

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



DATE OF REPORT:

22 May 2026

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

Donna Clarke

DEVELOPMENT REFERENCE:

DA 2019/143.7 MOD 6 (PAN-598802)

DEVELOPMENT ADDRESS:

282 Tumblong Reserve Road TUMBLONG, 68 Tumblong Reserve Road TUMBLONG

DEVELOPMENT LOT / SEC / PLAN:

Lot 10 DP 1210362, Lot 7004 DP 1028797, Lot 7300 DP 1148008, Lot 3 DP 702858, Lot 287 DP727816

OWNER(S):

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 DP727816)

APPLICANT:

Habitat Planning Wagga Pty Ltd
63-65 Johnston Street
WAGGA WAGGA NSW 2650

PROPOSED DEVELOPMENT:

Proposed Section 4.55(2) Modification to DA2019/143 being an approved waste management facility. The proposed modification involves changes as follows:

	Approved	Proposed	Proposed Change
Annual landfill processing capacity	60,000 tonnes per annum	99,000 tonnes per annum	Increase in 39,000 tonnes per annum
Truck movements	Up to 30 truck movements per day (15 inbound loads and 15 outbound empty trucks)	Up to 20 truck movements per day (10 inbound loads and 10 outbound empty trucks)	Reduction in up to 10 truck movements per day
Staff	- Three (3) on-site plant and maintenance workers - One (1) loader operator - Two (2) truck drivers - One (1) administration officer	As approved plus one (1) additional truck driver	Increase in 1 staff

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



	One (1) manager		
Plant and Equipment	- Haulage Heavy Vehicles (truck and trailer) – typical load of 30 tonnes - Water cart - Front End Loader - Excavator	- Haulage Heavy Vehicles (truck and trailer) – typical load of 40 tonnes - Water Cart (as existing) - Front End Loader (as existing) - Excavator (as existing) - Moxy Dump Truck - Compactor	Increase in size of Haulage Heavy Vehicle from 30 tonnes to 40 tonnes. Addition of Moxy Dump Truck and Compactor
Conditions		Amendment of conditions of consent being 9, 10, L3.1.	Refer to discussion under '4.15(1)(b) The likely impacts of that development'.

There are no changes proposed to the other operational components of the approved development, importantly 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 applicant has confirmed in response to submissions:

- The modification seeks approval for an increase in processing capacity of existing, approved operations. The proposal does not constitute an expansion of the site. There are no changes to the approved waste type, existing on-site infrastructure, operational footprint or overall lifespan.*
- The modification is limited to allowing a greater volume of waste to be received and deposited within the already approved and constructed landfill cells. Through optimisation of the existing cells, the proposal aims to improve operational efficiency without introducing new environmental impacts.*
- This could, in turn, provide an opportunity for the site to reach its final rehabilitated form sooner than currently anticipated.*

SITE:

The approved development occupies approximately 6.17 hectares, being 4.45 hectares for the landfill, and 1.78 hectares for the stockpile site on Lot 10 and comprises:

- Lot 7004 DP 1028797, and Lot 7300 DP 1148008 - the waste facility is primarily located on these lots, in an area previously used by Council as a gravel quarry.
- Lot 10 DP 1210362 - stockpile and storage of gravel taken from the quarry pit.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*

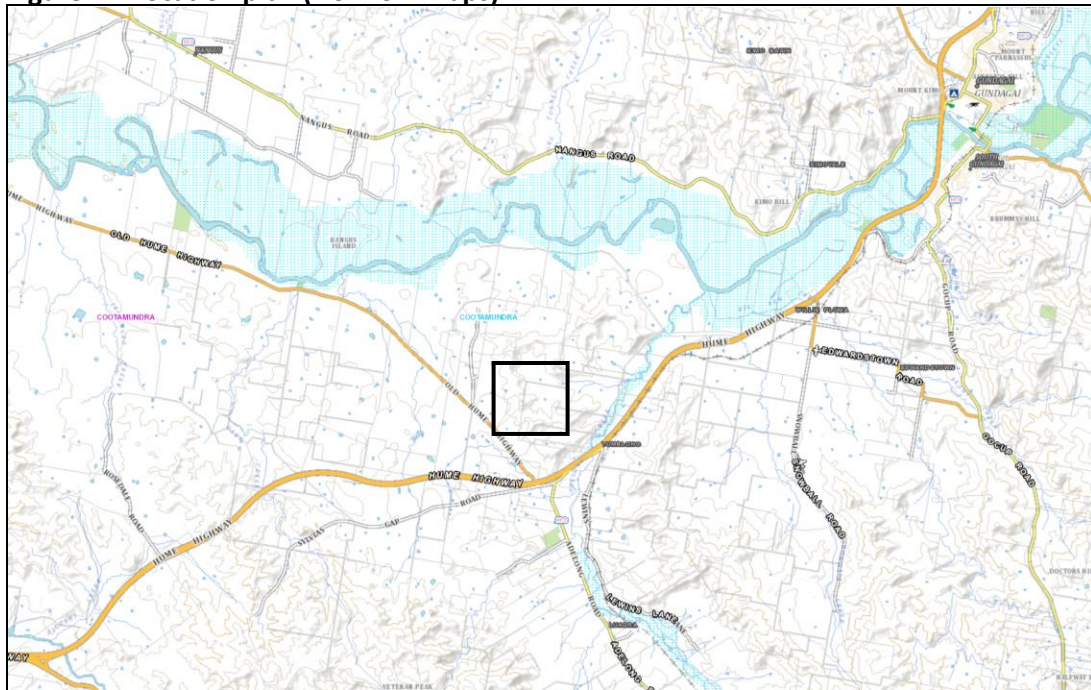


- Lot 3 DP 702858 - temporary leachate dam, located in an area approximately close to the boundary with Lots 7004 and 7300.

The Waste Facility is located on Tumblong Reserve Road and is accessed by a sealed road over the crown road reserve (Tumblong Reserve Road) within Lot 287 DP 727816, with access from the Old Hume Highway. The waste facility is located approximately 13km south west of Gundagai, and the surrounding land is predominantly used for a mix of agricultural enterprises. There are some dwellings located on these rural parcels.

Tumblong Landfill was established on the site in 2020 and has been managed by Visy Waste for four years. The Waste Facility has a current Environmental Protection Licence which authorises the acceptance of up to 60,000 tonnes of General Solid (non-putrescible) Waste per annum, from Visy Pulp and Paper Mill only and operates Monday to Friday 7am to 5pm and Saturdays between 7am to 1pm, with no operation on Sundays or public holidays.

