

SUPPLEMENTARY COUNCIL 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	Kimberley Rushbrook C/- Bega Valley Shire Council
PANEL MEETING DATE	5 May 2026
RECOMMENDATION	Approval Subject to Conditions of Consent
SUPPLEMENTARY ISSUES	• EPA License for 15,000 tpa requiring further EPA approval to increase processing to 30,000 tpa. • Confirm Material amount and HVT movements to site during construction. • Confirm the number of odour complaints received since the commencement of operations of the CWF – both verified and unverified. • Detail the site selection process and the key reasons for the selection of the current site. • Outline measures to reduce and reuse leachate and under what circumstances leachate would need to be disposed of off-site. • Reconcile operational hours between draft consent and EPA GTAs. • Review conditions to reduce unnecessary duplication with EPA GTAs. • Provide a response to the Applicant's request to amend the draft conditions and update the draft conditions as needed. • If required, add a condition that limits processing capacity to 15,000 tpa. Any additional processing capacity would be subject to a further application. • Ensure OEMP addresses full range of mitigation measures, including but not limited to pest management, hours of operation, traffic/dust/odour/noise/leachate management etc. • Ensure proposed hours of operation is clear, amend to include Saturdays and public holidays and reflect reconciliation required above. • Unexpected finds protocol to be included as a condition as opposed to an advisory note.

At the Planning Panel meeting on 5 May 2026, panel members sought clarification on a number of issues associated with the application, assessment report and conditions.

The following is a detailed response to those issues, which is provided for the Planning Panel's consideration.

Due consideration of all relevant requirements of the Resilience and Hazards SEPP

Under the provisions of Resilience and Hazards SEPP, the consent authority must be satisfied, as a precondition to the grant of consent, that the development will not result in the generation of offensive odours at the proposed full operational capacity of the facility, being 30,000 tonnes processing per annum. The assessment notes that the EPA has indicated in its General Terms of Approval that a two stage licencing provisions is proposed, being to license the facility to 15,000 tonnes per annum (tpa), and that further licence approval is required to go beyond 15,000 tpa.

Council has subsequently received a clarification letter from the NSW EPA which is included as Attachment A to this Report. The clarification letter details the intent of draft condition E1 in the EPA's GTA's as follows;

"The EPA considered it important to include Special Condition E1 to align with the proposed staged approach of a stage 1, 15,000 TPA operating capacity and provide an opportunity to use real time data and information in a site-specific odour assessment (identified in E1.3(a)(i)). The odour assessment would be undertaken to demonstrate that offensive odour impacts will not occur at 30,000 TPA and would be used to support an application to the EPA to vary the licence to increase the licensed annual tonnage processing capacity."

For the Planning Panel to consider the relevant provisions under the Resilience and Hazards SEPP, it must be satisfied that the development will not have Offensive Odours.

Chapter 3 of the Resilience and Hazards SEPPs requires the following aim to be met;

e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact,

In satisfying the above, Council considers that the potential impacts, including offensive odours, have been suitably addressed in the EIS and in particular Appendix O: Air Quality and Odour Assessment. That assessment has detailed;

- *a description of all potential sources of air and odour emissions during construction and operation*
- *an air quality impact assessment in accordance with relevant Environment Protection Authority Guidelines*
- *an assessment of the cumulative odour impacts of the proposal and the existing landfilling activities on the receiving residents*
- *a description and appraisal of air quality and odour impact mitigation and monitoring measures*

The findings and recommendations for odour management at the site include the development of an Odour Management Plan (OMP), for both the landfill and organics composting, documenting a hierarchy of controls in the form of, but not limited to, engineered, administration, and/or management practices including:

- Identification of critical odour emissions risk and control points;

- An outline of how the production and migration of odorous compounds is minimised at the landfill and organics composting, including design (where applicable) and operational practices;
- Standard operating procedures, equipment, material of construction, and management practices employed within the complex to anticipate the formation of odours and minimise their release;
- An outline of the key staff and responsibilities with respect to odour management;
- An outline of the reporting requirements with respect to odour; and
- Integrate/link existing documentation with respect to odour to the OMP. The OMP should seek to find a practical balance between maintaining quality and efficiency of process operations and the ability to control odour emission generation. Undertake a site-specific odour validation assessment following the completion of the Proposed Works to ensure the outcomes align with that documented in the Assessment. This can be used as a baseline for further mitigation and management measures for both the landfill and organics composting, if required.

