

DATE OF DETERMINATION	9 June 2026
DATE OF PANEL DECISION	9 June 2026
DATE OF PANEL BRIEFING	2 June 2026
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Tony Donoghue, Gordon Lindley
APOLOGIES	None
DECLARATIONS OF INTEREST	Council interest DA

Papers circulated electronically on 22 May 2026.

MATTER DETERMINED

PPSSTH-577 - COOTAMUNDRA-GUNDAGAI - DA 2019/143.7 at 68 & 282 Tumblong Reserve Road, Tumblong (Lot 10 DP 1210362, Lot 7004 DP 1028797, Lot 7300 DP 1148008, Lot 3 DP 702858, Lot 287 DP727816) – Proposed Section 4.55(2) Modification to DA2019/143 being an approved waste management facility to increase annual landfill processing capacity (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel was satisfied that the:

- Modification application had been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.
- Modification was substantially the same as the development originally approved.
- A thorough assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken.
- Proposal was unlikely to result in any unacceptable environmental, amenity, or land use safety impacts, noting strengthened environmental management requirements and the regulatory oversight of the EPA; and
- Reasons given for the grant of the original consent had been fully considered.

CONDITIONS

The modification application was approved, subject to the amended conditions set out in the Council's Assessment Report.

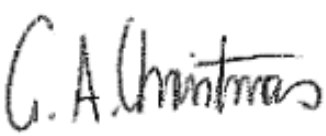
CONSIDERATION OF COMMUNITY VIEWS

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

- Odour complaints and ongoing issues
- Concerns about further expansion

- Impacts on amenity, environment and rural character
- Impacts from trucks
- Property values

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment have been raised.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Grant Christmas	 Tony Donoghue
 Gordon Lindley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-577 - COOTAMUNDRA-GUNDAGAI - DA 2019/143/007
2	PROPOSED DEVELOPMENT	Proposed Section 4.55(2) Modification to DA2019/143 to increase annual landfill processing capacity to an approved waste management facility
3	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 DP727816) –
4	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 DP727816)
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Cootamundra Local Environmental Plan 2013 - Draft environmental planning instruments: Nil - Development control plans: Nil - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 22 May 2026 - Written submissions during public exhibition: 4 - Total number of unique submissions received by way of objection: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Final briefing to discuss council's recommendation: 2 June 2026 <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Tony Donoghue, Gordon Lindley <u>Council assessment staff</u>: Donna Clarke, Lauren Dawes <u>Applicant representatives</u>: Emily Hewitt (Habitat Planning), Kathleen Bolger (Habitat Planning), David Hunter (Habitat Planning), Martin Hay (MHE Waste), Alan Dyer (Director, Insitu Advisory) <u>DPHI</u>: Angus Bell (A/Senior Case Manager), Tracey Gillett (Project Support Officer)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report