	Environmental Services Development Engineering Water and Sewer Services Strategic Planning Property Services Bushfire Integrated Referrals DPE - Water EPA Heritage NSW External Referrals TfNSW Bega Local Aboriginal Land Council Essential Energy Department of lands (Nowra)
11 March 2025	External Referrals Fire and Rescue NSW NBN Co
17 March 2025 – 15 April 2025	Notification of the development
15 April 2025 – 19 May 2025	Re-notification
10 March 2025	EPA and Essential Energy Accepted Referral
11 March 2025	DPE (water) and TfNSW accepted Integrated referral
19 March 2025	Appendix T: Hydrology Assessment was added to the Planning Portal.
25 March 2025	Finalised Fire Safety Assessment provided
26 March 2025	Appendix N: Preliminary Hazard Analysis and Appendix V: Fire Safety Assessment was in draft, were added to the Planning Portal.
27 March 2025	RFI from Heritage NSW
1 April 2025	TfNSW response received – no objections.
3 April 2025	Essential Energy Safety Advice
18 June 2025	RFI from EPA and Essential Energy
18 June 2025	A request for further information was sent to the applicant from Council's Development Engineers referral process.
26 June 2025	Applicant provided PDF copy of presentation for Planning Panel meeting scheduled for 1 July 2025.
1 July 2025	Southern Planning Panel briefing
8 July 2025	NSW Department of Planning and Environment – Water Response Controlled Activity Approval Exemption and revised Appendix A Aboriginal Archaeological Technical Report
15 July 2025	Southern Planning Panel Site Inspection
17 July 2025	Appendix 1 – summary of Heritage request for information responses
21 July 2025	Memo from Chris Anderson regarding Stormwater and leachate request for information
23 July 2025	Southern Regional Planning Panel inspected the proposed development site.
14 August 2025	Aboriginal Cultural Heritage Report revised to address the request for further information received.
10 September 2025	Revised Architectural Plans were received for the 15,000tpa and 30,000tpa along with Civil Engineering Plan and diffused aerated system blower information.
18 September 2025	Submission Evaluation Report Received.
22 September 2025	Confirmation received from the Applicant that the Electrical Easement location shown on plans over the bioretention basin and spillway has been confirmed by surveyors. Power Solutions are designing the electrical upgrade to the CWF site. Essential Energy Advisory note to be included in consent.
23 September 2025	RFI Response to Essential Energy provided

25 September 2025	RFI Response provided to EPA. Received correspondence from EPA that the revised information is under review.
26 September 2025	Essential Energy provided general comments for the proposed development.
20 October 2025	Further RFI from EPA
21 October 2025	Confirmation from the EPA the request for additional information requires the cumulative impacts be considered the existing waste facility.
22 October 2025	Applicant working with consultants to address the EPA RFI and EPA to have a meeting to go through the RFI with them.
6 November 2025	Update from the applicant regarding request for information responses and meeting with the EPA and Odour Unit.
7 November 2025	Acknowledgement that the update from the applicant regarding request for information responses and meeting with the EPA and Odour Unit was received.
8 December 2025	The Odour Unit response was received.
9 December 2025	Further RFI response provided to EPA
18 December 2025	EPA requested Council to amend the response date deadline to the 27 th of January 2026.
23 December 2025	TfNSW Response after Submission review
14 January 2026	Essential Energy Advisory note to be included in consent.
22 January 2026	EPA GTA received and request to revise conditions from applicant
20 February 2026	EPA GTA revised received
12 March 2026	EPA Final GTA received

4. STATUTORY CONSIDERATIONS

4.1. Environmental Planning and Assessment Act, 1979

The following matters pursuant of the Environmental Planning and Assessment Act 1979 (EP&A Act), have been taken into consideration:

Part 1, Section 1.3 Objects of Act

The proposal is considered satisfactory regarding the objectives of the EP&A Act 1979 as outlined in the following assessment of the application under the provisions of Section 4.15 of the EP&A Act 1979.

Part 1, Section 1.7 Application Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994.

The EIS has suitably addressed the provisions of the Biodiversity Conservation Act 2016 and is addressed further in the assessment of the relevant Acts applying to the development. The proposed development does not trigger any provisions under Part 7A of Fisheries Management Act 1994

4.2. Part 4 Development Assessment and Consent EP&A Act, 1979

Division 4.2, Section 4.5 Designation of consent authority

Pursuant to Clause 4.5 (b) of the EP&A Act 1979, as the development is declared by State Environmental Planning Policy (State and Regional Development) 2011 to be regionally significant development and the Southern Regional Planning Panel is the consent authority.

Division 4.3, Section 4.10 Designated development

Section 4.10 defines designated development as development that is declared by an environmental planning instrument or the regulations as designated development.

Under the EP&A Regulations, Schedule 3, Part 2, section 16 (1), a composting facility with an intended processing capacity of greater than 5,000 tonnes per year of organics is designated development.

Similarly under Schedule 3, Section 45(2)(a)(ii) 'Development for the purposes of a waste management facility or works is designated development if the facility or works sorts, consolidates or temporarily stores waste at a transfer station or material recycling facility for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse, and have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances.

Also, under Section 45(3) 'Development for the purposes of a waste management facility or works that purify, recover, reprocess more than 5,000 tonnes per year of solid or liquid organic materials.'

The development is classified as designated development as it has a capacity to process 30,000tpa of waste containing food.

Division 4.3, Section 4.12 Application

Section 4.12 (6A) states that the reference to a Council in sub-section (3) includes a reference to a Regional Planning Panel. This provision allows for certain Local Government Act approvals to be addressed with development consent. A Section 68 approval is required for sewer, water and stormwater works associated with the proposed development.

Section 4.12 (8) states a development application for designated development is to be accompanied by an environmental impact statement (EIS) prepared by or on behalf of the applicant in the form prescribed by the regulations.

The proposal is accompanied by an EIS prepared in accordance with the required form and content of the EP&A Regulations and addresses the issued SEARs by the Planning Secretary.

Section 4.12 (10) states The Planning Secretary may, by notice published on the NSW planning portal, specify the form and content of documents that are required to be submitted with a development application.

The SEARs were originally issued on 23 May 2022. A SEARs extension was issued on 23 May 2023. The DA was made within the two years of the issue date of these SEARs.

Division 4.3, Section 4.15(1) Evaluation

When determining a DA proposal, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the EP&A Act. These matters of relevance to the DA include the following:

- (a) the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has*

- notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

The proposal has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. These matters are further considered in the body of this report.