Figure 1 – Location plan (NSW Six Maps)



DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



Figure 2 – Location plan – South Gundagai – 4 lots highlighted red (NSW Six Maps)

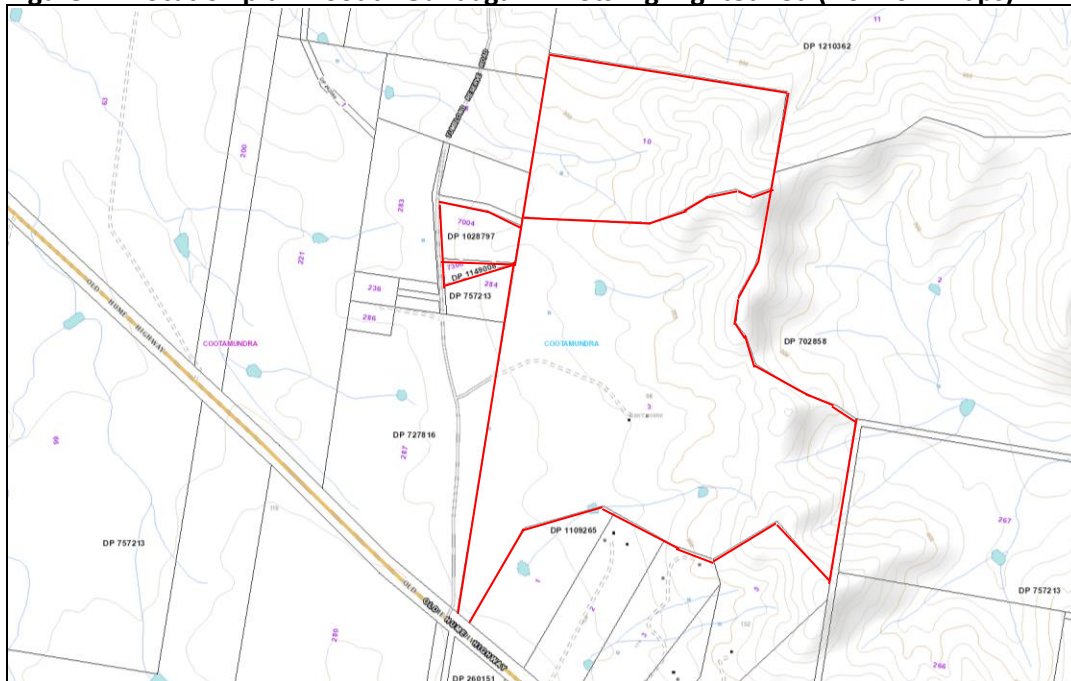


Figure 3 – Aerial view – locality (Google Maps)



DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



Figure 4 – Aerial view with notations – subject site – from modification application



Figure 5 – Photo - Cells



DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



Figure 6 – Photo - Cells



Figure 7 – Photo – Site office and facilities



DEVELOPMENT ASSESSMENT REPORT

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Section 4.15 (as amended)*



Figure 8 – Photo –Leachate Dam



PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

DA2019/143 – Inert Landfill Waste Facility

Approved as deferred commencement subject to conditions – 29 June 2020 by Southern Regional Planning Panel. Deferred commencement conditions satisfied, and operational consent issued 20 July 2020.

Environmental Protection Licence EPL-21440

The licence authorises the landfill to accept up to 60,000 tonnes of General Solid (non-putrescible) Waste per annum, from Visy Pulp and Paper Mill only.

DA2019/143.2 MOD 1 - Application to Modify Development Consent

Waste disposal facility for inert waste from Visy Processing Plant, Tumut - To amend conditions 15 and 17 regarding provision of weighbridge and condition 37 regarding payment to acquit the biodiversity credits. Approved 20 September 2020.

2019/143.3 MOD 2 - Application to Modify Development Consent - Waste disposal facility for inert waste from Visy Processing Plant, Tumut - To amend conditions 62 and 63 regarding the provision of dedicated firefighting resources and provide alternative means to meet required volumes and resources, and Condition 65 and 66 regarding the location of structures on site and use of mobile office and amenities. Approved 22 December 2020.

2019/143.4 MOD 3 (PAN-103639) - Application to Modify Development Consent - Withdrawn 21 July 2021.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



2019/143.5 - MOD 4 (PAN-180759)- Application to Modify Development Consent -
Withdrawn 16 May 2022.

2019/143.6 - MOD 5 (PAN-309398) - Application to Modify Development Consent - Waste disposal facility for inert waste from Visy Processing Plant, Tumut - A modification application was determined on 27 June 2023 which permitted the construction of an additional 25mL temporary leachate storage dam and associated perimeter bunds on Lot 3 DP702858. The temporary leachate dam is to be decommissioned five (5) years from the date of the transfer from Cell 2.

GENERAL REQUIREMENTS OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979:

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

The original consent considered impacts on biodiversity on Lot 7004 DP 1028797, Lot 7300 DP 1148008 and Lot 10 DP 1210362 and subsequent modification to the consent to include the construction of a temporary leachate dam and associated bunds, filters and an access track on Lot 3 considered the impacts on biodiversity on Lot 3.

The proposed modified development does not propose the removal of any trees or expand the footprint of the approved waste facility.

The development is not a key threatening process under either Act, and the site contains no known threatened species or EECs, has not been declared critical habitat or an area of outstanding biodiversity value, and is not mapped on the Biodiversity Values Map. It is not considered that the development is likely to significantly affect threatened species, populations or ecological communities, as it does not impact on any flora, fauna or their habitat, including terrestrial biodiversity and river systems.

2.22 Mandatory community participation requirements

As per this section and Schedule 1, of the Act, the development was notified in accordance with the CGRC Community Participation Plan (CPP), for a period of twenty-eight (28) days, ending on 6 March 2026.

Four submissions were received, raising the following objections/concerns:

- Ongoing existing odour emissions experienced immediate neighbours and well beyond the site, including from the winery 12km to the west. No mention in any documentation of the odour issues since commencement.
- Concerned that existing odour emissions will be further exacerbated, even though not resolved, by the increase in permissible annual tonnage.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



- Questions credibility of the report by Northstar given the smell experienced by the neighbours and that the 2019 Northstar report assertions were wrong and should be independently reviewed.
- Advice required on the oversight Council or EPA will take to ensure environmental management compliance, including odour, of the larger operations.
- On the basis of total approved volume of waste to be disposed not increasing beyond the 485,000 cubic metres approved and no proposed increase the approved operational lifespan beyond 10 years, the site should cease operating within the next four years with full and thorough remediation of the site.
- Loss of property values for nearby properties and increased financial burden, which are considered to be from the proximity to the waste facility.
- Above and below ground water on nearby land is tarnished, requiring use of water tanks for water for stock on nearby properties.
- There have been ongoing problems since the waste facility started, and the EPA repeatedly involved and questions why EPA have had gas sensors on boundary fences and why no fines for odour have been issued for existing operations, similar to Tumut Waste.
- Expanding a facility with a history of operational and compliance concerns risks repeating the same environmental and community impacts on a larger scale.
- Concerned about further expansion with possible future industrial creep onto adjoining rural land.
- the application does not indicate the total landfill that has been deposited to date.
- The rural character and liveability of the area have already been compromised and should not be further expanded.
- Amenity and environmental impacts are unfairly experienced by local residents when the waste is from outside of the area.
- Access to a farm past the waste facility on Tumblong Reserve Road has been impacted by B-double trucks.

The objections and concerns will be addressed in the report.

4.5 Designation of consent authority

The development is not state significant; however, the original development was regionally significant. 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 the landowner.

4.10 Designated development

Schedule 3 of the EP&A Regulation defines the various types of designated development. The original development was designated development, however a modification of the application is not.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



4.13 Consultation and concurrence

If required by an environmental planning instrument, this section requires Council to consult with or obtain the concurrence of the person.

The modification application was referred to the NSW Environment Protection Authority (EPA) as the waste facility has a licence to operate. The Waste Facility is regulated by the EPA through Environment Protection Licence (EPL) No. 21440 for activities scheduled under the Protection of the Environment Operations Act 1997. The EPA have indicated no objection to the proposed modification (see 4.46 below for comment).

4.14 Consultation and development consent—certain bush fire prone land

Development consent cannot be granted for the carrying out of development on bush fire prone land unless Council is satisfied that the development conforms to *Planning for Bush Fire Protection* or has been provided with a certificate by a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

The original application was accompanied by a Bush Fire Assessment Report. The proposed modification to the development, does not impact on the recommendations of the bushfire report or conditions required by the Consent in relation to bushfire protection, or the Bushfire Emergency Management Plan for the site. The development is not for residential or rural residential purposes and is not for a special fire protection purpose. Therefore, no referral to the NSW RFS was required, and the provisions of *Planning for Bush Fire Protection 2019*, do not apply.

