Conditions of approval

General

1. **Approved development plans**

The Development shall take place in accordance with the following plans, specifications and reports, except as may be amended in red on the approved plans and by the following conditions.

Plan, Specification or Report	Plan Reference and Date
Environmental Impact Statement - Organics Processing Facility prepared by Talis Consultants (Pty) Ltd and Appendix A-W and Y-BB	Central Waste Facility Organics Processing Facility (version 3.0) dated 18 December 2024
Revised Aboriginal Cultural Heritage Assessment Report prepared by AMC	Dated 28 May 2025
Stage 1 Plans Organic Processing Facility (15,000 TPA) by SOILCO	PR1121-OPF Sheets 01 - 07 Rev F, dated 8/07/2025
Stage 2 Plans Organic Processing Facility (30,000 TPA) by SOILCO	PR1121 Sheets A21-A27 Rev F, dated 08/07/2025
Associated Structures Design by SOILCO	PR1121-EP-200 Rev A Dated 15/01/25
Bega Compost Facility Civil Design Project Number 232321 by Tonkin Consulting	C0001 Rev C, 18/08/2025, C0005 Rev E, C0006 Rev B, 05/09/2025, C0011 Rev B, 26/03/2024, C0101 Rev D, C0102 Rev A, 18/08/2025, C0151 Rev B, 26/03/2024, C0201 Rev D, C0202 Rev B, 18/08/2025, C0251 – C0252, Rev C, 18/08/2025, C0251 – C0252, Rev C, 18/08/2025, C0253 Rev B, 18/08/2025, C0301 Rev D, C0302 Rev A, 18/08/2025, C0321 Rev B, 26/03/2025
FOGO Bega Diffused Aeration System	Date 04/07/25
Appendix F: Subdivision Plan by Michael Collins	J542 dated 18/07/2024
Memo, SOILCO Bega, Leachate and Stormwater Modelling and Management, Anderson Consulting	Dated 17 July 2025
Response to EPA Request for Additional Information, Air Quality and Odour Impact Assessment DA 2024.321,	BVSC Organics Processing Facility, The Odour Unit Dated 25 June 2025
NSW EPA Request for Additional Information, Air Quality and Odour Impact Assessment DA 2024.321,	BVSC Organics Processing Facility Dated 8.12.2025
Summary of responses addressing NSW EPA Request for Additional Information in relation to the Air Quality and Odour Impact Assessment dated 20 October 2025	DA 2024.321 Dated 8 December 2025

2. **Protection of the Environment Operations Act 1997 – Environment Protection Authority**

The applicant shall comply with the Environment Protection Authority General Terms of Approval of the Environment Protection Authority Notice: 1657492 dated 11 March 2026 included as an attachment to this development consent.

Note: The general terms of approval issued by the Environment Protection Authority are provided as attachment A to this development consent.

3. **National Parks and Wildlife Act 1974 - Heritage NSW**

The applicant shall comply with the Heritage NSW General Terms of Approval letter dated 21 July 2025.

Note: The general terms of approval issued by the Heritage NSW are provided as an attachment B to this development consent.

4. **DPHI – Crown Lands**

The development shall not:

a) Encroach upon the adjacent Crown land,

b) Remove any vegetation from the adjacent and adjoining Crown land,

c) Stockpile materials, equipment or machinery on the adjacent or adjoining Crown land,

d) Use the adjacent and adjoining Crown Land as access,

e) Direct stormwater or rainwater tank overflow discharges, septic or contaminated waste on the adjacent and adjoining Crown Land, or

f) Use the adjacent and adjoining Crown land as effluent management zone or as asset protection zone.

5. **Fire and Rescue NSW**

The applicant shall comply with the following fire safety requirements:

a) The proponent shall incorporate relevant components of the FRNSW Fire Safety Guideline Fire safety in waste facilities, and as identified in the Fire Safety Assessment (Fahrenheit Global).

b) Prior to occupation or commissioning an Emergency Plan (EP) is developed for the site in accordance with HIPAP No.11.

c) Prior to occupation or commissioning an Emergency Services Information Package (ESIP) is developed for the site in accordance with FRNSW fire safety guideline – Emergency services information package and tactical fire plans.

Bushfire Safety

6. **Bushfire Assessment Level requirement**

The development shall comply with the provisions of the bushfire management plan detailed in Appendix 2 on page 45 of the Bushfire Assessment Report prepared by Waratah Bushfire dated 28 October 2024.

7. **Maintenance of APZ's**

Asset Protection Zones are to be located and maintained at all times wholly within the boundaries of the development site. The entire site within the fenced boundaries is to be managed and maintained in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019* (PBP) and the NSW Rural Fire Service's document Standards for asset protection zones.

8. **Water supply**

The fire safety requirements for the hydrant system, will be in line with AS 2419.1-2021 - Fire hydrant installations, Part 1: System design, installation and commissioning and the FRNSW Guidelines "Fire Safety in Waste Facilities" shall be implemented and maintained as detailed in the Fire Safety Assessment by Fahrenheit Global.
The total tank capacity required, as per AS 2419.1-2021, is to be calculated as follows:

a) Total flow rate of 20 L/s (2 hydrants flowing simultaneously each at 10 L/s)
b) Total Tank Effective Capacity Required: 288,000 L
c) The total capacity shall be divided in two separate tanks to allow for maintenance and redundancy.
d) Split the tanks into two, with each having a minimum effective capacity of 144,000 Litres to supply the hydrant system.

