

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-577
DA Number	DA 2019/143.7 MOD 6 (PAN-598802)
LGA	Cootamundra-Gundagai Regional Council
Proposed Development	Proposed Section 4.55(2) Modification to DA2019/143 being an approved waste management facility to increase annual landfill processing capacity
Street Address	68 & 282 Tumblong Reserve Road, Tumblong Lot 10 DP 1210362, Lot 7004 DP 1028797, Lot 7300 DP 1148008, Lot 3 DP 702858, Lot 287 DP 727816
Applicant/Owner	Applicant: Habitat Planning Wagga Pty Ltd Owner: MHE Earthmoving Pty Ltd (Lot 3 DP 702858), Mr M P Hay (Lot 10 DP 1210362), Cootamundra-Gundagai Regional Council (Lot 7004 DP 1028797, Lot 7300 DP 1148008, Lot 287 DP 727816)
Date of DA lodgement	12 December 2025
Total number of Submissions Number of Unique Objections	• 4 submissions • 4 unique submissions
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)	The original development application was Designated Development being an Extractive Industry and met the requirements of Regionally Significant development. The proposed Section 4.55(2) application must be determined by the Southern Regional Planning Panel as per the <i>Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels</i> given Council is the landowner.
List of all relevant s4.15(1)(a) matters	• SEPP (Biodiversity and Conservation) 2021 • SEPP (Resilience and Hazards) 2021 • SEPP (Transport and Infrastructure) 2021 • Cootamundra LEP 2013 • No DCP applies • No VPA applies
List all documents submitted with this report for the Panel's consideration	• Modification Report, Rev 2.1 – Habitat Planning – 8 April 2026 • Response to Submissions – Habitat Planning – 19 March 2026 • Letter clarifying vehicle lengths – Habitat Planning – 8 April 2026 • Air Quality Impact Assessment, V2 – Northstar Air Quality – 14 November 2025 • Air Quality Management Plan, V4 – Northstar Air Quality – 25 November 2025 • Leachate Management Plan – InSitu Advisory – 3 July 2025 • Preliminary Review – NSW EPA – 25 September 2025 • Noise Impact Assessment, R2 – Waves Consulting – 1 July 2025 • Traffic Impact Assessment – McLaren Traffic Engineering – 6 June 2025
Clause 4.6 requests	• Not applicable
Summary of key submissions	• Odour • Complaints and on-going issues • Concerns about further expansion • Impacts on amenity, environment and rural character • Impacts from trucks • Property Values
Report prepared by	Donna Clarke, Contract Town Planner
Report date	21 May 2026

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **Not applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report **Yes**

Executive Summary

Council is in receipt of a Section 4.55(2) Modification lodged on 12 December 2025 to DA2019/143 being an approved waste management facility to increase annual landfill processing capacity from 60,000 tonnes to 99,000 tonnes per annum.

The proposal involves an overall increase in 39,000 tonnes per annum, with no change to other operational components of the approved development, importantly the overall total airspace capacity of 485,000 cubic metres, nor the type of materials permitted to be accepted being general solid (non-putrescible) material which is currently received from Visy Pulp and Paper Mill located in Tumut. There are no changes proposed to the approved boundaries of the landfill site and will continue to utilise existing cell configurations, sealed access roads, ancillary staff facilities, vehicular access points and leachate or stormwater controls.

The original development application was Designated Development being an Extractive Industry and met the requirements of Regionally Significant development. The proposed Section 4.55(2) application must be determined by the Southern Regional Planning Panel as per the *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels* given Council is a landowner.

The application was exhibited with a Conflict-of-Interest Management Strategy given Council's ownership of a number of the lots. This assessment of the modification has been undertaken by an independent contractor.

The application was publicly exhibited and notified in accordance with the CGRC Community Participation Plan (CPP), for a period of twenty-eight (28) days. Four submissions were received, raising the following objections/concerns regarding odour; complaints and on-going issues; concerns about further expansion when issues exist; impacts on amenity, environment and rural character; impacts from trucks; and loss of property values.

A detailed assessment of the development has been undertaken against the relevant environmental planning instruments. Key assessment matters include:

- **Odour** – The submissions received raised several concerns about the odour from the site, including current odour issues. As such, following completion of the exhibition period and in response to issues raised in the submissions with respect to odour and previous compliance investigations by the EPA, further advice was sought from the EPA as to whether there is an active odour issue which is unresolved. The EPA is the regulatory authority via the Environment Protection Licence (EPL) No. 21440 for activities scheduled under the Protection of the Environment Operations Act 1997 and they confirmed that there are no active odour issues following previous studies and environmental improvement works being completed.

- **Amenity** – The existing development is controlled via the EPL to ensure protection of amenity of nearby properties and the proposed modification application was accompanied by a number of technical reports relating to air quality and noise to manage amenity impacts. The EPA has indicated that they are committed to working with the community and the licensee to address any issues raised and encourage the community to report any offensive odour impacts to the EPA. Part 2 of the recommendation involves providing EPA contact details to those who made a submission.
- **Truck sizes** - The lodged Modification Report and Traffic Report also indicated that the existing trucks were 20m in length, which is above the current restriction within the consent, yet there was no request for an increase from 19m as per the consent. During the assessment, the applicant confirmed that the length of truck and dog combinations servicing the site involve the use of 19 metre truck and dog combinations, as per the consent and are not increased (submitted information incorrectly indicated 20m). The proposal increases the quantity processed from 60,000 to 99,000 tonnes and indicates the trucks used have an increased capacity from 30 tonnes to 40 tonnes but no change to truck size from 19m. This was reconfirmed with the operators who assured the applicant that the increased capacity can be accommodated within 19m trucks.
- **Truck Movements** - The proposed modification involves increasing the annual landfill processing capacity from 60,000 tonnes to 99,000 tonnes per annum. The proposed modification includes increasing processing capacity that will result in one (1) extra haulage vehicle to a total of 10 loads per day, being a total of 20 truck movements. A Traffic Impact Assessment accompanied the modification application which confirms that the site has sufficient capacity to manage the movements and the average truck movements for the modification also remain within the original assessment which was designed for up to 30 vehicle movements per day. TfNSW have raised no objection to the proposed modification.
- **Capacity** - The proposed increase in capacity per annum allows for the overall total quantity of the life of the facility, being a total airspace capacity of 485,000 cubic metres, to be achieved in a shorter timeframe. No increase in the overall quantity is proposed, nor the materials being handled or the development footprint.

The proposed development has been assessed against all relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, including the likely environmental impacts of the development, the suitability of the site for the proposal, and the public interest. The development is considered to be appropriate in the circumstances.

Accordingly, it is recommended that the Southern Regional Planning Panel grant development consent subject to the conditions outlined in Council's Assessment Report.