Division 4.8, Section 4.46 Integrated Development

The proposal is integrated development pursuant to Section 4.46 of the EP&A Act as approval is required from another State Agencies under the *Protection of the Environment Operations Act 1997* and National Parks and Wildlife Act 1974 with referrals to the relevant authorities for concurrence, as follows:

- **NSW Environment Protection Agency (EPA)** – Scheduled Activity under ss 43(b), 48 and 55 of *Protection of the Environment Operations Act 1997* (i.e. Nominated Integrated Development). The proposal requires an Environmental Protection License (EPL).
- **NSW Heritage** – Section 90 Permit required under *National Parks and Wildlife Act 1974*.

The comments of the authorities and General Terms of Approval (GTA) are attached as Attachments 3, 4 and 5. These GTAs have been included in the recommended draft conditions of consent provided at Attachment 1.

4.2.1. 4.15 (1)(a) Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plan, planning agreements and the matters for consideration under the EP&A Regulations are considered below. A summary is outlined in **Table 4**

Table 4: Summary of Applicable Environmental Planning Instruments		
EPI	Matters for Consideration	Comply (Y/N)
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	Chapter 3: Koala Habitat protection 2020 Consent is sought for the removal of limited vegetation that does not involve koala habitat trees and is satisfactory subject to conditions.	Y
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal as regionally significant development pursuant • Schedule 6, Section 3 - 'Council related development over \$5 million', and	Y

	Schedule 6, Section 7, clause 1(c) – ‘Development for the purposes of waste management facilities or works that meet the requirements for designated development under the <i>Environment Planning and Assessment Regulation 2021</i>, Schedule 3, section 45.’	
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Chapter 3: Hazardous and offensive development - The development is a potentially hazardous or offensive development. - A Preliminary Hazard Analysis has been undertaken in accordance with Section 3.11 which states the facility can be appropriately managed and would not result in the facility being a major hazard or offensive. Conditions of consent have been recommended at Attachment 1 to address these matters including necessary bunding and storage measures. Chapter 4: Remediation of Land Section 4.6 - Contamination and remediation have been suitably considered and addressed. Council staff are satisfied there is sufficient information to determine that the area of the OPF is not contaminated.	Y
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Chapter 2: Infrastructure Section 2.121 – Traffic-generating development has been suitably considered and Transport for NSW has reviewed the development with no issues raised on impacts to the Princes Highway Section 2.152(a) - Development for the purposes of waste or resource management facility is permissible with consent on the RU1 zoned land which this site is zoned.	Y
<i>Proposed Instruments</i>	Draft Remediation of Land SEPP The explanation of intended effects has been reviewed and considered. No additional matters were identified as needing to be addressed.	Y
<i>Bega Valley Local Environmental Plan 2013.</i>	- Clause 1.2 Aims of Plan - Clause 1.9 Application of SEPPs - Clause 2.3 Zone objectives and Land Use Table - Clause 2.6 Subdivision – consent requirements - Clause 4.2 Rural Subdivision - Clause 4.3 Height of buildings - Clause 5.10 Heritage Conservation - Clause 5.11 Bushfire hazard reduction - Clause 6.2 Earthworks	Y
<i>Bega Valley Development Control Plan 2013.</i>	- Section 2 Commercial and Industrial Development - Section 2.8 Specific Requirements – Industrial Development - Section 4 Rural Development - Section 4.1 Rural Development Objectives - Section 4.2 Rural Land Use Conflict - Section 4.3 Setbacks - Section 4.5 Mineral and Extractive Industries - Section 4.6 Rural Landscapes - Section 5 General Development - Section 5.1 Aboriginal Heritage - Section 5.4 Social and Economic Impacts	Y

	• Section 5.6 Tree and Vegetation Preservation • Section 5.7 On-Site Sewerage Management • Section 5.8 Planning for Hazards • Section 5.9 Off-street Car and Bicycle Parking • Section 5.10 Subdivision Standards • Section 6.0 Engineering Requirements • Section 6.1 Roads and Easements • Section 6.2 Parking and Driveways • Section 6.3 Soil & Stormwater management • Section 6.4 Utility Services	
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Section 4.15(1)(a)(i) – Provisions of Any Environmental Planning Instruments

The following environmental planning instruments (EPI) are relevant to this application and are listed below:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Bega Valley Local Environmental Plan 2013.*

Consideration of the relevant environmental planning instruments are outlined below:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3: Koala Habitat protection 2020

Consent is sought for the removal of limited vegetation not involving koala habitat trees and is satisfactory subject to conditions.

State Environmental Planning Policy (Planning Systems) 2021

The proposal is deemed *regionally significant development* pursuant to s. 2.19(1) as it satisfies the criteria in Schedule 6, clause 3 of the SEPP PS as the proposal comprises '*Council related development over \$5 million*'.

The proposal also satisfies criteria in Schedule 6, Section 7, clause 1(c) '*Development for the purposes of waste management facilities or works that meet the requirements for designated development under the Environment Planning and Assessment Regulation 2021, Schedule 3, section 45.*'

Section 45, Clause 3 of EP&A Regulation is of particular importance to the development of the OPF as it relates to '*Development for the purposes of a waste management facility or works that purify, recover, reprocess more than 5,000 tonnes per year of solid or liquid organic materials.*' Accordingly, the Southern Planning Panel is the consent authority. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3: Hazardous and Offensive Development

The proposal has provided a comprehensive assessment of odours, landfill gases and potential hazards. An assessment of the proposal, including by BVSC and the NSW EPA, has found that the proposal is acceptable subject to the draft conditions of consent recommended at **Attachment 1**.

A preliminary Hazard Analysis has been undertaken in accordance with the guidance documents Hazardous Industry Planning Advisory Paper No. 6 – Guideline for Hazard Analysis and Multi-Level Risk Assessment. No further action is required as thresholds are not exceeded for dangerous goods.

Noise guideline levels and odour-based air quality pollution will be within the recommended limits. The assessment meets required standards and would be subject to on-going regulation by the NSW EPA. The risks associated with the landfill gases will be acceptable subject to continued intermittent monitoring and on-going regulation by the NSW EPA.

The proposal, based on an assessment of the submitted details, does not constitute an offensive industry or *hazardous industry* in accordance with the provisions of SEPP (R&H). The development, subject to recommended draft conditions of consent at Attachment 1, and on-going regulation under an EPL by the NSW EPA, will be acceptable and does not pose any unreasonable risks.

Chapter 4 Remediation of Land

Clause 4.6(1)(a) of the Resilience and Hazards SEPP requires the consent authority to consider whether the land is contaminated.