9. **Electricity Supply**

Electricity supply shall be designed and constructed in accordance with the recommendations of Section 5.6 of the Bushfire Assessment Report by Waratah Bushfire dated 28 October 2024 and the requirements of the electricity provider

10. **Landscape**

Landscaping shall be installed and maintained to comply with Table 7.4A and Appendix 4 of Planning for Bushfire Protection Guidelines 2019, and shall comply with the following requirements;

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

11. **Access**

Property access roads must comply with the requirements of table 7.4a of Planning for Bushfire Protection guidelines 2019, as follows;

a. Property access roads are two-wheel drive, all-weather roads;
b. The capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes).
c. There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
d. Minimum 4m carriageway width;
e. In forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
f. A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
g. Property access must provide a suitable turning area in accordance with Appendix 3;
h. Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
i. The minimum distance between inner and outer curves is 6m;
j. The crossfall is not more than 10 degrees;
k. Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

12. **Leachate Disposal**

No approval is given for the disposal of leachate other than via:

(a) Evaporation;

(b) Irrigation within the leachate dam or within the Organics processing site; or

(c) Disposal at a facility licensed to accept such waste.

Irrigation of leachate within the organics processing facility site must only be undertaken such that ponding or run off does not occur.

Once sufficient details of leachate generation and quality have been obtained through the leachate monitoring program, application can be made to Council to modify the means of disposal of the leachate.

Prior to issue of a Construction Certificate and/or Subdivision Works Certificate

13. **Erosion and sediment control plan**

Before the issue of a construction certificate and/or or subdivision works certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Council,

a) Council's relevant development control plan,

b) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and

c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

14. **Subdivision Works Certificate Required - Obtain approval for subdivision works**

A Subdivision Works Certificate (SWC) is required prior to commencing subdivision works approved via this development consent.

The subdivision works should be detailed on plans, prepared by a qualified Civil Engineer, issued for construction and provided to the certifier OR council in accordance with the following documents –

a) DA civil concept plans Number 232321 by Tonkin Consulting 18/08/25.

b) Council's Development Design Specifications.

The plan is to be accompanied by a design compliance certificate.

15. **Compliance with the Building Code of Australia**

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that code as in force on the date the application is made for the relevant construction certificate.

16. **Payment of Long Service Levy**

The payment of a long service levy is required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986.*
Proof of payment is to be submitted to Council.
The levy can be paid through the LSL Portal at www.longservice.nsw.gov.au

Note: The Long Service Levy is a State Government Levy, not a Council fee.

17. **Structural Engineers details**

The following details from a suitably qualified and insured Structural Engineer shall be submitted for assessment when applying for a Construction Certificate:

1. Footings
2. Reinforced concrete slabs
3. Retaining walls over 600mm in height
4. Structural steelwork, and
5. Wall, subfloor bracing and tie-down requirements

18. **Internal access roads and Car Parking Spaces**

Car Parking spaces and internal configuration are to be designed by a suitably qualified and insured Engineer with the requirements of AS2890.1 (2004 and AS2890.2 (2018) and AS2890.6 (2022). A minimum of 6 car parking spaces are required on site.

19. **Other approvals**

The development shall comply with the other approvals issued pursuant to *Section 4.12(5)* of the *Environmental Planning and Assessment Act, 1979* (under Section 68 of the *Local Government Act 1993)*, being:

- Carry out stormwater drainage work
- Install and operate a System of Onsite Sewage Management

20. **Section 68 LG Act approval required to carry out stormwater drainage works**

Before the issue of the relevant Construction Certificate, obtain approval under Section 68 of the Local Government Act for stormwater drainage works including conveyance of upstream flows within and downstream of the site.

A detailed stormwater management plan must be prepared by a qualified hydraulic or civil engineer and provided to council in accordance with the following documents –

a) DA stormwater concept plans by Number 232321 by Tonkin Consulting 18/08/25.
b) AS3500.3 – Plumbing and Drainage, Part 3.1 – Stormwater Drainage.
c) Councils stormwater guidelines for development.
d) Council's Development Design Specification D5

The plan is to be accompanied by a design compliance certificate.

21. **Soil and Water Management Plan (SWMP)**

A Soil and Water Management Plan (SWMP) is to be prepared for construction in accordance with the 2020 Water Sensitive Urban Design (WSUD) Developer Handbook – Music Modelling and Design Guide and with Council's Development Design Specification D7, Erosion Control and Stormwater Management. The SWMP shall be implemented prior to earthworks and construction activities commencing, outlining suitable erosion and sediment controls.

22. **Access and sanitary facilities in accordance with BCA and AS1428**

The plans shall demonstrate compliance for access for people with disabilities and must be provided in accordance with the requirements of the Building Code of Australia; relevant Australian Standards and with regard to the Disability Discrimination Act 1992.

Note: Disability Access to Premises Standards 2010 – As of May 2011, if access is provided to the extent covered by these standards, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

Prior to construction work commencing - general

23. **Construction Certificate must be obtained**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing. A construction certificate certifies that the provisions of Clauses 79A-79H of the *Environmental Planning and Assessment Amendment Regulations 1998* have been satisfied, including compliance with the Building Code of Australia and conditions of development consent.

24. **Section 90 Aboriginal Heritage Impact Permit**

Prior to any works commencing for the development, a Section 90 Aboriginal Heritage Impact Permit must be obtained from the NSW Office of Environment and Heritage.

25. **Appoint Principal Certifying Authority**

The person having the benefit of the Development Consent, and a Construction Certificate shall:

a) appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and

b) notify Council of their intention to commence the erection of the building (at least 2 days notice is required).

