

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	19 May 2026
DATE OF PANEL DECISION	19 May 2026
DATE OF PANEL BRIEFING	21 April 2026
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 April 2026.

MATTER DETERMINED

PPSSTH-480 – BEGA VALLEY – DA 2024.321 at 235 Wanatta Lane, Wolumla (Lot 402 DP 1191314)
Construction of an Organics Processing Facility, associated structures and subdivision of land. (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council's Assessment and Supplementary Reports. The Panel was satisfied that:

- The development application had been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
- A thorough assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* had been undertaken.
- The preconditions to the grant of consent had been satisfied. In particular, the Panel was satisfied that the Applicant had demonstrated that the facility was unlikely to result in offensive odours at 30,000 tonnes per annum, and that there were sufficient checks and balances to ensure ongoing management of odour emissions, including adherence to an approved Operation Environmental Management Plan (OEMP) and the regulatory oversight of the Environment Protection Authority (EPA) through its licensing role.
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts, subject to the imposition of the conditions of consent.
- The proposal is considered appropriate, having regard to the zoning of the site, the provisions of the Bega LEP 2013, and other applicable environmental planning instruments.

- The development will replace an existing facility (which has limited processing capacity) with an appropriately located (adjacent to the existing CWF), fit-for-purpose organics processing facility.
- The proposal will help Bega Valley Shire meet national, state and local strategies aimed at diverting organics away from landfill.
- Given the above, the proposal is in the public interest.

CONDITIONS

The Development Application was approved subject to the revised conditions uploaded to the Portal by the Council on 12 May 2026. The Council made several amendments following the determination briefing. These were as follows:

- Condition 4, which requires the preparation of an 'Unexpected Fids Protocol' for Aboriginal archaeology, was included as a condition, not as an advisory note.
- Condition 12 relating to leachate monitoring was deleted as it was covered both in the required OEMP and under the General Terms of Approval from the EPA.
- Condition 21 was amended to include the need to review the Soil and Water Management Plan (SWMP) prior to the implementation of Stage 2 of the proposal.
- Condition 43 was amended to clarify the type of fill material that can be brought onsite.
- Condition 49 was amended to strengthen environmental management (OEMP) by specifying (but not limited to) key matters to which the required Operations Environmental Management Plan applies. The adequacy of the OEMP must also be confirmed by the Council before any Occupation Certificate is issued.
- Condition 51 was amended to ensure the intent of Condition 51 (b) is clear (i.e. ensuring that a copy of the Final Fire Safety Certificate is prominently displayed).
- Condition 62 relating to hours of operation was amended in line with the EPA's General Terms of Approval.
- Condition 63 was amended to refer to the EPA.
- Conditions 64, 65, 66, 67, 68, and 72 were deleted, given that these matters are covered in both the required OEMP and/or under the General Terms of Approval issued by the EPA.
- A new Condition 67 was included to ensure operations are consistent with the approved Operations Environmental Management Plan.
- Minor grammatical amendments that do not change the intent of the applicable conditions.

CONSIDERATION OF COMMUNITY VIEWS

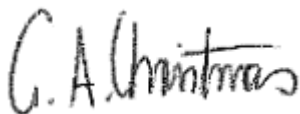
In reaching its decision, the Panel considered written submissions made during the public exhibition. The Panel notes that issues of concern included:

- Traffic volume and management
- Noise, odour and dust impacts
- Pest, stormwater and leachate management
- Site selection
- Accuracy of supporting documents

The Panel also heard from one (1) member of the community who wished to address the Panel at the determination briefing. The Panel was satisfied that the issues raised by this member of the public (which included late material received) had been addressed in the Applicant's EIS, the Council's Assessment and Supplementary Reports, and the adopted conditions of consent. These included:

- Concern over heavy vehicle movements associated with construction.
- Odour and the quantum of odour complaints associated with the operation of CWF.
- The site selection process.

The Panel considers that the concerns raised have been adequately addressed in the Assessment Report, the Supplementary Report, and the amended conditions uploaded by the Council to the Portal on 12 May 2026.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-480 – BEGA VALLEY – DA 2024.321
2	PROPOSED DEVELOPMENT	Construction of an Organics Processing Facility, associated structures and subdivision of land.
3	STREET ADDRESS	235 Wanatta Lane, Wolumla (Lot 402 DP 1191314)
4	APPLICANT/OWNER	Kimberly Rushbrook C/- Bega Valley Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and infrastructure) 2021 - Bega Valley Local Environmental Plan 2013 (BVLEP 2013) - Draft environmental planning instruments: Nil - Development control plans: - Bega Valley Development Control Plan 2013 - Bega Valley Local Infrastructure Contribution Plan 2024-2036 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 22 April 2026 - Council Supplementary Report: 12 May 2026 - Written submissions during public exhibition: 2 - Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Council and Applicant Briefing: 1 July 2025 <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas <u>Council assessment staff</u>: Mark Fowler, Kelli White <u>Applicant representatives</u>: Kimberly Rushbrook, Allan Gundrill, David Schumacher, Travis Anderson <u>DPHI</u>: Amanda Moylan - Site inspection: 15 July 2025

		○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas ○ <u>Council assessment staff</u>: Mark Fowler, Kelli White ○ <u>Applicant representatives</u>: Kimberly Rushbrook, Allan Gundrill ● Determination Briefing to discuss council's recommendation: 5 May 2026 ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas ○ <u>Council assessment staff</u>: Mark Fowler, Kelli White, Cecily Hancock ○ <u>Submitter Briefing</u>: Ben Hobill ○ <u>Applicant representatives</u>: Kimberly Rushbrook, Allan Gundrill, David Schumacher, Travis Anderson, Marguerite Donaldson, Emily Harrison ○ <u>DPHI</u>: Lillian Charlesworth, Tracey Gillett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report