4.22 Concept development applications

The development is not a concept development (development undertaken in stages).

4.33 Determination of Crown development applications

The development is not a Crown development.

4.36 Development that is State significant development

The development is not State significant development (of a size, type, value or with impacts deemed to be significant).

4.46 Integrated development

Although Clauses 4.55 and 4.56 relating to modifications, do not contain any provisions relating to integrated development, Section 109 of the EP&A Regulation requires that the consent authority must give a copy of the application to the approval body if the modification affects the general terms of approval of the approval body (in this instance the EPA). The modification application was referred to NSW EPA and a response was received by NSW EPA on 10 February 2026, which stated, in part:

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



The EPA understands the modification proposal seeks to modify DA2019/143, specifically:

- *to increase the amount of waste disposed at the premises from 60,000 tonnes per annum to 99,000 tonnes per annum.*

Additionally, the EPA notes that modification proposal does not include any proposed ancillary construction works or changes to the type(s) of waste accepted at the premises for disposal.

As you are aware, the premises is regulated by the EPA through Environment Protection Licence (EPL) No. 21440 for activities scheduled under the Protection of the Environment Operations Act 1997. The EPA recommends that the Applicant contact the EPA directly about any concerns relating to a variation of EPL 21440 that may result from the modification of the consent.

Based on the information received, the EPA does not object to the modification proposal and has no additional comments to provide in relation to this consultation request.

No amendment to existing conditions of consent is necessary to reflect the above comments.

Following completion of the exhibition period, further advice was sought from EPA in response to issues raised in the submissions. Refer to discussion regarding odour under '4.15(1)(b) The likely impacts of that development'.

4.55 Modification of consents - generally

The proposal constitutes a modification under Section 4.55(2) of the Environmental Planning and Assessment Act, 1979. Council pursuant to Section 4.55(2), the consent authority may consider an application to amend development consent provided that, inter alia:

*(2) **Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

(a) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment:

With respect to (a), the modification proposes no change or intensification to the nature of the approved development being for landfilling activities at the Waste Facility. In determining whether the modification will result in substantially the same development, the legislation requires Council to consider the proposed modification

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



against the original consent and is not to take into account any previous modifications.

Qualitatively the development remains the same, with no changes to the approved use (waste management facility), and quantitatively the development is the same, as there are no physical changes and only minor operational changes are proposed as part of the modification.

Whilst the quantity of waste being accepted per year is being increased, no change is proposed to the materials being accepted being specific non-putrescible waste materials from VISY Tumut, the footprint or overall size of the facility, or the maximum volume of waste disposed at the site which must not exceed a total airspace capacity of 485,000 cubic metres.

The proposal is not radically transformed by the proposed modified proposal and is substantially the same development as the development for which consent was originally granted and modified.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment:

The modification application was referred to the NSW Environment Protection Authority (EPA) as an approval body. The EPA have indicated no objection to the proposed modification (see 4.46 below for comment).

(c) it has notified the application in accordance with —

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

Comment:

With respect to (c) and (d), the amended application was notified, and four submissions have been received and the concerns and issues raised have been addressed in this report.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



Section 4.55(3) states:

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment:

In accordance with Section 4.55(3) there would no unmanageable environmental, social or economic issues arising from the proposed changes. The approved and modified development generally complies with the requirements of the relevant environmental planning instruments does not create unreasonable environmental impacts to adjoining development. The amended proposal would be generally in accordance with the existing consent and EPA licence, which when complied with, does not result in any new amenity impacts for adjoining properties. It is also necessary to amend conditions to reflect the amended quantities. Therefore, there are no additional adverse environmental impacts as a result of the modification including amenity, privacy, noise, traffic and security and the proposed modification is satisfactory with respect to Section 4.55 of the Environmental Planning and Assessment Act, 1979.

SECTION 4.15 CONSIDERATIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979:

4.15(1)(a)(i) The provisions of any environmental planning instrument:

State Environmental Planning Policies (SEPPs) and deemed SEPP's

The following SEPPs are relevant to the development.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

The proposed modification does not propose any changes to vegetation and further assessment under this policy is not required. No modifications are proposed which would alter compliance with the policy.

SEPP (Resilience and Hazards) 2021

Chapter 3 – Hazardous and offensive development

Although waste (landfilling/processing) is can be potentially offensive with impacts on air and water, the original assessment found that the Waste Facility did not fall in that category. The

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



original assessment concluded that the proposal is not offensive or hazardous; the proposed modifications do not alter this assessment.

Chapter 4 – Remediation of land

The approved application and this proposed modification do not propose any changes that will require further consideration of land contamination. No modifications are proposed which would alter compliance with the policy and no further investigation is warranted.

Council's Draft Contaminated Land Register includes Lot 7003 DP 1149008 and Lot 7004 DP 1028797 being Tumblong Waste Transfer Station.

SEPP (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

- *Section 2.48 (Determination of development applications—other development)* requires referral to the electricity supply authority, for development comprising:
 - penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
 - development within or immediately adjacent to an easement for electricity purposes
 - development immediately adjacent to an electricity substation
 - development within 5m of an exposed overhead electricity power line
 - installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level,
 - installation of a swimming pool any part of which is within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool
 - involving or requiring the placement of power lines underground.

The development and as proposed to be modified does not meet this criteria, so no formal referral to Essential Energy/ Transgrid, was required.

- *Section 2.77 (Development adjacent to gas pipeline corridors)* requires referral to the pipeline operator, for development compromising:
 - within the licence area of a pipeline for gas
 - within 20m of the centreline of a pipeline
 - within 20m of land the subject of an easement for a relevant pipeline.

The development and as proposed to be modified does not meet this criteria, so no formal referral to APA Group, was required.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



- *Division 15, Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements*, requires referral to the rail authority, for development compromising:
 - *Section 2.97* - access via a level crossing
 - *Section 2.98* development adjacent a rail corridor that is likely to have an adverse effect on rail safety, places a metal finish on a structure and the corridor is used by electric trains, use of a crane in the air space above the corridor, within 5 m of an exposed overhead power line used for railway purposes and infrastructure,
 - *Section 2.99* – penetration of the ground to a depth of 2 m or greater, within a rail corridor or within 25 metres of a rail corridor

The development and as proposed to be modified does not meet this criteria, so no formal referral to the rail authority, was required.

- *Section 2.100 (Impact of rail noise or vibration on non-rail development)*, requires consideration of the impact of noise and vibration on residential accommodation, a place of public worship, hospital, educational establishment or child care facility, where they are located in or adjacent a rail corridor.

The development and as proposed to be modified is not for this form of development and/or is not located adjacent a rail corridor, and therefore consideration of this clause is not required.

- **Section 2.119 (Development with frontage to classified road)**, the development does not front a classified road and therefore this clause does not apply to this development,
- **Section 2.120 (Impact of road noise or vibration on non-road development)**, does not apply as the AADT volume of the adjacent road is less than 20,000 vehicles, and/or the development is not for residential accommodation, a place of public worship, hospital, educational establishment or child care facility.
- **Section 2.121 (Excavation in or immediately adjacent to corridors)**, does not apply as the development will not result in the penetration of the ground to a depth of 3 m or greater, within or adjacent the Hume Motorway.
- **Section 2.122 and Schedule 3 (Traffic generating development)**, does not apply, as the type/and or scale of the works is not identified in the Schedule.