The Principal Certifying Authority shall determine when inspections and compliance certificates are required.

26. **Signs**

Signs are to be provided at the front of the property or in a prominent location, and shall contain the following details: -

- owner's name, lot number and street number
- a rural address number (when relevant) provided at the entrance of the property (e.g. affixed to an entrance gate)
- signage must clearly identify the Principal Certifying Authority (PCA) and contact number
- that unauthorised entry to the work site is prohibited
- details of the Principal Contractor (i.e. the coordinator of the building work).

27. **Certification and inspection of subdivision work**

The subdivision works must be inspected by Council's inspector in accordance with the Construction Certificate plans and Council's Development Design and Construction Specifications.

Typically, inspections are required at, but not limited to, the following stages.

a. After placement of all signs and control measures in accordance with the approved Traffic Control Plan

b. After stripping of topsoil from roads and fill areas, all Soil & Water Management Plan controls shall be in place at this stage

c. After completion of road subgrade

d. After placement and compaction of each layer of gravel pavement material

e. During application of bitumen seal or asphaltic concrete wearing surface

f. After laying and jointing of all stormwater pipelines prior to backfilling

g. After surface preparation, placing reinforcement and prior to pouring concrete for roads and driveways

h. After completion of works

i. As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls

It should be noted that Council charges fees for inspections and certificates.

The developer must complete quality assurance testing of all public asset works in accordance with the inspection and testing plans detailed in Councils Development Construction Specifications.

Testing results shall be provided throughout the construction phase of the development.

28. **No works until erosion and sediment controls in place**

Before any site work commences, Council or the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with ‘Managing Urban Stormwater: Soils and Construction’ prepared by Landcom (the Blue Book) (as amended from time to time).

29. **Notification of the commencement of construction works and contractor’s insurance**

The developer shall notify Council in writing of their intention to commence construction works. At least 2 days’ notice is required.

Each construction contractor must hold current public liability insurance (minimum $20,000,000.00) endorsed to note the contractor and Council for their rights and interests. Evidence shall be provided with the notification to commence works.

30. **Protect trees and sensitive areas during construction**

Before starting any site works, all trees to be retained must be enclosed with protective fencing to prevent them being damaged during the construction period in accordance with Australian Standard 4970:2009 Protection of Trees on Development Sites.

Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in this report.

31. **Traffic Guidance Scheme / Construction Traffic Management Plan (CTMP)**

No work shall be carried out within six metres of the carriageway of a public road subject to motor vehicle traffic until Council has sighted a satisfactory Traffic Guidance Scheme relating to that work, and the relevant Roads Authority has issued any associated Roadworks Speed Limit.

The Traffic Guidance Scheme shall be prepared by a person who is authorised by the Roads and Maritime Services to prepare these plans. Evidence of Traffic Control at Worksites Certification must be submitted with the Traffic Guidance Scheme.

All measures described in the Traffic Guidance Scheme shall be implemented and maintained for the duration of any work within/adjacent to the road carriageway.

During construction - general

32. **Construction hours**

Works shall be confined to normal working hours, being 7.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays, (no work on Sundays or Public Holidays) and in a manner so as not to cause a nuisance (by the generation of unreasonable noise or other activity) to the owners and/or residents of adjoining and adjacent properties.

33. **Copy of plans onsite**

The builder must at all times maintain on the job, a legible copy of the all the relevant plans and specifications bearing the stamp and development consent of Council.

34. **Protection of adjoining areas**

(1) A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or

b) Could cause damage to adjoining lands by falling objects, or

c) Involve the enclosure of a public place or part of a public place.

35. **Implementation of Soil and Water Management Plan (SWMP)**

Construction and maintenance of all erosion and sediment control works necessary to ensure that the quality of stormwater discharged from this development site, both during and after the construction period, is similar to the quality of stormwater runoff from the site in an undeveloped state as documented in the approved Soil and Water Management Plan.

Note: The responsibility for the maintenance of all works constructed for controlling stormwater quality shall remain with the developer until the end of the defects liability period except where an extended maintenance condition has been imposed.

36. **Progressively stabilise and rehabilitate site works**

All ground disturbed because of the development must be progressively stabilised and rehabilitated so that it no longer acts as a source of potential sediment.

37. **Maintain control measures at or above design capacity**

All sediment control measures must be maintained at, or above their design capacity.

38. **Manage stormwater**

When building roof structures are in place, roof water is to be managed in a manner that reduces the likelihood of erosion. The stormwater system must prevent sediment from being eroded from the site and deposited downstream. The roof water system must be functional before roof runoff begins.

39. **Dust control requirements**

During excavation and construction works, dust emissions must be minimised so as not to result in a nuisance to nearby residents or result in a potential pollution incident. Adequate dust control measures must be provided prior to the works commencing and the measures and practices maintained to the satisfaction of Council.

40. **Stabilised access to construction site**

During construction, vehicular access must be confined to approved areas. Where practicable, access must be stabilised and confined to one location.

41. **Biosecurity**

Ensure all vehicles/machinery entering the site are clean and weed free and that appropriate weed/pathogen hygiene practices are employed. A number of High Threat Weeds, African Lovegrass in particular, and Weeds of National Significance (Blackberry and Fireweed) occur on the Subject Land.

Strict weed control precautions must be implemented to manage this risk of spread of these noxious weeds during construction and landscaping. The developer is required to monitor the site and treat for new weeds for at least two years after construction activities to avoid spread of introduced weeds.