The site was previously used for cattle grazing until 2002, when BVSC acquired the property. The CWF has an existing Environment Protection Licence (EPL) 20148 issued by the New South Wales Environment Protection Authority (NSW EPA) for the scheduled activity of waste disposal by application to land. The OPF proposal has received GTA from the EPA. The proposed use of the land is compatible with the existing use of the site, subject to conditions.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

The proposal was referred to TfNSW and also assessed by BVSC. The submitted development falls under 2.15(1), 2.16(2), s2.122/sch 3, column 1 and s.2.153 of SEPP (T&I) as detailed below:

Section 2.15 Consultation with authorities other than councils

The Bushfire Assessment Report (Appendix U of the EIS) and Fire Safety Assessment undertaken by Fahrenheit Global (Appendix V of the EIS) demonstrate the application considered *Planning for Bush Fire Protection 2019* and suitable measures proposed to mitigate bushfire risk. These Reports will be reference in the conditions of consent at Attachment 1.

Section 2.16 Consideration of Planning for Bush Fire Protection

The application was referred to Essential Energy and their comments have been included as advisory notes in the conditions of consent at Attachment 1.

Section 2.122/Schedule 3 – Traffic generating development to be referred to TfNSW

The application was referred to TfNSW for comment and they have advised that Wanatta Lane Road is a local road. BVSC is the roads authority. TfNSW raised no objections or requirements for the proposed development. (refer attachment 6)

Section 2.153(1) & (2) – Development for the purpose of waste or resource management facilities

The proposed waste or resource management facility is zoned RU1 – Primary Industry under the BVLEP2013. The Transport and Infrastructure SEPP, supersedes the BVLEP.

- (1) states that Development for the purpose of waste or resource management facilities may be carried out by any person with consent on land in a prescribed zone.
- (2) States Development for the purposes of a waste or resource transfer station may be carried out by any person with consent on land in a prescribed zone.

The overall proposal is acceptable subject to the draft conditions of the consent recommended at Attachment 1.

Bega Valley Local Environmental Plan 2013.

The relevant local environmental plan applying to the site is the Bega Valley Local Environmental Plan 2013 (BVLEP)2013. The aims of the BVLEP2013 under Clause 1.2(2) include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to protect and improve the economic, natural and social resources of Bega Valley through the principles of ecologically sustainable development, including conservation of biodiversity, energy efficiency and taking into account projected changes as a result of climate change,*
- (b) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, that respond to lifestyle choices, emerging markets and changes in technology,*
- (c) to conserve and enhance environmental assets, including estuaries, rivers, wetlands, remnant native vegetation, soils and wildlife corridors,*
- (d) to encourage compact and efficient urban settlement,*
- (e) to ensure that development contributes to the natural landscape and built form environments that make up the character of Bega Valley,*
- (f) to provide opportunities for a range of housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,*
- (g) to protect agricultural lands by preventing land fragmentation and adverse impacts from non-agricultural land uses,*
- (h) to identify and conserve the Aboriginal and European cultural heritage of Bega Valley,*
- (i) to restrict development on land that is subject to natural hazards,*
- (j) to ensure that development has minimal impact on water quality and environmental flows of receiving waters*

The proposal is not inconsistent with these aims, noting the facility will specifically promote the aims of ecologically sustainable development diverting organics from landfill to re-use compost and it will provide local employment opportunities utilising newer organics processing technology.

Clause 2.2 Zone objectives and Land Use Tables

Under BVLEP2013, the site is zoned RU1 Primary Production. (Figure 12 below). The objectives of the zone are:

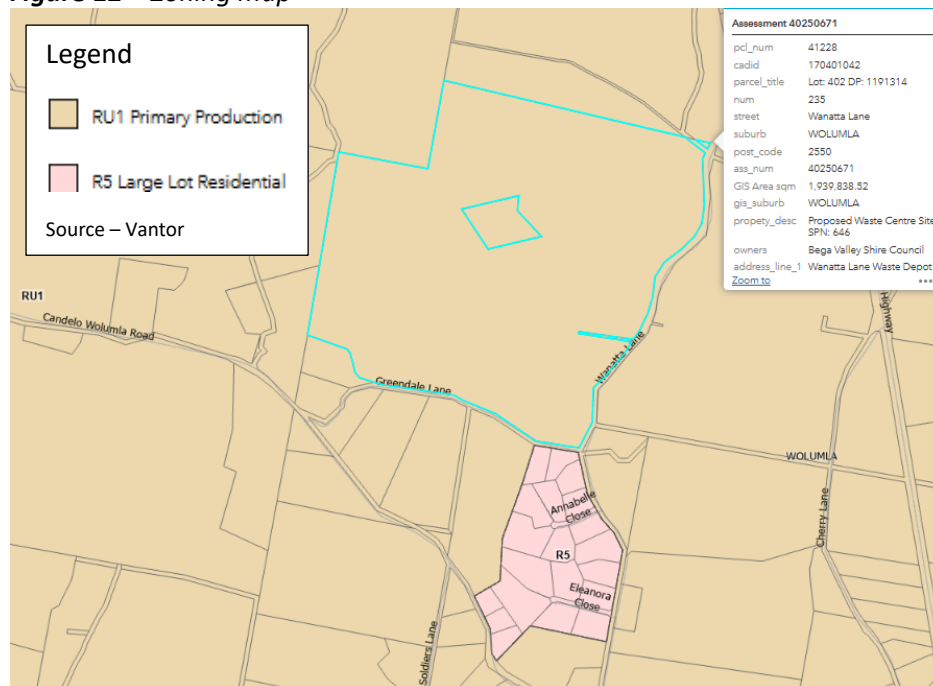
- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- To encourage diversity in primary industry enterprises and supply systems appropriate for the area.*
- To minimise the fragmentation and alienation of resource lands.*
- To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- To encourage development for tourism-related activities and other development that is compatible with agricultural activities, which will not adversely affect the environmental and cultural amenity of the locality.*
- To maintain and protect the scenic value and rural landscape characteristics of land in the zone.*

The proposal is consistent with these zone objectives for the following reasons:

The predominant land use has already been established and the proposal of the OPF is in-keeping with the existing CWF use and does not fragment or alienate resource lands, nor is likely to generate any conflicts with other activities in surrounding zones.

The CWF has been operating since 2013 within a rural environment, and studies prepared in support of the proposal indicate that the OPF can operate within relevant legislative requirements relating to noise, vibration and air quality.