Traffic was considered as part of the assessment of the original development, and conditions from Transport for NSW were included in the original consent. The modification application does not propose any increase traffic from originally assessed or modification to those conditions applied by Transport for NSW. Refer to discussion regarding traffic under '4.15(1)(b) The likely impacts of that development'.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



Local Environmental Plan (LEP)

The applicable LEP is the Gundagai LEP 2011, and the relevant provisions of the LEP are discussed as follows.

1.2 Aims of Plan

The development as approved and proposed to be modified is not inconsistent the aims of the LEP.

1.4 Definitions

The development was approved as an inert landfill waste facility which is not a land use planning term. The proposal is currently defined under the LEP as:

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note.

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following —

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

1.6 Consent authority

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 the landowner.

1.9A Suspension of covenants, agreements and instruments

There are no covenants, agreements or restrictions on the property that affect this development which are relevant to the subject modification. An easement is in place over Lot 3 DP 702858, benefitting Lot 7004 DP 1028797 and Lot 7300 DP 1148008 and permitting the discharge and storage of leachate on Lot 3, however does not require alteration by this modification.

2.1 Land use zones

The site is zoned RU1 Primary Production, and the approved and proposed modified development is permitted in the zone with consent.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



2.3 Zone objectives

The objectives of the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage the efficient use and conservation of water resources.*
- *To protect significant scenic landscapes.*
- *To encourage development that does not adversely impact nearby agricultural activities.*
- *To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.*
- *To ensure development prevents or mitigates land degradation.*

The development as approved and proposed to be modified is not inconsistent with the objectives of the zone. The area is agricultural in nature, with few dwellings in close proximity to the development, and the modification should not impact adversely on local amenity provided compliance with the recommendations of the technical reports, conditions of consent and the EPA Licence. The modification will not cause any conflict with any agricultural uses in the area, and given the location of the development, it will not impact negatively on natural resources or the environment. Four submissions have been received which primarily relate to odour impacts from the existing operations and concerns regarding the intensification given the proposed increase in quantities proposed by this modification. In this regard, the objective to minimise conflict between land uses within this zone has been considered in the detailed assessment under '4.15(1)(b) The likely impacts of that development'.

2.7 Demolition requires development consent

No demolition works form part of the application.

5.10 Heritage conservation

There are no heritage items on-site (identified on either the SHR or in the LEP), and the site is not located in a HCA.

The assessment of the original development application found that there were no aboriginal objects or cultural heritage values identified in respect to the site.

5.21 Flood planning

The land is not in the flood planning area.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



6.1 Biodiversity protection

This clause applies to land that is identified as sensitive land on the *Natural Resources Sensitivity Biodiversity Map*. The site is mapped and in accordance with this clause, the original development included a Biodiversity Development Assessment Report, and it was determined that the development would not adversely impact on native ecological communities, the habitat of any threatened species, populations or ecological community, regionally significant species of fauna and flora or habitat, or habitat elements providing connectivity.

The proposed modification does not alter the footprint of the waste facility from approved and does not require any vegetation removal or create additional impacts in terms of biodiversity from that approved.

6.2 Land protection

This clause applies to land identified as “sensitive land” on the *Natural Resources Sensitivity Land Map*. The site is mapped as being affected in part however not in the area of the approved Waste Facility.

As the proposed modification does not propose expansion of the footprint of the facility from approved, the modified proposal will not impact on the geotechnical stability of the site or cause increased erosion or land degradation, and this clause is satisfied.

6.3 Water protection

This clause applies to land that is identified as “sensitive land” on the *Natural Resources Sensitivity Water Map*. The site is mapped as being affected.

The objective of the clause is to main hydrological functions of riparian land, waterways and aquifers, including protection of water quality, natural water flows, stability of the beds and banks of waterways and groundwater systems. Assessment of the original application considered impacts a groundwater impact assessment which found that the site was suitable for the development with low risk to the underlying groundwater system.

A submission has raised concerns regarding above and below ground water on nearby land is tarnished, requiring use of water tanks for water for stock on nearby properties. The applicant has provided the additional comment in response:

- *A comprehensive Leachate Management Plan (LMP) has been submitted as part of the modification application. This plan outlines the design and operational measures implemented to minimise the risk of leachate generation and migration, and to ensure the appropriate collection, storage, treatment and disposal of leachate over the life of the landfill. These*

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



- measures are specifically intended to protect both surrounding surface water and groundwater systems.*
- *As identified in the original Groundwater Impact Assessment prepared by McMahon Earth Science dated November 2019, groundwater is encountered at approximately 58 metres below existing ground level (at an elevation of 209.47m AHD). This represents a substantial separation between the base of the landfill and the underlying groundwater system. The report also noted that concentrations of nickel in samples of groundwater prevents the aquifer from being used as a source of drinking water. Furthermore, elevated concentrations of manganese also suggest the aquifer is depleted of any oxygen and hydraulically disconnected from the overlying surface water system. The landfill cells are designed and constructed with composite liner systems in accordance with the NSW Landfill Guidelines which are specifically intended to prevent leachate leakage. As a result, groundwater inflow to the landfill is expected to be negligible and the potential for leachate to impact groundwater is considered to be very low.*
 - *Ongoing groundwater monitoring is also undertaken in accordance with the landfill's regulatory Environmental Protection Authority (EPA) Environmental Protection Licence (EPL) 21440 requirements to ensure that groundwater quality is protected.*

As the proposed modification does not propose expansion of the footprint of the facility from approved, the modified proposal is not expected to impact on groundwater, and through the on-going monitoring and compliance by the EPA, this clause is satisfied.

6.5 Earthworks

The modification does propose earthworks.

6.6 Essential Services

Council must be satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required —

- (a) the supply of water
- (b) the supply of electricity
- (c) the disposal and management of sewage
- (d) stormwater drainage or on-site conservation
- (e) suitable road access

The provision of essential services was considered in the original application and assessment, and the modification does not propose or require any changes to those services as currently supplied.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



4.15(1)(a)(ii) The provisions of any draft environmental planning instrument:

State Environmental Planning Policies (SEPPs)

There are no draft SEPP's which relate to this development.

Local Environmental Plan (LEP)

There are no draft LEP's which apply to this land.

4.15(1)(a)(iii) The provisions of any development control plan:

The former Gundagai Shire Council did not have a Development Control Plan (DCP).

4.15(1)(a)(iiia) Any planning agreement or draft planning agreement:

The developer has not entered into a planning agreement, nor has offered to enter into a draft planning agreement.

4.15(1)(a)(iv) Matters prescribed by the Regulations:

Council has considered the following matters as prescribed by Regulations:

Section 61 (Additional matters for consideration): -

- Demolition is not proposed,
- the development is not for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act,
- the development is not located within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle (to which the Dark Sky Planning Guideline applies),
- the development does not pertain to a manor house or multi dwelling housing (terraces),
- the development is not land to which the Penrith LEP, Wagga LEP or Moree Plains LEP applies to,

Section 62 (Consideration of fire safety)

- the development is not for a change of building use for an existing building.

Section 63 (Considerations for erection of temporary structures)

- the development is not for a temporary structure.

Section 64 (Consent authority may require upgrade of buildings)

- the development does not involve the rebuilding, enlargement or extension of an existing building.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



Section 65 (Special provision relating to Sydney Opera House)

- the development does not relate to the Sydney Opera House.

4.15(1)(b) The likely impacts of that development:

Context and Setting:

The site is located in a rural area and comprises an existing waste facility. There are no significant scenic qualities in the locality, other than the broader rural vista, and the proposed modified development is considered likely to have a minimal impact on these scenic qualities and features of the landscape.