42. **Maintenance of site**

a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is obtained.

b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at the waste management facility.

c) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

d) During construction:

i) All vehicles entering or leaving the site must have their loads covered, and

ii) All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

e) At the completion of the works, the work site must be left clear of waste and debris.

43. **Earthworks, retaining walls and structural support**

a) Any earthworks (including any structural support or other related structure for the purposes of the development):

i) Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and

ii) Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and

iii) That is fill brought to the site – must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and

iv) That is excavated soil to be removed from the site – must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

b) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-643-785442) published in July 2012 by Safe Work Australia.

44. **Construction noise and vibration**

Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents. The relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times and mitigation measures are specified in the Noise and Vibration Assessment 230099 Revision 8 by Pulse White Noise Acoustics dated 10 October 2024 (Appendix AA).

45. **Toilet facilities**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

(a) Be a standard flushing toilet connected to a public sewer, or

(b) Have an on-site effluent disposal system approved under *Local Government Act 1993*, or

(c) Be a temporary chemical closet approved under the *Local Government Act 1993*.

46. **Garbage receptacle**

(2) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

(3) The garbage receptacle must have a tightfitting lid and be suitable for the reception of food scraps and papers.

Prior to Occupation or Use

47. **Occupation Certificate must be obtained**

An **Occupation Certificate** must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 6.9 of the *Environmental Planning and Assessment Act 1997* have been satisfied.

If you have obtained an Occupation Certificate that only covers part of the development a further Occupation Certificate for the whole development must be obtained within 5 years of the partial Occupation Certificate being issued.

48. **Bushfire Emergency Management and Evacuation Plan**

Effective emergency planning is required to ensure that the Bushfire Emergency Management and Evacuation Plan is prepared in the event of an emergency, providing for the safety of site personnel, emergency responders and the community. A Bush Fire Emergency Management and Evacuation Plan must be developed for the project and approved by Council before the issue of an Occupation Certificate.

49. **Implementation of Operations Environmental Management Plan**

During operations, implementation of Operations Environmental Management Plan (OEMP) is required and will include details of (but not limited to) Leachate Management, Stormwater Management, Spill Prevention and Response Plan, Machinery Maintenance Procedures, and Dust control procedures. The OEMP must be submitted and approved by Council before the issue of an Occupation Certificate.

50. **Carparking areas designed in accordance with BVDCP2013**

All on-site car parking, loading/unloading areas and their associated driveways shall be constructed and clearly defined, or line marked for the approved use in accordance with the Approved Development Plan and Bega Valley Council's Development Control Plan (BVDCP2013).

51. **Fire safety upgrade**

A Final Fire Safety Certificate must be issued for the building. As soon as practicable after a Final Fire Safety Certificate is issued, the owner of the building to which it relates must:

a) provide a copy of the certificate (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and

b) provide a copy of the certificate (together with a copy of the current fire safety schedule) is also prominently displayed in the building.

52. **Revegetation of disturbed areas - Landscaping**

Minimal site disturbance shall be caused to the site during construction works. Any disturbed areas are to be reinstated and revegetated to the satisfaction of Council.

Native vegetation of local provenance and non-invasive grasses should be used in all revegetation and future landscaping works. Avoid use of identified Weed Species in Section 5 of BVSC's Landscaping Guidelines: BVSC Landscaping Guidelines.

Landscaping to predominantly include species from Plant Community Type 3332 *Lowland Grassy Woodland*. Native plants and seed sources of local provenance should be used. A list of species is available from Council's Environment Team on request.

Prior to issue of Subdivision Certificate

53. **Obtain subdivision certificate**

The subdivider must obtain a Subdivision Certificate from the consent authority before the plan of subdivision can be registered by NSW Land and Property Information. All conditions of consent must be satisfied or suitable bonding arrangements (where permitted) made with Council, before a Subdivision Certificate can be issued.

54. **Documentary evidence of compliance with conditions**

The applicant shall submit to Council suitable documentary evidence to confirm compliance with all relevant conditions of this Consent relating to the subdivision of land.

54. **Easements for services**

The plan of subdivision shall establish easements for services as necessary to provide for the connection of water supply, sewerage, electricity and telecommunications services.

55. **Right of access**

The plan of subdivision shall establish right(s) of access in accordance with Councils DCP to contain the full extent of the access formation to provide the physical access to that land.

56. **Essential Energy**

As part of the subdivision, an easement is to be created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.

A distance of 10 metres from the nearest part of any proposed development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk.

Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

57. **Subdivision - evidence of service supply - electricity**

Each allotment in the proposed subdivision shall be serviced with electricity at no cost to Council. A Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

58. **Evidence of service supply – telecommunications in subdivisions**

The developer is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:

(i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots.
Written confirmation that the carrier is satisfied that the fibre ready facilities are fit for purpose is also required, and

(ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: *Real estate development project* has the meaning given in Section 372Q of the *Telecommunications Act.*

59. **Subdivision works in accordance with accepted construction documents**

All subdivision works required by this consent shall be completed. These works shall be constructed in accordance with the Subdivision Works Certificate, associated construction plans, Council's Development Construction Specifications and conditions of this consent.

A Completion of Engineering Works Certificate must be obtained from Council to demonstrate that all subdivision works have been completed to a satisfactory standard. Prior to issue of the completion of engineering works certificate a report containing all quality assurance testing results shall be provided to council.