The NSW EPA GTAs provide suitable conditions to ensure that prior to the commencement of Stage 2, additional reporting will need to be undertaken to provide further evidence that there will be no offensive odours as any licence issued by the NSW EPA will not be issued until this is completed and verified. This aligns with the Air Quality and Odour Assessment recommendations above which includes undertaking a site-specific odour validation assessment following the completion of the Proposed Works to ensure the outcomes align with that documented in the Assessment.

It is considered that there is adequate information available in the EIS to assess the likelihood of whether the development would be offensive, through predictive modelling from similar operations. Suitable controls and mitigation measures have been identified, and appropriate validation hold points nominated, including the EPA's phased licencing approach, to ensure the development is not offensive development for the purpose of the SEPP.

Confirm the amount of material to be transported to the site during construction (including VENM) and the associated number of heavy vehicle truck movements vis-à-vis light vehicle movements likely to be generated by the construction task

The Applicant has indicated in Section 11.2 of Appendix Q - Traffic Impact Assessment the traffic movements, and types of vehicles, used at each stage of the construction program and refers to quantities of VENM required to be brought onsite as initially designed. Due to changes made as part of the EIS review process, these have been revised downwards. Less material is required to be brought onsite in the first stage of construction (15,000tpa). For stage 2 there will be additional material (including VENM) required for construction. Cut and fill volumes are provided on drawings C0201 and C0202 of the revised Civils Set.

Confirm the number of odour complaints received since the commencement of operations of the CWF – both verified and unverified.

The applicant has reviewed all complaints since the Central Waste Facility has been operational since 2013 and can confirm there has only been one unverified odour complaint, in March 2021. The complainant noticed strong odours all day on a Sunday, which was not an operating day for the CWF. This was followed up the next day with the site coordinator and the source of the odour was found to be silage coming from another property.

Detail the site selection process and the key reasons for the selection of the current site.

The Applicant has provided details of the site selection process in Section 3 of the Appendix C - Organics Recycling Options Report of the EIS and why the CWF was found more suitable than

the existing Merimbula Waste Transfer Station site. The Options Report considered a number of issues including; Technology assessment, Product Marketing and Cost Benefit Analysis. This is further supported by Appendix D: Organic Options Assessment Report.

Outline measures to reduce and reuse leachate and under what circumstances leachate would need to be disposed of off-site.

The Applicant has provided comment as per the water balance provided by Anderson Consulting that details leachate would only be transported off site as the need arose around rainfall events. The Anderson report states the following on page 10:

To prevent, minimise, or mitigate impacts resulting from leachate overflow, the following measures are proposed and can be implemented. It is noted that a Soil and Water Management Plan will be prepared prior to construction to further detail these strategies:

- *Minimise the generation of leachate by maximising the diversion of clean stormwater runoff from leachate catchments, including the use of the Controlled Aerobic Static Pile (CASP) system.*
- *Install pond level alert systems to provide early warning of high pond levels.*
- *Maintain adequate pond capacity through proactive leachate removal (e.g. early stage tankering).*
- *Increase off-site tankering volumes during high-risk periods.*
- *In the case where Stage 2 has not been constructed an increased pond size can be designed and implemented.*
- *Transfer leachate to the secondary leachate pond (Stage 2) where capacity is available.*
- *Implement temporary storage on-site if required (e.g. frac tanks)*
- *Increase irrigation of compost windrows (within environmental limits) to reduce leachate pond volumes.*
- *Direct overflow (using a suitable spillway) through the bioretention system to provide additional treatment and filtration prior to discharge to the receiving environment.*

Reconcile operational hours between draft consent and EPA GTAs.

The operating hours specific in the Draft Conditions have been amended to reflect those deemed appropriate by the EPA as detailed in their General Terms of Approval, which is as follows;

Monday to Saturday	8.00am to 5.00pm
Sunday	Closed
Public Holidays	10.00am to 5.00pm

Review conditions to reduce unnecessary duplication with EPA GTAs.