Figure 12 – Zoning map



Permissibility

The site is zoned RU1 Primary Production under *Bega Valley Local Environmental Plan 2013* (BVLEP 2013). Whilst a Resource Recovery Facility (which is a type of Waste or Resource Management Facility) is not listed as a permissible land use under the provisions of the Bega Valley Local Environmental Plan 2013, the development is enabled under the provisions of Section 2.153 of the Transport and Infrastructure SEPP 2021, which prevails over BVLEP 2013 in this circumstance.

Waste or resource management facility means any of the following –

- A resource recovery facility,
- a waste disposal facility,
- A waste or resource transfer station,
- A building or place that is a combination of any of the things referred to in paragraphs (a) – (c)

The OPF is most appropriately categorised in the BVLEP2013 Dictionary as a **resource recovery facility** which is defined as follows:

“resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.”

Clause 4.2 Rural Subdivision

- The objective of this clause is to enable the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies.
- (a) The clause applies to land in the zone RU1 Primary Production

- (3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land, if the consent authority is satisfied that
- (a) there is no dwelling house or dual occupancy located on the land, and
 - (b) the use of the land after the subdivision will be the same use permitted under the existing development consent for the land.
- (4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that—
- (a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and
 - (b) the subdivision is necessary for the ongoing operation of the permissible use, and
 - (c) the subdivision will not increase rural land use conflict in the locality, and
 - (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.

The proposed subdivision is permissible and considered satisfactory, having consideration to the above matters.

Clause 4.3 Height of buildings

The proposal is compliant with this Clause as the maximum building height is 9.354 metres and is under the 10 metres maximum height limit for the site.

Clause 5.10 Heritage conservation

Under this Clause, the consent authority must, before granting consent in respect of an Aboriginal or non-aboriginal heritage items or heritage conservation areas, consider the effect of the proposed development on the heritage significance of the items or areas concerned. Aboriginal consultation was completed in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents, 2010 (DECCW 2010), referring to Part 6 Approvals under the NPW Act.

The Aboriginal Cultural Heritage Assessment Report (ACHAR) and Aboriginal Archaeological Technical Report (AATR) for the proposed OPF development were undertaken by Archaeological Management & Consulting (AMAC) Group and is presented respectively in Appendix X and Y in the EIS.

The following mitigation measures have been proposed as a part of the ACHAR:

- Permit to Remove Artefacts: A DA will first need to be issued, before approved DA stamped plans are reissued to the Registered Aboriginal Parties (RAPs) for a mandatory 28 day review period. An AHIP application will be submitted to Heritage NSW following the review period. An AHIP is required to remove artefacts at the subject site but not within the erosion gully;
 - An AHIP and DA will need to be in place before an artefact can be moved and/or impacted;
- Care and Control: If any archaeological material is recovered it shall be subject to a care and control agreement established after the nature and significance of the archaeological or cultural material is understood as per requirement 26 of the Code of practice for the investigation of Archaeological objects in NSW. Any artefacts shall be temporarily secured in a storage location before being reburied as soon as practicable. If no care and control agreement is agreed upon and determined within a suitable timeframe then any artefacts collected will be lodged with the Australian Museum for storage;
- Continued Consultation: Consultation with the Registered Aboriginal Parties should continue;
- Community Collection: Prior to the development works proceeding, a community collection should be conducted with the registered aboriginal stakeholders; and

- Staff Briefing: All construction staff, development staff, contractor staff and workers should be briefed on the area and responsibilities regarding any indigenous archaeological deposits.

The Heritage Impact Assessment Report (HIA) for the proposed OPF was undertaken by Archaeological Management & Consulting (AMAC) Group and is presented in Appendix Z in the EIS. There is a locally listed heritage item per the Bega Valley Shire Council LEP 2013 located to the north of Lot 402 DP 1191314: Item I187 – ‘Ayrdale Dairy Village’ (297 Wanatta Lane).

Of the three built features identified within the heritage impact assessment, the southern portion of the Ayrdale roadway traces is the only feature that the development of the OPF will impact. As this north-south remnant roadway is disconnected from the Ayrdale dairy and doesn’t currently provide access, it is noted to not contribute to its cultural significance. As such, the proposed OPF construction will have no impact on the heritage significance of the Ayrdale Dairy village and will require no mitigative measures following approval of the development application.

In addition to the mitigation measures proposed above by AMAC within the ACHAR and AATR, it is also recommended that BVSC and the Contractor (SOILCO) develop an Unexpected Heritage Finds Procedure. (Refer Appendix X, Y and Z of the EIS).

Clause 6.2 Earthworks

The objective of this clause is to ensure earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The location of the development footprint within the site is currently undisturbed so spoil generated from cut will not require decontamination work and can be used to fill deficits in the current site.

Appropriate Reports have been prepared for the site including a Soil and Water Management Plan, an Aboriginal Cultural Heritage Assessment Report and a Heritage Impact Assessment Report with mitigation measures proposed. The extent of earthworks is considered appropriate which minimises impacts on adjoining properties. Having regard to the matters listed in Cl. 6.2(3)(a-h), the proposal will not have any significant adverse impacts. Appropriate reports have been prepared and are included in the draft conditions of consent at **Attachment 1**.

The BVLEP2013 controls relevant to the proposal are summarised in **Table 5** below:

Table 5: Assessment against the Relevant Provisions of BVLEP		
BVLEP 2013 Clause	Comment	Compliance
Part 1 - Preliminary		
Clause 1.2 – Aims of Plan	The proposed development is consistent with aims (a), (b), (c), (e), (g), (h), (i), (j): <i>(a) to protect and improve the economic, natural and social resources of Bega Valley through the principles of ecologically sustainable development, including conservation of biodiversity, energy efficiency and taking into account projected changes as a result of climate change,</i> <i>(b) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, that respond to lifestyle choices, emerging markets and changes in technology,</i> <i>(c) to conserve and enhance environmental assets, including estuaries, rivers, wetlands, remnant native vegetation, soils and wildlife corridors,</i> <i>(d) NA</i>	Satisfactory