60. **Defects liability period for subdivision works**

The developer is liable for maintenance of the works to which the Subdivision Works Certificate relates. The developer shall;

a) Remedy any defects in the subdivision works that arise within 12 months after the plan of subdivision is registered with NSW Lands Registry Services,

b) Making good any damage caused to any property of Council as a consequence of the doing of anything to which the consent relates,

In this regard the developer must enter into a bonding deed with Council prior to the issue of the subdivision certificate. In this regard the developer shall provide Council a cash bond or bank guarantee in an amount equivalent to 5.0% of the final construction value of the subdivision works for which Council is accepting maintenance responsibility for.

The funds realised from this security may be paid out by Council to meet any costs referred to in paragraph (a) or (b) above. A bond administration fee will be payable to Council, as per the latest schedule of fees and charges.

At the cessation of the maintenance period the developer must write to Council to request release of the bond. A final inspection will be required prior to release of the bond.

61. **Works as executed plans**

Council shall be provided with the following works as executed plans for all subdivision works:

a. A PDF copy of the subdivision works certificate plans clearly marked up to show all variations from the approved design.

b. AutoCAD DWG or DXF file that includes the as-built details of all works. The map projection in the drawing shall be GDA2020 zone 55 and different infrastructure elements shall be delineated into different drawing layers.

Works as executed plans must be prepared and certified by an experienced Surveyor or Professional Engineer as a complete and accurate record of the work.

Conditions of use / during occupation

62. **Hours of operation**

The hours of operation for the development shall be confined to:

Monday to Friday	8.00am to 4.00pm
Sunday	Closed

Exceptions: Out of hours works are only permitted in the following instances:

• Works which are determined to comply with the relative Noise Management Level (NML) at the most affected sensitive receiver;

• The delivery of materials as required by police or for other safety reasons;

• Where it is required to avoid the loss of lives, property and/or to prevent environmental harm; or

• Where agreement is reached with affected receivers work may also be undertaken where explicitly approved through an Environmental Protection Licence.

63. **Environment Protection Licence**

The development shall be operated in accordance with the conditions on the Environment Protection Licence (EPL) issued by the NSW Office of Environment and Heritage (OEH).

64. **Air Quality / Dust / Odour**

Implementation of the measures specified in the Air Quality and Odour Assessment N2375_01 – Revision 3.1 by The Odour Unit dated 11 December 2024. (Appendix O). The owner of the business must take all possible precautions to prevent or minimise air pollution from operation of the business.

65. **Noise / vibration from premises**

Compliance with measures as specified in Noise Impact Assessment by Pulse White Noise Acoustics 230099 Revision 8 dated 10 October 2024. (Appendix AA).

The owners of the business shall take all reasonable precautions to ensure that the business activity does not produce offensive noise as defined in the Protection of the Environment Operations Act 1997, measured at the site boundaries.

66. **Operation of the Business: Water and Soil Pollution**

The owner of the business must take all possible precautions to prevent oil, grease, or other pollutants to enter sewer, stormwater or contaminate soil as detailed in Section 120 of the Protection of the Environment Operations Act 1997. Preventative measures include:

- the installation of equipment to remove suspended matter, oil, grease, and any other pollutants
- regular cleaning and maintenance of equipment
- keep stormwater drains clean and free from any pollutants or debris
- clean up spilt liquids with absorbent material (such as diatomaceous earth)
- dispose of waste appropriately at a licensed waste facility.

67. **Quality Control**

The finished compost product must meet Australian Standard AS4454:2012 soil conditioners and mulches and the relevant NSW Environment Protection Authority's Resource Recovery Order (RRO) for land applications of organics. Ongoing quarterly sampling for quality control is required and to be submitted to Council within one month of sampling to ensure for compliance.

68. **Leachate monitoring program**

Leachate monitoring program shall be undertaken quarterly during the operation of the site as follows:

(a) Provide data that would assist with the minimisation of the volume and concentration of leachate;

(b) Minimise the leachate head build-up over the CASP bays;

(c) Ascertain any correlation between leachate quality and impacted groundwater.

69. **Erection of signage**

No advertising sign shall be erected, painted or displayed without prior approval from Council except those in accordance with any Council or State exempt provisions.

70. **Annual fire safety statement – essential fire safety – Class 2-9**

The owner of a building, to which an essential fire safety measure is applicable, shall provide Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

a) deal with each essential fire safety measure in the building premises, and

b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

71. **Comply with Local Government Act 1993 approvals**

The owners and occupiers must comply with all other approvals issued under the Local Government Act 1993, including:

- Section 68 Approval to Install a System of Onsite Sewage Management
- Section 68 Approval to Operate a System of Onsite Sewage Management

72. **Chemical and fuel storage and bunding**

All chemicals stored onsite must be stored in accordance with relevant Material Safety Data Sheets and contained in bunded areas sized to contain the storage volume.

Advisory notes

Location of building

It is the owner's responsibility to ensure that the building is located on the correct block of land, is located free of any easements/services and satisfies the necessary setbacks as specified by Council's Codes for Local Government Legislation.

Existing structures

No approval of existing buildings or structures is granted or implied by this consent.

Essential Energy

Essential Energy makes the following general comments:

a) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;

b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;

c) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995 (*NSW);

d) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets*.

Utility services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

Dial before you dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

National Parks and Wildlife Act

The developer's attention is drawn to the requirements of the *National Parks and Wildlife Act 1974* with respect to the conservation of Aboriginal archaeology.

As a landowner and/or developer you have a responsibility to not disturb or destroy any such item.