Council has revised the Draft Conditions to provide clarification and reduce duplication. The revised draft conditions are included as Attachment 2 to this report.

Provide a response to the Applicant's request to amend the draft conditions and update the draft conditions as needed.

Revised Draft Conditions are included as Attachment 2 to this Report and were issued to the applicant via email attachment on 8 May 2024 for further comments.

Applicant's Draft Conditions of Consent feedback:

Applicant comment: **Condition 12:** Clarity is required on the leachate monitoring program, no alternative disposal methods have been applied for and this does seem to contradict the EPA GTAs.

Assessing officer comment: This condition has been deleted as it is covered in the EPA GTAs and in the OEMP Condition.

Applicant comment: **Condition 33:** This sentence doesn't make sense, please review.

Assessing officer comment: This is a standard condition of consent during construction and is not recommended for change. This is to ensure the correct plans are on-site during construction works for the development.

Applicant comment: **Condition 51b:** Reword this sentence slightly to make sense.

Assessing officer comment: Condition 51 wording has been amended as follows;

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) A copy of the certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

Applicant comment: **Condition 62:** The hours of operation should reflect the updated EPA notice 1657492 which is the third and final version of the EPA GTAs, please also replace the GTAs at the back of the draft conditions of consent document with the most recent EPA notice. Note that in Appendix 3, the correct version of this document is provided.

Assessing officer comment: The operating hours have been amended from what was proposed in the EIS to the EPA GTAs. Refer to Revised Draft Conditions attached to this supplementary report.

Applicant comment: **Condition 67:** What is the purpose of this condition? The operators of the facility will be sampling regularly. Quality control of compost is outside the remit of Council. SOILCO notes that in order for compost to be able to be applied to land in NSW it must meet the Compost Resource Recovery Order. AS4454 is not a requirement of the EPA. SOILCO does not consider it at all appropriate that this be included as a Condition of Consent.

Assessing officer comment: This Condition is covered in the EPA GTAs and in the OEMP Conditions and has therefore been omitted.

Applicant comment: **Condition 68:** Feedback from SOILCO: This is poorly worded and does not provide any substance. 68(b) makes no sense. In SOILCO's opinion this condition should be deleted as details regarding leachate monitoring is to be included as part of the Stormwater Management Plan.

Assessing officer comment: This Condition is covered in the EPA GTAs and in the OEMP Conditions and has therefore been omitted. Applicant comment: Requested review of potential duplication of Condition 64, 65, 66, 68, 72 between Draft Consent and EPA licence General Terms of Approval.

Assessing officer comment: The above Conditions are covered in the EPA GTAs and in the OEMP (Condition 49). Conditions 64, 65, 66, 67, 68 and 72 have been omitted and a new condition 67 written below:

67. Implementation of Operations Environmental Management Plan

During operations, implementation of Operations Environmental Management Plan (OEMP) is required.

Amend Condition 49 to detail the issues that need to be covered in the OMP, including but not limited to pest management, hours of operation, traffic/dust/odour/noise/leachate management etc

Condition 49 has been amended as follows;.

49. Operations Environmental Management Plan

An Operations Environmental Management Plan (OEMP) is required and will include details of (but not limited to):

- a) Soil and Water Management Plan including Leachate Management, Stormwater Management, bioretention system, Pest Management Plan, Traffic and Air quality, Dust and odour control and Noise monitoring.
- b) Handling and storage of dangerous goods including but not limited to:

UTE Management Plan (mounted tank for diesel storage), Spill Prevention and Response Plan, Machinery Maintenance Procedures, Bunded facilities inspection and maintenance, Fire Safety Equipment, Site Emergency Response Procedures, Safety Data Sheets,
- c) Adherence to other relevant Australian Standards (AS-4454:2012) for compost products.

The OEMP must be submitted and approved by Council before the issue of an Occupation Certificate.

Unexpected finds protocol to be included as a condition as opposed to an advisory note.

The unexpected finds protocol has been removed from Advisory note section and included as Condition 4 in the revised Draft consent conditions.