	(e) to ensure that development contributes to the natural landscape and built form environments that make up the character of Bega Valley, (f) NA (g) to protect agricultural lands by preventing land fragmentation and adverse impacts from non-agricultural land uses, (h) to identify and conserve the Aboriginal and European cultural heritage of Bega Valley, (i) to restrict development on land that is subject to natural hazards, (j) to ensure that development has minimal impact on water quality and environmental flows of receiving waters	
Part 2 – Permitted or Prohibited development		
Clause 2.2 – Zoning of Land	The OPF site is zone RU1- Primary Industry as shown in Figure 8	Satisfactory
Clause 2.3 – Zone Objectives	The objectives of the RU1 - Primary Industry are as follows: • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and supply systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To encourage development for tourism-related activities and other development that is compatible with agricultural activities, which will not adversely affect the environmental and cultural amenity of the locality. • To maintain and protect the scenic value and rural landscape characteristics of land in the zone The proposal is consistent with the zone objectives in that the predominant land use has already been established and the proposal of the OPF is in-keeping with the existing CWF use and does not fragment or alienate resource lands, nor likely to generate any conflicts with other activities in surrounding zones	Satisfactory
Part 4 Principal development standards		
Clause 4.2B Rural Subdivision	(2) The objective of this clause is to enable the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies. (3) (a) The clause applies to land in the zone RU1 Primary Production (4) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the <i>Lot Size Map</i> in relation to that land, if the consent authority is satisfied that (a) there is no dwelling house or dual occupancy located on the land, and (b) the use of the land after the subdivision will be the same use permitted under the existing development consent for the land.	Satisfactory

	(5) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that— (a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and (b) the subdivision is necessary for the ongoing operation of the permissible use, and (c) the subdivision will not increase rural land use conflict in the locality, and (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.	
Clause 4.3 Height of buildings	The proposed maximum height of building is 10m and the proposal is under this height	Satisfactory
Part 5 Miscellaneous provisions		
Clause 5.10 Heritage Conservation	(1) Objectives The objectives of this clause are as follows — (a) to conserve the environmental heritage of Bega Valley, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. (2) Requirement for consent (a)(ii) requires consent for demolishing or moving an Aboriginal object. (4) Effect of proposed development on heritage significance (5) Heritage assessment	Satisfactory
Part 6 Additional local provisions		
Clause 6.2 Earthworks	The objective of this clause is to ensure earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Satisfactory

The proposal is generally consistent with the relevant provisions of the BVLEP and is satisfactory.

Section 4.15(1)(a)(ii) – Provisions of any Proposed Instruments

Draft Remediation of Land SEPP

The explanation of intended effects has been reviewed and considered. No additional matters were identified as needing to be addressed.

Section 4.15(1)(a)(iii) – Provisions of any Development Control Plan

The proposed development is subject to the provisions of the Bega Valley Development Control Plan (BVDCP) 2013.

Table 6 provides an assessment against the relevant controls of BVDCP 2013.

Table 6: Assessment against the Relevant Provisions of BVDCP		
Control	Comment	Compliance
Section 2 Commercial and Industrial Development		

2.8 Specific Requirements 2.8.1 Design 2.8.1.1 Context and articulation 2.8.2 Amenity 2.8.2.1 Visual quality 2.8.2.2 Noise and Vibration 2.8.3 Environment 2.8.3.1 Air pollution 2.8.3.2 Water pollution	The design has been completed by SOILCO with best practices approaches to minimise any impacts to amenity or the environment. Covered systems (such as the CASP proposed) further minimises risk of pollution, odour and negative environmental impacts. The design complies with Environmental Guidelines: Composting and Related Organics Processing Facilities and relevant EPA guidelines for Noise and vibration, air quality and odour.	Yes
Section 4 Rural Development		
4.1 Rural Development Objectives and 4.1.2 Natural Resources	This plan seeks to ensure that rural living and agricultural operations will continue as key land uses across the Bega Valley Shire and to maintain and enhance bio-diversity, landscape quality and soil / water quality in the Bega Valley Shire. The proposal is located within the Central Waste Facility with suitable mitigation measures proposed to ensure that existing rural enterprises in the surrounding area will be maintained.	Yes
4.2 Rural Land Use Conflict 4.2.1 Requirements 4.2.1.1 Buffers 4.2.1.2 Agricultural buffer management	Applies to RU1 zoned land. The proposal is for an OPF within the CWF site and subdivision of land that doesn't include any existing or proposed dwellings. The CWF site has existing vegetation along the boundaries that will remain to protect existing buffers to nearby agricultural uses.	Yes
4.3 Setbacks	The proposal complies with non-residential development setbacks of 75m from nominated waterways.	Yes
4.6 Rural Landscapes	Applies to RU1 zoned land. The proposal is not visible from any public roads or vantage points. As the proposed OPF will be located centrally within the existing CWF site, the existing rural landscapes will be protected.	Yes
Section 5 General Development		
5.1 Aboriginal Heritage	Per BVLEP 5.10 assessment. Inclusion of Survey coverage data in a table and a map of survey units to demonstrate how the area of the current DA 2024.321 has been subject to archaeological survey in accordance with requirements 5, 9 and 10 of the 'Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales' (Code of Practice). Amendment of recommendations to reflect the need for an Aboriginal Heritage Impact Permit for AHIMS sites 62-6-0861, 62-6-0865 and 62-6-0866 to be obtained prior to harm of the site. Conditions are included in the draft consent.	Yes
5.2 Non-Aboriginal Heritage	Per BVLEP 5.10 assessment	Yes
5.4 Social and Economic Impacts	The development will have a positive economic and social impact on the locality. The proposed work will create construction employment and permanent employment opportunities during the operations of the OPF. Social impacts would be limited to nuisance impacts from odour and noise. A CEMP	Yes