If any objects which are suspected of being Aboriginal, including human remains, are identified during development, the following procedure must be followed;

- Immediately cease all work at the particular location
- The find and the immediate area must not be unnecessarily disturbed
- The area of the find must be marked as a no-go area to ensure no inadvertent impacts occur
- Notify the Heritage NSW via the Environment Line on 131 555
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW

Biosecurity Act 2015

All landowners should be aware of their General Biosecurity Duty under the provisions of the *Biosecurity Act 2015* which states; *"any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised".*

For information on Priority Weeds and the South East Regional Strategic Weed Management Plan contact Council's Vegetation Management Team on 6499 2222.

Change of contact details

It is the applicant's responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.

Carparking calculations

Car parking requirements have been calculated on the basis of the specified use. Should any change of use be contemplated car parking requirements may need to be re-assessed.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an office under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact:

Telstra's Network Integrity Team on Phone Number 1800 810 443

Reasons for the Determination and Consideration of Community Views

- The proposed development, subject to the specified conditions, is consistent with the objectives of the applicable environmental planning instruments, being:
    - Bega Valley Local Environmental Plan 2013

  - State Environmental Planning Policy (Biodiversity and Conservation) 2021
  - State Environmental Planning Policy (Planning Systems) 2021
  - State Environmental Planning Policy (Transport and Infrastructure) 2021.

- The proposed development is, subject to the specified conditions, consistent with the objectives of the Bega Valley Development Control Plan 2013.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, subject to specified conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is in the public interest.

Reasons for conditions

The above conditions are in the public interest to reduce any potential environmental impact and to ensure the proposed development complies with:

- the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations
- any environmental planning instruments applying to the subject land
- Council's codes and policies
- *Section 94/94A Development Contribution Plan*.

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to appeal to the Land and Environment Court. Section 8.10 of the Act specifies the time within which appeals may be made.

Section 8.7 of the *Environmental Planning and Assessment Act 1979* does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

For the purposes only of Section 8.7 of the *Environmental planning and Assessment Act 1979*, if this consent is a deferred commencement consent under Section 4.16 of the Act, Council is deemed to have notified the applicant that Council is not satisfied as to the deferred commencement conditions after 28 days from the date the applicant has provided the applicant's evidence."

Designated Development

An objector who is dissatisfied with this determination may, within 28 days after the date on which notice of the determination was given in accordance with the regulations, and in accordance with rules of court, appeal to the Court.

Review of determination

Section 8.2 of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within sufficient time so as to allow Council to determine the application within the time prescribed by Section 8.3 and be accompanied by the fee prescribed by Section 257 of the Environmental Planning and Assessment Regulation 2000. Review provisions do not apply to a determination:

a) to issue or refuse to issue a complying development certificate, or

b) in respect of designated development, or

c) in respect of integrated development, or

d) made by the Council under Section 116E in respect of an application by the Crown.

Kelli White

Town Planner

FOR BEGA VALLEY SHIRE COUNCIL

General Terms of Approval

Bega Valley Shire Council
PO Box 492
Bega NSW 2550

Attention: Kimberley Rushbrook

Notice Number 1648570

CNR-79557 - Bega Valley Shire Council - New Organics Processing Facility - Wanatta Lane Wolumla - DA2024.321

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

General Terms of Approval – Issued

I refer to the development application and accompanying information provided for the proposed Organic Composting Facility at 235 Wanatta Ln, Wolumla NSW 2550 received by the Environment Protection Authority (EPA) on 7 March 2025 and subsequent information received on 22 September 2025, 24 September 2025 and 8 December 2025.

In the assessment of the proposal, the EPA has identified that a staged approach, as specified in Special Condition E1 of these General Terms of Approval - "Composting Volumes" is appropriate. This requires the proponent to apply for the increased composting volume of 30,000 tpa following a comprehensive assessment of the environmental performance (as detailed in E1, items a-e).

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to conditions. The applicant will need to make a separate application to the EPA to obtain this licence. The EPA website explains how to apply for a licence (https://www.epa.nsw.gov.au/licensing-and-regulation/licensing).

Licensing Conditions

I also draw your attention to the General Terms of Approval at Attachment A and Attachment B, which are conditions intended for the environment protection licence for this proposal. Attachment A includes conditions specific to this proposal and Attachment B includes mandatory conditions for all EPA licences. Attachment A and Attachment B **should not** be attached as conditions of consent.

These General Terms of Approval relate to the development as proposed in the documents and information currently provided to the EPA. If the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its General Terms of Approval need to be modified.

If you have any questions or wish to discuss this matter, further please contact Hannah Copeland on 131555 or via info@epa.nsw.gov.au.

Yours sincerely

Janine Goodwin

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Janine Goodwin

Unit Head

Environment Protection Authority

(by Delegation)

Attachment A – Specific conditions for DA2024.321

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA2024.321 submitted to Regional Planning Panel on 12 February 2025;
- the statement of environmental impact statement titled *Environmental Impact Statement - Organics Processing Facility* prepared for Bega Valley Shire Council by Talis Consultants dated 18 December 2024; and
- all additional documents supplied to the EPA in relation to the development, including:

a) EIS Central Waste Facility Organics Processing Facility (Version 3.0) – Talis Consultants – 18 December 2024

b) Noise and Vibration Assessment - Appendix AA – Revision 8 - Pulse White Noise Acoustics – 10 October 2024

c) Air Quality and Odour Impact Assessment – Appendix O – Revision 3.1 - Talis Consultants – 11 December 2024

d) Hydrology Assessment – Appendix T – Revision D - Surface Water Solutions – 25 November 2024

e) Memo - SOILCO Bega – Leachate and Stormwater Modelling and Management - Anderson Consulting - 17 July 2025

f) Response to EPA Request for Additional Information – Air Quality and Odour Impact Assessment DA 2024.321 – BVSC Organics Processing Facility - The Odour Unit - 25 June 2025

g) NSW EPA Request for Additional Information – Air Quality and Odour Impact Assessment DA 2024.321 – BVSC Organics Processing Facility - 8.12.2025

h) Summary of responses addressing NSW EPA Request for Additional Information in relation to the Air Quality and Odour Impact Assessment dated 20 October 2025 for DA 2024.321 – 8 December 2025

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L.1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled “Waste” and meeting the definition, if any, in the column titled “Description” in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled “Activity” in the table below.