The modified proposal, whilst increasing the annual quantity of waste processed, is not seeking expansion of the footprint of the development from approved, nor changes which would visually alter the appearance of the waste facility within the rural setting.

Access, Transport and Traffic:

The original assessment found that the development has been endorsed by Transport for NSW (previously RMS) and conditions of consent were imposed relating to road impact of the development on the smooth flow of traffic on regional roads and the Hume Highway and included road upgrades and limits on vehicle sizes (all heavy vehicles and/or with dog trailers are not to exceed 19metres in length) and preparation of a Transport Management Plan.

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.

The lodged Modification Report and Traffic Report also indicated that the existing trucks were 20m in length, which is above the current restriction, 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.

Referral of the Modification application to TfNSW was undertaken following clarification from the applicant confirming that there was no change to the vehicle sizes.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



TfNSW raised no objection to the proposed modification as advised via letter dated 1 May 2026 and included comment in Attachment 1 of their letter which states:

TfNSW notes for this modification:

- *The key classified state road is the Hume Highway, an approved B-Double route. The subject site is accessed via the existing intersection between the Hume Highway and the Old Hume Highway.*
- *The modification proposes to amend Condition 10 of the DA consent to increase the overall processing capacity of the existing Tumblong landfill facility, which only accepts waste from the Visy Paper and Pulp Mill in Tumut, from 60,000 tonnes per annum (tpa) to 99,000 tpa. No change is proposed to the approved total volume of waste (485,000 cubic metres) or operational lifespan (10 years from commencement) of the site.*
- *The submitted information states that the largest vehicle to access the site will continue to be a truck and dog combination of 19m length (General Access Vehicle), and that the typical load will increase from 30 tonnes to 40 tonnes per vehicle to accommodate the proposal.*
- *The assessment of DA2019/143 included up to 30 truck movements (15 laden inbound/15 empty outbound) to/from the site per day. The DA documentation indicates that the proposal would result in 20 heavy vehicle movements (10 laden inbound/10 empty outbound) per day i.e. below the volume assessed for the DA.*
- *The maximum number of truck movements per hour for the current operation has not been provided. The submitted Traffic Impact Assessment (TIA) prepared by McLaren Traffic Engineering calculates that the site can accommodate 2.08 incoming material trucks per hour. Noting this, Council should consider restricting the operation of the site to a maximum of two incoming (laden) heavy vehicles per hour.*
- *The provided documentation states that operations are to be conducted in accordance with the existing Traffic Management Plan adopted for the facility. All other conditions relating to traffic and Limits of Consent will remain as approved in the DA consent.*

The modified operations on site will be carried out in accordance with the existing Traffic Management Plan adopted for the facility.

The daily truck movements were assessed as part of DA2019/143, and the applicant has confirmed that operations in line with these settings are in place and these daily movements reflect the average hourly movements calculated in the Traffic Impact Assessment. As such, the number of truck movements is considered to have been addressed by the existing consent, and it is not necessary to restrict truck movements to a maximum of two incoming (laden) heavy vehicles per hour.

The proposed modification does not alter the TfNSW recommended conditions as imposed, and support is granted for amendment of Condition 10 which has been incorporated into the recommended amendments to the consent.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



Public Domain:

The approved and proposed modified development will not impact negatively in terms of such things as recreational opportunities, or the amount, location, design, use and management of public spaces.

Utilities:

The approved arrangements for utilities to the waste facility are as follows:

- Water: There is no reticulated water available to the site, potable water brought to the site via water tanker.
- Sewer: portable toilet with pump out by external contractor.
- Power: portable generator

The proposed modification does not propose to alter these arrangements.

Heritage:

No change to the original proposal as a result of the modification. Refer to heritage discussion in 5.20 above.

Other Land Resources:

The original assessment of this issue did not identify any concerns, and the modification will have no adverse effect on conserving and using valuable land resources such as productive agricultural land, mineral extractive resources, or water supply catchments.

Water:

Provided the development is designed, constructed and managed in accordance with the approved plans and given there is no increase in the footprint of the waste facility to accommodate the increase in capacity, it is unlikely that the development will have an effect on surface or groundwater, drainage flows or water quality. The existing NSW EPA conditions also require monitoring and reporting of groundwater and leachate water.

As per the conditions of consent, the stormwater and leachate systems operations and maintenance are to remain in accordance with the existing Environmental Management Plan prepared by Insitu Advisory, Air Quality Management Plan prepared by Northstar and Leachate Management Plan prepared by InSitu Advisory.

Soil:

No works are proposed by this Modification.

Air and Microclimate:

The Waste Facility is regulated by the NSW Environment Protection Authority (EPA) through Environment Protection Licence (EPL) No. 21440 for activities scheduled under the Protection of the Environment Operations Act 1997.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



Odour

The submissions raised concerns regarding existing odour concerns from the development. The applicant has provided the additional comment in response:

- *During earlier stages of operation, odour issues were identified, investigated and addressed in consultation with the EPA. The outcomes of these investigations have informed a range of operational and management improvements since 2021 including an EPA Pollution Reduction Program. These lessons have been incorporated into current site practices and underpin the updated odour modelling by Northstar and management framework submitted with this modification application.*
- *The facility has since maintained compliance with licence conditions and now operates under a comprehensive suite of management plans required under strict enforcement by the EPA in accordance with the EPL 21440, including:*
 - *Leachate Management Plan prepared by Insitu Advisory – The purpose of the LMP is to provide a clear and comprehensive framework for the effective management of leachate generated at Tumblong Landfill and to satisfy condition U1 of EPL 21440.*
 - *Landfill Gas Management Plan prepared by Northstar – The purpose of the LGMP is to satisfy the requirements of conditions U2 and O3 of EPL 21440. The LGMP must be reviewed at least every 2 years by a suitably qualified consultant with at least 5 years' experience in the area of waste, landfills and landfill gas management.*
- *Both management plans have been updated for the proposed modification to increase waste from 60,000 to 99,000 and outline specific measures for managing odour. The LGMP has been renamed to an Air Quality Management Plan (AQMA) as part of the DA modification package.*
- *The specific odour management controls that will continue to be implemented at the facility have been outlined within the Air Quality Impact Assessment (AQIA) and AQMP by Northstar who are a qualified air quality consultant. These operational controls, that are also detailed in part by EPL 21440 and the Landfill Guidelines, 2016, include:*
 - *Controlled irrigation of leachate onto active landfill cells in accordance with expert advice (including timing, weather conditions and avoidance of aerosol formation)*
 - *Minimisation of waste drop heights and prompt placement of daily cover*
 - *Restriction of the active landfill "tip face" to approximately 600m²*
 - *Application of daily cover (minimum 150 mm) at the end of each operating day*
 - *Progressive capping of completed landfill areas*
 - *Limiting vehicle speeds across the site to reduce dust and odour dispersion*
 - *Aeration and hydrogen peroxide (H₂O₂) dosing of leachate storage dams*
 - *Treatment of odorous emissions from leachate storage via odour control units*
 - *Use of additional odour control technologies where required (e.g. masking agents, chemical treatment, carbon adsorption, or biofiltration)*
 - *Routine odour monitoring (including flux hood testing of key sources such as leachate ponds and landfill cells)*

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



- Hydrogen sulphide (H₂S) monitoring to establish correlations with odour emissions
 - Maintenance of an odour and air quality complaints register, available to EPA upon request
- While the AQIA concludes that the increase in waste accepted by the facility will comply with all odour criterion, ongoing monitoring is proposed in accordance with the AQMP. If monitoring identifies elevated emissions or a verified odour complaint is received, immediate corrective actions are to be implemented. The specific remedial actions include staff performing a visual inspection to identify potential components of the site that may require remediation.
- Remedial actions will include the control of the identified pathway, such as the application of additional cover materials, cover compaction, removal of roots penetrating cap materials. All personnel involved in air quality and odour management are appropriately trained in accordance with EPL 21440 and the AQMP. Ongoing competency development ensures that monitoring, reporting and response procedures are consistently implemented in accordance with the EPA's standards.
- It is highlighted that the EPA has been consulted throughout the development application process and has indicated that it raises no objection to the proposed modification.