	and OEMP will be implemented to ensure that the identified issues are managed onsite.	
5.5 Sustainable Design Principles	Applies to all developments in Bega Valley Shire. The proposal is not inconsistent with ESD principles – north facing lot receiving adequate solar access. The roof is solar capable. 100kw solar system proposed	Yes
5.6 Tree and Vegetation Preservation	Per previous assessment above, the site was approved for the CWF. The flora and fauna reports for recent DAs 2024.180 and 2013.120 did not identify the site as ecologically significant. The site frontage will be landscaped with trees and shrubs, the balance with grassed areas	Yes
5.7 On-Site Sewerage Management	The proposal includes an onsite aerated wastewater treatment system (AWTS) and disposal field (sewer). The Consent will be conditioned to obtain the relevant S68 approval to operate under the LG Act.	Yes
5.8 Planning for Hazards 5.8.3 Contaminated Land 5.8.4 Bushfire Prone Land 5.8.5 Climate Change	Contaminated Land - refer to R&H SEPP assessment. Bushfire Prone Land per above LEP 4.15 (b) Environmental impacts – HAZARDS assessment, appropriate bushfire conditions are applied in the consent. Climate Change per section 5.5 above. No residential component with the proposal.	Yes
5.9 Off-street Car and Bicycle Parking	Applies to any development in the Shire where there is a change proposed for the parking arrangements of the land. 6 parking spaces are proposed in the staff car park.	Yes
5.10 Subdivision Standards 5.10.1 General requirements 5.10.1.1 Access and servicing	Each lot in every subdivision must be provided with an appropriate standard of legal and practical vehicular access and access to an appropriate standard of public utility services and drainage as set out in this plan. - Current water connection pathways onsite will be relocated prior to the construction of the development as the utilities will otherwise be impacted by the footprint of the development. - Current electrical connection pathways onsite will be relocated prior to the construction of the development as the utilities will otherwise be impacted by the footprint of the development. Refer to 6.3 for Soil and stormwater management. Also refer to BVLEP Clause 4.2B Rural Subdivision Table 5.	Yes
5.10.1.4 Hazards	Hazards refer to 5.8 Planning for Hazards Bushfire Prone Land Contamination – The existing CWF site has an environment protection license (EPL). Soil contamination throughout the composting process at the OPF will be mitigated via the use of hardstand areas to prevent seepage from stockpiles of compost through to the soil. The use of a leachate dams will capture leachate runoff rather than	Yes

	allowing it to flow into the environment. Fuel and oil spills from construction and operational plant and equipment can also occur and could lead to contamination of soils. These risks can be managed using appropriate containment and clean up techniques, along with ongoing regular maintenance of the plant and equipment. The proposed OPF development will minimise risks of soil contamination by the implementation of mitigation and management measures during construction and operation. The OPF will has been granted GTAs from the EPA and an additional EPL will be obtained.	
5.10.1.7 Weeds	Weeds have been identified on the site and will be managed in accordance with the measures included in the CEMP and undertaken during construction and landscaping. The CEMP is included as a condition of consent.	Yes
5.10.1.8 Energy efficient design	Energy efficient design - refer to 5.5 Sustainable Design Principles	Yes
5.10.2 Specific requirements – development type 5.10.2.1 Rural and Rural Residential Subdivisions	This Section applies as the proposal in on land in the RU1 zone. Subdivision has been designed to contain new structures and major infrastructure and any asset protection within cleared land.	Yes
Section 6 Engineering Requirements		
6.1 Roads and Easements 6.1.1 General Requirements	The existing access from Wanatta Lane and internal driveway is suitable to service anticipated traffic volumes generated by the development and size of vehicles accessing the OPF site.	Yes
6.1.2 Specific Requirements – Development Type 6.1.2.1 Rural and rural residential subdivisions	Rural subdivision applies to RU1 zoned land Refer to subdivision plan (Figure 5) for proposed road easement. Proposed subdivision is for 1 allotment of 3.308ha to contain the OPF. Creation of easement right of access variable width across 404 for the benefit of 403 (G);	Yes
6.2 Parking and Driveways	The proposed access road and parking arrangements are suitable to cater for the proposal.	Yes
6.3 Soil and Stormwater Management	There is a general requirement for development to be constructed in a manner which minimises erosion and sedimentation to minimise land degradation, water pollution and damage to infrastructure from accumulated sediment. A Soil and Water Management Plan has been prepared for the site. The Site Layout Design was amended (deeper leachate pond, addition of rip rap spillway, addition of bioretention basin, provision for off-site tankering of leachate and incorporation of additional stormwater drainage infrastructure) The EPA and Council's Development Engineer have reviewed the proposal, and Conditions will be included in the consent.	Yes
6.4 Utility Services 6.4.1 General Requirements	All existing utilities services will be utilised. Refer to 5.10 subdivision Standards.	Yes

6.4.2 Specific Requirements – Development Type 6.4.2.1 Rural and rural residential subdivisions	This Section applies as the proposal is on land in the RU1 zone.	
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Contribution Plans

The Bega Valley Shire Local Infrastructure Contributions Plan applies to non-residential development. The proposed development is exempt from contributions under Section 1.4 Excluded development of the plan that states:

"Development undertaken by or on behalf of Council, including but not limited to works identified in the works schedule at Appendix C of this plan."

Accordingly, as the OPF is a waste resource facility being undertaken on behalf of Council there are no development contributions required for this application.

Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there is no draft planning agreement proposed for the development.

Section 4.15(1)(a)(iv) – Provisions of the Regulations

The application satisfactorily meets the relevant requirements of the EP&A Regulation 2021, including the procedures relating to development applications (Part 3 of the EP&A Regulation 2021) and public participation procedures for development that requires consent.

Section 58 – Exhibition of notice of designated development

A notice for a DA for designated development was exhibited in accordance with Section 58 of EP&A Regulations and consistent with Council Community Engagement Strategy.

Section 60 – Submissions about designated development to be given to Planning Secretary

The submissions were given to the Planning Secretary in accordance with Section 60 of the EP&A Regulations.

Section 66A – Council-related development applications

The consent authority for the DA is the Southern Regional Planning Panel under clause 3, schedule 6 SEPP PS as the proposed development is Council related development with a capital investment value of over \$5 million and therefore this does not apply.

Section 173 – Application to Planning Secretary for environmental assessment requirements

An application was made under Section 173 of the EP&A Regulations and environmental assessment requirements, and the SEARs are included as Appendix A of the EIS.

Section 174 – Application for environmental assessment requirements for integrated development

The application contains details of the approvals required for integrated development from the relevant authorities NSW EPA, NSW Heritage and DPE - Water. The comments of the Authorities and General Terms of Approval (GTA) are attached as Attachments 4, 5 and 6. GTAs have been included in the recommended draft conditions of consent provided at Attachment 1.

Section 178 – Duration of environmental assessment requirements for designated development and other activities

In accordance with the EP&A Regulations, DA2024.321 was lodged on 12 February 2025 – within two years from the SEARs extension issued on 23 May 2023.

Section 190 – Form of environmental impact statement

Section 1.1 of the EIS demonstrates compliance with s.190 of the EP&A Regulations.

Section 192 – Content of environmental impact statement

The EIS prepared by Talis Consultants addresses all relevant matters detailed in the SEARs.

Section 193 – Principles of ecologically sustainable development

Section 7.3.5 of the EIS suitably addresses the principles of ecologically sustainable development and demonstrates compliance with s.193 of the EP&A Regulations.

4.2.2 Section 4.15(1)(b) – Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been suitably addressed in the Environmental Impact Statement and the detailed reports included in its Attachments and are considered in response to relevant SEPPs, LEP and DCP controls outlined above.