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

Code	Waste	Description	Activity
N/A	Organics - Putrescible	Food and Garden Organics	Composting
N/A	Organics - Non Putrescible	Garden Organics	Composting

Note: The combined limit of waste detailed in the table above received at the premises must not exceed 15,000 tonnes per year.

L3. Noise limits

L3.1 Noise from the premises must not exceed:

- an LA10 (15 minute) noise emission criterion of 50dB(A) 7am to 6pm Monday to Saturday.
- an LA10 (15 minute) noise emission criterion of 40dB(A) during all other periods.

Definition

LA10(15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

L3.3 For the purposes of condition L3.3:

a. The meteorological conditions are to be determined from meteorological data obtained from a meteorological weather station nominated by the licensee and approved by the EPA.

b. Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017):

i. Use of sigma-theta data (section D1.4).

L3.4 To assess compliance:

a. with the LAeq (15 minutes) in condition L3.1 and L3.3, the noise measurement equipment must be located:

(i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,

(ii) in an area within 30 metres of a residence facade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,

(iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve, (iv) at any other location identified in condition L3.1

b. with the LAeq (15 minutes) in condition L3.1 and L3.3, the noise measurement equipment must be located:

(i) at the reasonably most affected point at a location where there is no residence at the location; or,

(ii) at the reasonably most affected point within an area at a location prescribed by condition L3.5 (a).

L3.5 A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5 (a) or L3.5 (b).

NOTE to L3.5 and L3.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L3.6 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L3.7 Subject to any express provision to the contrary in this licence, measurement and analysis of noise required by this licence must be done in accordance with the Approved Methods for the Measurement and Analysis of Environmental Noise in NSW

Hours of operation

L4.1 All construction work at the premises must only be conducted between 7am and 6pm Monday to Friday, 8am to 1pm Saturday and no works permitted on Sunday and Public Holidays.

L4.2 Activities at the premises, other than construction work, may only be carried on between 8am to 4pm Monday to Saturday. No works are permitted on Sunday and public holidays.

L4.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4 or L6.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L4.4 The hours of operation specified in conditions L6.4 and L6.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

O1. Odour

O1.1 All operations and activities occurring at the premises must be carried out in a manner that prevents or minimises the emission of air pollutants, including odour from the premises.

O1.2 No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O2.3 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Stormwater and sediment control - Construction Phase

O3.1 A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

O4. Stormwater and sediment control - Operation Phase

O4.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

O5. Leachate Management

O5.1 All leachate generated at the premises must be captured and directed to the leachate management system.

O5.2 Any leachate generated at the premises must only be disposed of in the following ways:

a. Reuse in the composting process within the processing building; or
b. Lawful transport off the premises to a licensed facility that is lawfully permitted to accept leachate.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

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

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

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

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

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

the point at which the sample was taken; and

the name of the person who collected the sample.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Special Conditions

E1. Composting Volumes

E1.1 No more than 15,000 tonnes per annum of Food and Garden Organics (FOGO) can be received and composted at the premises.

E1.2 The licensee can apply to the EPA to increase the capacity of the FOGO compositing to 30,000 tonnes per annum.

E1.3 An application to increase the capacity of FOGO composting up to 30,000 tonnes per annum must include:

a. An odour assessment conducted in accordance with the EPA's *Approved methods for the modelling and assessment of air pollutants in NSW*. The odour assessment be based on:

   i Site specific odour sampling for all odour sources at the premises.

   ii Meteorological data that has been validated against meteorological data at the premises and/or modelling that incorporates site specific meteorological data into the modelling scenarios.

b. An analysis of any odour complaints received, and the actions taken to address the complaints.

c. Any site-specific odour surveys undertaken to investigate and/or verify any odour complaints received.

d. Where odour complaints have been received, the application must benchmark the odour mitigation and management practices against best practice.

e. A demonstration, based on items a to d that the premises can comply with the no offensive odour provisions of the POEO Act (Section 129).

Attachment B – Mandatory Conditions for all EPA licences

Administrative conditions

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

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

must be maintained in a proper and efficient condition; and

must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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

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

Telephone complaints line

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

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

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

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

a. Statement of Compliance; and

b. Monitoring and Complaints Summary.

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

Period covered by Annual Return

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

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

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

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

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

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

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

a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or

b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

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

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee’s control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

a. the assessable pollutants for which the actual load could not be calculated; and

b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

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

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

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

a. the licence holder; or

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

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA’s Pollution Line service on 131 555.

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

Written report

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

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

b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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

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

a. the cause, time and duration of the event;

b. the type, volume and concentration of every pollutant discharged as a result of the event;

c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and

d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;

g. any other relevant matters.