The original application did not consider that odour would be an issue due to the nature of the waste. The waste received at the site is non-putrescible – and considered inert, meaning that the waste is generally unreactive (biologically and chemically).

However, leachate odour is an issue on the site, and consideration of leachate generation and odour mitigation has been a major focus of this and the previous modification's assessment. The leachate odour at the site was unexpected, and from the information received has been caused by a combination of the volume of leachate generated (due to above average rainfall) and its chemical composition.

The NSW EPA, as the Appropriate Regulatory Authority (ARA) for the site, has investigated odour complaints. Subsequently, the NSW EPA has placed a Pollution Reduction Program (PRP) on the EPL, requiring the Licensee to undertake certain actions to address the odour issues (one of which is the making of the previous modification). The leachate in Cell 2 is currently dosed with Hydrogen Peroxide and regularly monitored, and NSW EPA have also installed odour monitoring at the landfill and at the two closest receivers.

An Air Quality Impact Assessment (AQIA) and Air Quality Management Plan (AQMP) prepared by NorthStar Consulting were prepared for the modification application and indicates:

The level at which an odour is perceived to be a nuisance can range from 2 OU to 10 OU. The report notes that odour from proposed and existing facilities in NSW indicates that an odour performance goal of 7 OU is likely to represent the level below which "offensive" odours should not occur. As the area surrounding the site is largely rural in nature and has a population of between 10 and 30 residents, the relevant odour criterion for the facility is

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



6 OU in accordance with NSW EPA Technical Framework odour criteria. The AQIA assessment outlines that the odour concentrations are predicted to be less than 6 OU at all receptors.

The SEE outlines the proposed mitigation measures based on the AQIA and AQMP for air quality to ensure particulate matter and odour are controlled during operation, including:

- Minimisation of drop heights when placing waste and daily cover;
- The limiting of vehicle speeds across the site, and on the paved road between the Old Hume Highway and the site;
- Restriction of the active tip face to 600m²;
- Placement of daily cover on the active tip face at a depth of 150mm at the close of business each day;
- The use of intermediate cover on areas awaiting final capping;
- Aeration and H₂O₂ dosing for the permanent leachate storage dam;
- Treatment of odour emissions collected from temporary leachate storage dam by two OCUs;
- Odour monitoring using flux hood for the odour generating sources (ie leachate pond, active cell, intermediate covered cell and capped cell) H₂S monitoring using an appropriate hand-held;
- H₂S monitor to establish the empirical relationship between H₂S and odour generation rates;
- Dust monitoring using dust deposition gauges at the specified locations within the EPL and AQMP; and
- A complaints register would be maintained to record any complaints relating to air quality (and odour). These records would be made available to NSW EPA and DPHI upon request.

These mitigation measures have been incorporated into the LMP by InSitu Advisory and Air Quality AQMP by Northstar and will be adhered to throughout the life of the facility.

The modification application was referred to NSW EPA and a response was received by NSW EPA on 10 February 2026, which stated, in part:

The EPA understands the modification proposal seeks to modify DA2019/143, specifically:

- *to increase the amount of waste disposed at the premises from 60,000 tonnes per annum to 99,000 tonnes per annum.*

Additionally, the EPA notes that modification proposal does not include any proposed ancillary construction works or changes to the type(s) of waste accepted at the premises for disposal.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



As you are aware, the premises is regulated by the EPA through Environment Protection Licence (EPL) No. 21440 for activities scheduled under the Protection of the Environment Operations Act 1997. The EPA recommends that the Applicant contact the EPA directly about any concerns relating to a variation of EPL 21440 that may result from the modification of the consent.

Based on the information received, the EPA does not object to the modification proposal and has no additional comments to provide in relation to this consultation request.

No amendment to existing conditions of consent is necessary to reflect the above comments.

The submissions received raised several concerns about the odour from the site, including current odour issues. As such, following completion of the exhibition period, further advice was sought from EPA in response to issues raised in the submissions with respect to odour and previous compliance investigations by the EPA and whether there is an active odour issue which is unresolved. The EPA provided the following response:

The EPA has reviewed the submissions provided and noted the concerns raised.

Please note, the EPA has not received any recent complaints and has no active investigations in relation to any alleged odour impacts from the premises.

Whilst we acknowledge that the premises has caused odour issues in the past, the EPA has since undertaken a series of actions to address the ongoing risk of odour impacts and required the licensee to undertake various studies and environmental improvement works under Environment Protection Licence (EPL) No. 21440 to this effect.

All licence variation notices pertaining to EPL 21440 are publicly available and can be accessed via the POEO Public Register. For your convenience, a summary of the relevant EPA requirements that have been incorporated onto EPL 21440 over this time and the associated licence variation dates are provided below –

20/12/2021

- Requirement to submit an odour mitigation strategy to the EPA
- Requirement to construct an emergency leachate dam

04/03/2022

- Requirement to commence leachate treatment process
- Requirement to transfer of treated leachate to emergency leachate dam
- Requirement to cease irrigation and evaporation of untreated leachate
- Requirement to commence regular leachate quality monitoring
- Requirement to develop a leachate evaporation management protocol

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



06/12/2022

- Requirement to construct a new leachate dam with adequate odour controls (cover) in place

24/05/2024

- Requirement to submit a landfill gas risk assessment to the EPA

02/05/2025

- Requirement to submit a leachate management plan to the EPA
- Requirement to submit a landfill gas management plan to the EPA

05/12/2025

- Requirement for biennial review of landfill gas risk assessment
- Requirement for biennial review of landfill gas management plan
- Requirement for biennial review of leachate management plan
- Requirement to construct a new weather monitoring station
- Requirement to conduct a third-party landfill gas surface monitoring baseline study
- Requirement to conduct a third-party field ambient odour assessment
- Requirement to submit a landfill gas monitoring plan to the EPA

In addition to these requirements, the EPA is continuing to conduct regular inspections and independent odour surveys of the premises, as well as following up any community complaints. We are also independently monitoring Hydrogen Sulphide gas levels, on a continuous basis, within and around the premises.

We 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 by calling Environment Line on 131 555 or by emailing info@epa.nsw.gov.au.

Whilst the submissions raised concerns regarding odour, the EPA are satisfied that the operations are appropriately being managed in terms of odour and within acceptable levels and on-going inspections are occurring. The EPA are responsible for ensuring ongoing management of odour issues and investigation of any complaints. It is recommended that the writers of the submissions be provided with the EPA's Environment Line phone number and email when advised of the outcome of the application.

As per the conditions of consent, the operations are to remain in accordance with the existing Environmental Management Plan prepared by Insitu Advisory, Air Quality Management Plan prepared by Northstar and Leachate Management Plan prepared by InSitu Advisory.

Flora and Fauna:

There are no impacts on flora and fauna as a result of the modified development.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



Waste:

No change is proposed to the type of waste material that is being received at the facility. The proposed increase in capacity per annum allows for the overall total quantity of the life of the facility to be achieved in a shorter timeframe, and within the same footprint.