The consideration of impacts on the natural and built environments includes the following:

Context and setting – The development is acceptable in terms of its character and visual appearance and is an appropriate and expected outcome within the location of the existing CWF.

Access and Traffic – No infrastructure upgrades are considered necessary to facilitate the proposed OPF. The development is satisfactory in terms of traffic generation, parking and access, noting the OPF is an upgrade for the site which will allow diverting organics arriving at the site from landfill to compost. The existing CWF had Wanatta Lane upgraded to a two-lane bitumen sealed road and included the upgrade to the intersection with the Princes Highway. Transport for NSW has raised no issues regarding the operation of existing intersection with the Princes Highway as a result of this proposed development.

Heritage – Heritage assessments were undertaken with no impacts identified on listed or known Heritage Items located in the vicinity of the proposed OPF. The development has been considered under cl.5.10 of the BVLEP and determined to be appropriate. Mitigation measures have been recommended in the reports in relation to Aboriginal Archaeology. An AHIP will need to be in place before an artefact can be moved and/or impacted as detailed in Heritage NSW General Terms of Approval.

Contamination – The existing CWF site has an EPL with the NSW EPA. Soil contamination throughout the composting process at the OPF will be mitigated via the use of hardstand areas - to prevent seepage from stockpiles of compost into the soil. The use of a leachate dams will capture leachate runoff rather than allowing it to flow into the environment.

Fuel and oil spills from construction and operational plant and equipment can also occur and could lead to contamination of soils. These risks can be managed using appropriate containment and clean up techniques, along with ongoing regular maintenance of the plant and equipment. The proposed OPF development will minimise risks of soil contamination by the implementation of mitigation and management measures during construction and operation. The NSW EPA has granted GTAs and an additional EPL will need to be obtained to ensure ongoing monitoring of the site.

Biodiversity – A Flora and Fauna Assessment was undertaken by Local Environmental Solutions in order to satisfy the biodiversity requirements outlined within the SEARs issued to the applicant. The relevant biodiversity legislation has been considered (including the BC Act and the EPBC Act) and the impacts of the proposed development are acceptable. The onsite vegetation that will be removed as part of the site development and that vegetation is in very poor condition.

Odour – The Air Quality and Odour Impact Assessment (AQOIA) prepared by The Odour Unit, dated 11 December 2024 were undertaken in accordance with the *Approved Methods* (NSW EPA, 2022). To support the AQOIA, a representative odour emissions inventory was developed by sampling a representative SOILCO facility located at Kembla Grange on the 7th of August 2024. The Kembla Grange SOILCO facility accepts materials and proportions similar to those proposed to be received at the development and is considered a representative site for adopted emissions. Dispersion modelling was conducted as part of the Odour Assessment for several emission scenarios representing the routine operation of the OPF. It was determined that neither the initial capacity of 15,000 tpa (Phase 1) nor the extended capacity of 30,000 tpa (phase 2) exceeds the 7 odour unit (ou) and 6 ou (99.0%, 1-hr) criteria at the nearest discrete sensitive receptors. Despite criteria compliance mitigation measures have been recommended to minimise any impacts of odour and other air quality issues to receptors.

The NSW EPA have issued their General Terms of Approval (GTA's) which including conditions regarding air quality and odour control. An odour contingency plan is required to be prepared and maintained by the proposal under these GTA's. The proposal will be subject to on-going monitoring by the NSW EPA under the associated Environmental Protection Licence (EPL).

The proposal, based on the above assessment, will be acceptable in terms of air quality and odour impacts.

Noise and Vibration – Noise exceedances during construction will only be experienced at 2 receivers (R12 and R13), the largest of which will be a 3dB increase. An exceedance of 2-3dB is considered negligible as a change in noise by this degree is considered indiscernible.

Compliance with the worst-case scenario noise criteria is achieved during all periods of operation at all locations and will not negatively impact receivers. Mitigation measures have been proposed to be implemented on top of this level of compliance to further minimise any potential impacts of noise to those identified receivers.

Construction Impacts – Appropriate conditions of consent have been recommended to address any potential construction impacts as detailed in the draft consent conditions included as Attachment 1. This includes a Construction Environmental Management Plan (CEMP) which will be required to address matters including vegetation management, construction noise and vibration, dust management and waste minimisation.

Cumulative impacts – Overall it is considered that the cumulative impacts of the proposal are acceptable and includes consideration of the existing operations of the CWF. The proposal will not result in any significant adverse impacts in the locality and is acceptable subject to conditions of consent recommended at Attachment 1.

4.1.1 Section 4.15(1)(c) – Suitability of the site

The site is suitable for the proposed development, subject to the recommended conditions of consent included at **Attachment 1**, having had regard to the nature of the existing site conditions and the locality and the intended strategic planning outcomes for the site as a waste management facility.

4.1.2 Section 4.15(1)(c) – Public Submissions

The DA was advertised in accordance with the Council’s Community Engagement Strategy from 17 March to the 15 April 2025 and re-advertised from 15 April until 19 May 2025. A total of **4 submissions** were received, 2 of which have no objection. A copy of these submissions was made available to the applicant under GIPA and a response received. The issues raised in the submissions are considered below in **Table 9**.

Issue	Comments
Traffic - Increased traffic (trucks), trucks wear and tear on the road, safety around the school bus stop, Incorrect traffic data used	Traffic NSW has reviewed the proposal and no infrastructure upgrades based on performance, crash history, existing intersection geometry and traffic volumes are considered necessary. The sight distance is considered compliant with Austroads requirements. Include a condition for a Construction Traffic Management Plan (CMTP) recommended by Traffix.
General complaint including the length of the EIS and not enough time to review and respond as well as concerns about how the reports are prepared.	Community Consultation and Engagement has been detailed in the EIS and included several different means prior to the lodgement of the DA and included: Central Waste Facility Consultative Committee meeting twice annually October 2021. Advertised Public sessions Sept – Oct 2020, Media, Pre-DA community information session 11 August 2024 and Council workshops and meetings since 2020. Specialist reports were prepared by qualified consultants and SEARs has been addressed. The DA was advertised in accordance with legislative requirements for designated development and is considered suitable time to review the documentation submitted.
Noise	Noise and Vibration Assessment undertaken by Pulse White Noise Acoustics. Proposal complies with the EPA NSW Noise Policy for Industry. Mitigation measures are to be included as conditions of the consent.
Odour	Covered systems (such as the CASP proposed) further minimises risk of pollution, odour and negative environmental impacts to the surrounding area. Monitoring will be undertaken in accordance with management plans and conditions of consent. The site and process will need to be in accordance with NSW EPA General Terms of Approval and licence to ensure ongoing monitoring is undertaken to ensure Odours can be controlled.
Dust	Mitigation measures have been included in the draft conditions of Consent including a CEMP and on-going dust control procedures. Vehicles are to be covered and sealed with receival building covered and roads sealed. Dust monitoring points are established around the CWF site to ensure ongoing compliance.
Pest management	The site is located within a general rural area surrounded by farmland and agricultural uses. The applicant’s response to the concern regarding Pest Management is that the key management process for mitigating any impacts associated with pests at the OPF will be the timely movement of organic materials from the receival hall to the Covered Aerated Static Pile (CASP) system. As a result of the cover associated with the CASP system, organic material will be inaccessible to pests during the most likely period for impacts to occur. Following the completion of the CASP process, matured materials are unlikely to attract pests.