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

General conditions

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

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

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

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

Department of Climate Change, Energy, the Environment and Water

NSW GOVERNMENT

HMS Application ID: 9509

Ms Kelli White
Bega Valley Shire Council
PO BOX 492
Bega NSW 2550
Email: kwhite@begavalley.nsw.gov.au
Letter uploaded to the NSW Planning Portal

Address: 253 Wanatta Lane, Wolumla

Proposal: Construction of a 30,000 tonne per annum covered aerated static pile composting facility, covered receivals hall, administration building, pads for compost maturation, leachate ponds and associated infrastructure.

Development Application no: 2024.321, CNR-79557, A-97975. **Received:** 7 March 2025.

Subject: General Terms of Approval for Integrated Development Application, *National Parks and Wildlife Act 1974*

Dear Ms White

This letter contains our general terms of approval for the above integrated development application that will require an Aboriginal Heritage Impact Permit pursuant to s.90 of the *National Parks and Wildlife Act 1974*. We note that:

- We requested further information on 27 March 2025 (HMS 9509).
- A revised final report 'Aboriginal Cultural Heritage Assessment Report Lot 402/-/DP1191314 Bega Central Waste Facility, 235 Wanatta Lane, Wolumla NSW 2550' prepared by AMAC dated 28 May 2025 was uploaded to the portal on 17 July 2025.

We have reviewed the revised Aboriginal Cultural Heritage Assessment Report (ACHAR), prepared by AMAC dated 28 May 2025. The ACHAR and Appendix A: Aboriginal Archaeological Technical Report have identified that Aboriginal objects known as stone artefact site 62-6-0861 will be impacted from the proposal and stone artefact sites 62-6-0862 and 62-6-0865 will be partially impacted by the proposal.

Sites 62-6-0864 (culturally modified tree) and 62-6-0866 (artefact site) will be avoided by the works and protected. An artefact of site 62-6-0862 will be protected by a metal fencing enclosure. An Aboriginal heritage management plan is proposed to be developed with Registered Aboriginal Parties to ensure sites remaining are protected and not inadvertently impacted.

Mitigation is proposed in the form of community collection of the impacted portions of sites 62-6-0861, 62-6-0862 under an Aboriginal Heritage Impact Permit.

The report also refers to proposed erosion gully remediation works that do not form part of the current development application 2024.321.

Public submissions were uploaded to the portal on 18 and 27 June 2025. No submissions referred to Aboriginal cultural heritage matters.

Considering the above, and in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

Approved development

1. Development must be in accordance with:
    a. Aboriginal Cultural Heritage Assessment Report Lot 402/-/DP1191314 Bega Central Waste Facility, 235 Wanatta Lane, Wolumla NSW 2550 including Appendix A: Aboriginal Archaeological Technical Report (AMAC, 28 May 2025) for works covered by the current development application 2024.321 only.
    b. Environmental Impact Statement Organics Processing Facility (Talis Consultants, 18 December 2024).
    c. Bega Valley Shire Council Organics Processing Facility 15,000TPA LOT 402 DP1191314 Wanatta Lane, Wolumla, NSW Proposed Layout (Soilco Developments, 15 January 2025).

Except as amended by the following general terms of approval:

2. A s.90 Aboriginal Heritage Impact Permit for the proposed works must be sought and granted prior to the commencement of works https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/aboriginal-objects-and-places
3. The Aboriginal Heritage Impact Permit application must be accompanied by appropriate documentation and mapping as outlined in *Applying for an Aboriginal Heritage Impact Permit: Guide for applicants* https://www.environment.nsw.gov.au/publications/applying-aboriginal-heritage-impact-permit-guide-applicants
4. Consultation with the Aboriginal community undertaken as part of the Aboriginal Heritage Impact Permit application must be in accordance with the *Aboriginal cultural heritage consultation requirements for proponents* https://www.environment.nsw.gov.au/publications/aboriginal-cultural-heritage-consultation-requirements-proponents
5. The Aboriginal Heritage Impact Permit application must be completed with reference to the requirements of the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage*

in NSW https://www.environment.nsw.gov.au/publications/guide-investigating-assessing-and-reporting-aboriginal-cultural-heritage-new-south-wales

6. The Aboriginal Heritage Impact Permit application must include complete records satisfying the requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* https://www.environment.nsw.gov.au/publications/code-practice-archaeological-investigation-aboriginal-objects-nsw
7. Long term management of Aboriginal objects must be considered as part of the Aboriginal Heritage Impact Permit application.

Please note that any modification of the above development that will result in impacts to Aboriginal cultural heritage must be referred to Heritage NSW to determine whether changes to these general terms of approval are required.

Advice

It is recommended that the Aboriginal Cultural Heritage Assessment Report is updated with the following information at the time of submission of the Aboriginal Heritage Impact Permit application:

- Present an AHIMS search within 12 months currency. The current data is from 8 December 2022.
- Provide Aboriginal Site Impact Recording Forms to AHIMS following the results of the archaeological test excavation.
- Consultation records identified in Appendix B.
- The updated impact assessment and site boundary map provided in the Aboriginal Archaeological Technical Report Figure 8-7 will also need to be presented in the main report.
- Update the site-specific recommendations table in the Aboriginal Cultural Heritage Assessment Report to be consistent with updates in the Aboriginal Archaeological Technical Report.

Aboriginal community consultation must be maintained

Consultation with the registered Aboriginal parties must be maintained. We recommend updates on the project are provided to the registered Aboriginal parties every six months to ensure the consultation is continuous.

If you have any questions in relation to these general terms of approval, please contact Lyndon Patterson, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely

Tempe Beaven

Tempe Beaven
Practice Lead, Heritage Referrals
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
21 July 2025