Energy:

The modification will not alter the impact on the energy needs or current supply of the development.

Noise and Vibration

Noise and vibration were considered as part of the original assessment.

A Noise and Vibration Impact Assessment (NVIA) has been completed by Waves Consulting for the modification application and indicates that the proposed modification does not propose any greater impact to what was previously considered.

As per the conditions of consent, the operations and maintenance are to remain in accordance with the existing Environmental Management Plan prepared by Insitu Advisory.

Natural Hazards:

There are no known risks to people, property or the biophysical environment from geologic or soil instability, or flooding. Bushfire has been previously considered and remains managed in an acceptable manner with respect to the modification. As per the conditions of consent, the development is to remain in accordance with the existing Bushfire Management Plan.

Technological hazards

The modification does not result in any different type of risk to people, property or the biophysical environment from industrial and technological hazards, land contamination and remediation or building fire risk.

Safety, security and crime prevention

No change is proposed to the existing security measures including fencing.

Social Impacts in the Locality:

It is not considered that the modification will change the original assessment regarding social impact.

Economic Impact in the Locality:

No change to the original proposal or assessment as a result of the modification, which found that the proposed development will have a positive impact on the Gundagai economy.

Submissions raised concerns regarding loss of property values and economic loss; however, this is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



Site Design and Internal Design:

The modification does not propose any changes to the approved layout or internal design.

Construction Matters:

The modification does not require further construction on the site.

Cumulative impacts

It is not considered that the changes proposed in the modification will cumulatively have a different or greater impact, than the approved development.

Proposed Amended Conditions of Consent:

The proposal includes amendment of the conditions of consent in response to the proposed modification. The table below provides the existing condition, proposed amendments from the applicant and a comment.

Condition No.	Condition Wording
9	
Existing	The Applicant shall carry out the development in accordance with the plans and supporting documentation recommendations and specifications submitted in support of the application including the Environmental Impact Statement, Part A Rev 2 (dated November 2019) and prepared by Salvestro Planning and InSitu Advisory, and documentation submitted in relation to modification DA2019.143 MOD 5 – Temporary Leachate Pond. Note: Attachment A – General Terms of Approval – NSW Environment Protection Authority form part of this consent. The applicant must also adhere to the conditions contained in Attachment A. Attachment B – Special Conditions - NSW Environment Protection Authority. The applicant must also adhere to the conditions contained in Attachment B. [as amended by DA2019/143 MOD 1, approved 29 September 2020]
Proposed by Applicant	The Applicant shall carry out the development in accordance with the plans and supporting documentation recommendations and specifications submitted in support of the application including the Environmental Impact Statement, Part A Rev 2 (dated November 2019) and prepared by Salvestro Planning and InSitu Advisory, and documentation submitted in relation to modification DA2019.143 MOD 5 – Temporary Leachate Dam and documentation submitted in relation to modification 2019.143 MOD 6. Note: Attachment A – General Terms of Approval – NSW Environment Protection Authority form part of this consent. The applicant must also adhere to the conditions contained in Attachment A. Attachment B – Special Conditions - NSW Environment Protection Authority. The applicant must also adhere to the conditions contained in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



Comment: The modification application was accompanied by the following information:

- Modification Report, Rev 2.0 – Habitat Planning – 12 December 2025;
- Air Quality Impact Assessment, V2 – Northstar Air Quality – 14 November 2025;
- Noise Impact Assessment, R2 – Waves Consulting – 1 July 2025;
- Traffic Impact Assessment – McLaren Traffic Engineering – 6 June 2025;
- Air Quality Management Plan, V4 – Northstar Air Quality – 25 November 2025;
- Leachate Management Plan – InSitu Advisory – 3 July 2025; and
- Preliminary Review – NSW EPA – 25 September 2025.

The proposed changes to Condition 9 are supported.

10

Existing	Limits of Consent 10. The Applicant shall not: a. receive more than 60,000 tonnes per annum of non-putrescible material from the VISY Pulp and Paper Mill located at Tumut NSW; and b. receive waste from any other site or source; and c. exceed total airspace capacity for waste disposal as stipulated by an EPL; and d. receive, store, handle or dispose of General Solid Waste or other classes of waste that are not authorised for receipt on site by an EPL.
Proposed by Applicant	Limits of Consent 10. The Applicant shall not: a) receive more than 60,000 99,000 tonnes per annum of non-putrescible material from the VISY Pulp and Paper Mill located at Tumut NSW; and b) receive waste from any other site or source; and c) exceed total airspace capacity for waste disposal as stipulated by an EPL; and d) receive, store, handle or dispose of General Solid Waste or other classes of waste that are not authorised for receipt on site by an EPL.

Comment: The proposed changes to Condition 10 are reflective of the proposed modification and are supported.

L3.1

Existing	The licensee must not cause, permit or allow any waste generated outside 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.
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DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



	This condition does not limit any other conditions in this license. <table><tr><th>Code</th><th>Waste</th><th>Description</th><th>Activity</th><th>Other limits</th></tr><tr><td>N/A</td><td>General Solid Waste (non-putrescible)</td><td>As defined in Schedule 1 of the Protection of the Environment Operations Act 1997, in force from time to time</td><td>Waste disposal (application to land)</td><td>The total quantity of waste disposed of at the premises must not exceed 60,000 Tonnes per annum.</td></tr></table>	Code	Waste	Description	Activity	Other limits	N/A	General Solid Waste (non-putrescible)	As defined in Schedule 1 of the Protection of the Environment Operations Act 1997, in force from time to time	Waste disposal (application to land)	The total quantity of waste disposed of at the premises must not exceed 60,000 Tonnes per annum.
Code	Waste	Description	Activity	Other limits							
N/A	General Solid Waste (non-putrescible)	As defined in Schedule 1 of the Protection of the Environment Operations Act 1997, in force from time to time	Waste disposal (application to land)	The total quantity of waste disposed of at the premises must not exceed 60,000 Tonnes per annum.							
Proposed by Applicant	The licensee must not cause, permit or allow any waste generated outside 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. This condition does not limit any other conditions in this license. <table><tr><th>Code</th><th>Waste</th><th>Description</th><th>Activity</th><th>Other limits</th></tr><tr><td>N/A</td><td>General Solid Waste (non-putrescible)</td><td>As defined in Schedule 1 of the Protection of the Environment Operations Act 1997, in force from time to time</td><td>Waste disposal (application to land)</td><td>The total quantity of waste disposed of at the premises must not exceed 60,000 99,000 Tonnes per annum.</td></tr></table>	Code	Waste	Description	Activity	Other limits	N/A	General Solid Waste (non-putrescible)	As defined in Schedule 1 of the Protection of the Environment Operations Act 1997, in force from time to time	Waste disposal (application to land)	The total quantity of waste disposed of at the premises must not exceed 60,000 99,000 Tonnes per annum.
Code	Waste	Description	Activity	Other limits							
N/A	General Solid Waste (non-putrescible)	As defined in Schedule 1 of the Protection of the Environment Operations Act 1997, in force from time to time	Waste disposal (application to land)	The total quantity of waste disposed of at the premises must not exceed 60,000 99,000 Tonnes per annum.							

Comment: The proposed changes to L3.1 are reflective of the proposed modification and are supported.

Accordingly, the requested condition amendments are supported and incorporated within the recommended amended condition of consent.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



4.15(1)(c) - The suitability of the site for the development:

Does the proposal fit in the locality ?