	Organic material entering the OPF site will be processed and placed in the covered CASP bays the same day. This timely processing of organic materials within the CASP will allow minimal time for cumulative impacts associated with other pests at the CWF to occur.
Stormwater and leachate management	Concern was raised that there were insufficient controls regarding stormwater and leachate management. The EIS suitably addresses the extent and sizing of Stormwater and leachate management required for the development. The Site has been designed to include three separate drainage systems: • Stormwater Diversion – clean stormwater from areas surrounding the site will be diverted to the existing stormwater dam on site to align with existing site conditions and separate it from process areas within the site. • Non-Process Water System – stormwater from non-process areas including receiving building, wash bay, and hardstand areas within the site will drain into the proposed underground rainwater tank via a proposed drainage pit & pipe drainage system. An underground rainwater tank has been sized to allow for capture of rainwater from the facility roof and surrounding hardstand areas to store water for re-use as part of the process. The rainwater tank overflows into a proposed bio-retention basin and then onto natural existing stormwater dam. • Process Water System – stormwater and run-off from process areas within the site will drain into a leachate dam. All leachate run-off generated will drain to the leachate dam under gravity or via a nominated collection system. The leachate dam has been nominally sized to accommodate up to 1160m³ as per the results of the leachate dam calculations explained later in this report. Monitoring will be undertaken in accordance with management plans and conditions of consent. An NSW EPA license and ongoing monitoring as part of that licence will continue moving forward.
Incomplete information regarding ongoing operations – end use products, their make-up, storage and transport.	Food and garden organics from the kerbside collection and self-haul garden organics will be taken to the facility, shredded, decontaminated and then placed into covered bays for composting for 6 weeks total. Material will then be matured for at least a further 6 weeks before being screened and transported off-site in bulk quantities to alternate facilities for sale, or directly to landholders for on-farm application. The facility will not be open to the general public.

4.1.3 Section 4.15(1)(c) – Public interest

The development is in the public interest and consistent with the planning controls (i.e. relevant SEPPs, LEP and DCP) as detailed within this assessment report. As detailed in the EIS, the provision of the OPF is to support the following focus areas set out in the NSW EPA's Waste and Sustainability Materials Strategy 2041 being to meet the future infrastructure and service needs and reduce carbon emissions through better waste and materials management; and comply with the NSW EPA Food and Garden Organics Mandate. These would provide improved servicing needs of the residents of the Bega Valley.

4.1.4 Referral to Planning Secretary

A precondition to the determination of a *designated development* application is that any submissions received must be referred to the Planning Secretary and the DA not determined until 21-day period has passed or has been waived by the Secretary. In accordance s.4.16(9), the submissions have been referred to the Secretary and the 21-day period has ended so that the provisions have been met and the DA can be determined.

5. REFERRALS

Agency referrals and concurrence

The DA has been referred to various government agencies and service providers for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 7**.

Table 7: Concurrence and Referrals to agencies			
Agency	Concurrence/referral trigger	Comments (Issue, resolution, conditions)	Resolved (Y/N)
Concurrence Requirements (s4.13 of EP&A Act) – the proposal did not trigger any legislation having concurrence requirements.			
Referral/Consultation Agencies			
Transport for NSW (TfNSW)	Section 2.122 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Sch 3.	No infrastructure upgrades based on performance, crash history, existing intersection geometry and traffic volumes are considered necessary. The sight distance is considered compliant with Austroads requirements. As recommended by Traffix include a condition for a Construction Traffic Management Plan (CTMP). No objections	Y
Fire Rescue NSW	s4.14 of EP&A Act - Consultation Development on Bushfire Prone Land	General advisory notes have been provided and are included in the draft consent.	Y
Essential Energy	For servicing and safe working distances	Additional information was requested from Essential Energy which was subsequently addressed by the Applicant. Conditions of consent are included to ensure adequate servicing of the development and construction works to comply with safety work practices.	Y
DPIE – Crown Lands	Adjoining neighbour	No objections from Crown Lands who noted that while the proposal does not directly impact on the Crown Estate, the applicant should ensure it does not undertake any activities on the Crown Land or use the Crown Land for any purposes associated with the development – Conditions are included in the draft consent.	Y
Integrated Development (s4.46 of the EP&A Act)			

NSW EPA	s43(b), s48 & s55 - scheduled activity Protection of the Environment and Operations Act 1997	General terms of approval were issued and are to be included in the conditions of consent. Monitoring will be undertaken in accordance with management plans and conditions of consent. An NSW EPA licence and ongoing monitoring as part of that licence will be required.	Y
Heritage NSW	Permit required under National Parks and Wildlife Act 1997.	General terms of approval were issued by Heritage NSW and are to be included in the conditions of consent.	Y
DPIE - Water	Approval is required under the <i>Water Management Act 2000</i> .	The Department of Planning and Environment-Water has reviewed the documents with the development application and considered that for the purposes of the Water Management Act 2000 (WMAAct); the proposed works are exempt from the need to obtain a controlled activity approval and no further assessment by this agency is necessary.	Y

6. CONCLUSION

The DA has been considered in accordance with the requirements of the EP&A Act and the Regs as outlined in this report. Following a detailed assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, the application can be supported. It is considered that the key issues associated with the proposal have been resolved satisfactorily and the proposed development is acceptable subject to the recommended draft conditions of consent at **Attachment 1**.

7. RECOMMENDATION

That the Panel grants consent to DA 2024.321 to permit the Construction of an Organics Processing Facility, associated structures and subdivision of land at 235 Wanatta Lane, Wolumla (Lot 402 DP 1191314) pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent at **Attachment 1**.