There are no constraints posed by adjacent developments that would prohibit the development, given the size of the property, the likely impacts and the setbacks proposed. It is considered that the air quality and microclimate are appropriate for the development, and there are no hazardous landuses or activities nearby, and ambient noise levels are suitable for the development.

Are the site attributes conducive to development ?

The site is not subject to natural hazards including flooding, subsidence, slip or mass movement, while the issue of bushfire has been satisfactorily addressed in the report. The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities or habitats on the site. The modification will not prejudice future agricultural production and there are no known mineral or extractive resources on the site. This issue of potential site contamination has been discussed previously.

4.15(1)(d) - Any submissions made:

The four submissions received have been detailed above and discussed within this report.

4.15(1)(e) - The public interest:

There are no planning strategies or studies that apply to a development of this nature, or policy statements from the State or Federal Governments. Overall, the proposal would not contravene the public interest.

OTHER MATTERS:

Section 7.11 and 7.12 Contributions Policies:

Section 7.12(2) of the EPA Act, states that *"a consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11"*. Accordingly, Council can only require payment of either a 7.11 or 7.12 contributions.

Section 7.11 Contributions Plans

The "Development Generating Heavy Vehicle Usage of Local Road" contribution plan, does apply to this development, and is an existing condition of consent – the modification does change the requirement to pay levies under this plan given no additional truck movements and no change to the 19m length trucks.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



Section 7.12 Contributions Plans

The Cootamundra-Gundagai Regional Council Section 7.12 Fixed Development Consent Levy Contributions Plan 2018, applies to the land and conditions of consent imposed on the original development. The proposed cost of the modification is less than \$100,000, therefore no contribution is payable.

Proposed Cost of the Development	Maximum Percentage of the Levy	Contribution payable
Up to \$100,000	Nil	N/A
\$100,001-\$200,000	0.5 %	N/A
\$200,001 +	1 %	N/A

Section 64 water and sewer contributions policies:

There are no water or sewer contribution plans that apply to the former Gundagai LEP.

Disclosure of political donations and gifts:

The application and notification process did not result in any disclosure of Political Donations and Gifts.

FINANCIAL IMPACTS:

Nil impacts for Council

POLICY IMPACTS:

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

ORGANISATIONAL IMPACT:

Nil

RISK MANAGEMENT IMPACTS:

Nil

LEGAL ISSUES:

Nil

CONCLUSION:

Council has considered all matters under the relevant legislation, and it considers that both the original development, and modified development, is appropriate having regard to the above matters, and that any impacts can be managed through existing and proposed conditions.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



RECOMMENDATION:

Determination:

That Council approve the following development, subject to the consent conditions below:

- Application No.: DA 2019/143
- Property: Lot 10 DP 1210362, Lot 7004 DP 1028797, Lot 3 DP 702858, Lot 287 DP 727816, 282 Tumblong Reserve Road, TUMBLONG, 68 Tumblong Reserve Road, TUMBLONG
- Development: Proposed Section 4.55(2) Modification to DA2019/143 being an approved waste management facility to increase annual landfill processing capacity

Conditions:

1. This Notice of Determination for modification is granted consent subject to the following:

Modifying Condition 9, by:

9. The Applicant shall carry out the development in accordance with the plans and supporting documentation recommendations and specifications submitted in support of the application including the Environmental Impact Statement, Part A Rev 2 (dated November 2019) and prepared by Salvestro Planning and InSitu Advisory, and documentation submitted in relation to modification DA2019.143 MOD 5 – Temporary Leachate Pond and documentation submitted in relation to modification 2019.143.7 MOD 6.

Note: Attachment A – General Terms of Approval – NSW Environment Protection Authority form part of this consent. The applicant must also adhere to the conditions contained in Attachment A.
Attachment B – Special Conditions - NSW Environment Protection Authority. The applicant must also adhere to the conditions contained in Attachment B.

*[as amended by
DA2019/143 MOD 1, approved 29 September 2020 and
DA2019/143.6 MOD 5, approved 27 June 2023 and
DA2019/143.7 MOD 6, approved **** 2026]*

Modifying Condition 10, by:

Limits of Consent

10. The Applicant shall not:

- a. receive more than ~~60,000~~ 99,000 tonnes per annum of non-putrescible material

DEVELOPMENT ASSESSMENT REPORT

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Section 4.15 (as amended)



- from the VISY Pulp and Paper Mill located at Tumut NSW; and
- b. receive waste from any other site or source; and
- c. exceed total airspace capacity for waste disposal as stipulated by an EPL; and
- d. receive, store, handle or dispose of General Solid Waste or other classes of waste that are not authorised for receipt on site by an EPL.

*[as amended by
DA2019/143.7 MOD 6, approved **** 2026]*

Modifying ATTACHMENT A – GENERAL TERMS OF APPROVAL – NSW ENVIRONMENT PROTECTION AUTHORITY – L3.1, by:

L3.1 The licensee must not cause, permit or allow any waste generated outside 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.

This condition does not limit any other conditions in this license.

Code	Waste	Description	Activity	Other Limits
NA	General Solid Waste (non-putrescible)	As defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> , in force from time to time	Waste Disposal (application to land)	The total quantity of waste disposed of at the premises must not exceed 60,000 99,000 Tonnes per annum.

*[as amended by
DA2019/143.7 MOD 6, approved **** 2026]*

Rectify administrative errors in Conditions 88 to 95 and Attachment B – E7 by addition of the DA number and date of the previous modification application DA2019/143.6 MOD 5, approved 27 June 2023.

NOTE The modified development consent conditions incorporate the original conditions along with the modifications, for your convenience. All amendments are shown in **red type** with deletions shown ~~struck through~~.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



All other conditions remain as previously approved.

2. Those persons making a submission be advised of the determination and provided with the following advice from the EPA:

We 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 by calling Environment Line on 131 555 or by emailing info@epa.nsw.gov.au.

REASONS FOR CONDITIONS:

This section of the Act requires the public notification of certain decisions, the date of the decision, the reasons for the decision and how community views were taken into account in making the decision. The reasons for the decision (as recommended to Council) and how community views were taken into account, as it relates to this application are:

- the proposed modification is not inconsistent with the objectives of the zone,
- the proposed modification is permitted in the zone,
- assessment of the modification against the relevant provisions of the EPA Act, indicates that the proposed modification will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity,
- the proposed modification does not compromise the relevant Environmental Planning Instruments,
- Council considers that the proposed modification is appropriate having regard to the relevant matters and can be managed through appropriate conditions,
- neighbour notification was carried out as per the CPP, and each of the issues raised has been addressed within the report, and shown to be acceptable, subject to compliance with commitments made in the application, and the conditions of consent.

SCHEDULE 1, DIVISION 4, CLAUSE 20 - REASONS FOR THE DECISION:

This section of the Act requires the public notification of certain decisions, the date of the decision, the reasons for the decision and how community views were taken into account in making the decision. The reasons for the decision and how community views were taken into account, as it relates to this development application are:

- the proposed modification is not inconsistent with the objectives of the zone,
- the proposed modification is permitted in the zone,
- assessment of the modification against the relevant provisions of the EPA Act, indicates that the proposed modification will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity,

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



- the proposed modification does not compromise the relevant Environmental Planning Instruments,
- Council considers that the proposed modification is appropriate having regard to the relevant matters and can be managed through existing and proposed conditions,
- the modification is substantially the same development as originally approved.

DEVELOPMENT ASSESSMENT SIGNING OFFICER:

A handwritten signature in black ink that reads "Donna Clarke".

Donna Clarke

22 May 2026