

# **BUSINESS PAPER**

# Civil and Environmental Services Committee Meeting Wednesday, 9 September 2020

#### **INVERELL SHIRE COUNCIL**

#### NOTICE OF CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING

#### 4 September, 2020

A Civil and Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 9 September, 2020, commencing at **9.00am**.

Your attendance at this Civil and Environmental Services Committee Meeting would be appreciated.

Please Note: Under the provisions of the Code of Meeting Practice the proceedings of this meeting (including presentations, deputations and debate) will be webcast. An audio recording of the meeting will be uploaded on the Council's website at a later time. Your attendance at this meeting is taken as consent to the possibility that your voice may be recorded and broadcast to the public.

I would like to remind those present that an audio recording of the meeting will be uploaded on the Council's website at a later time and participants should be mindful not to make any defamatory or offensive statements.

#### P J HENRY PSM

#### **GENERAL MANAGER**

#### **Agenda**

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#### **Ethical Decision Making and Conflicts of Interest**

A guiding checklist for Councillors, officers and community committees

#### **Ethical decision making**

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

#### **Conflict of interest**

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** regulated by the Local Government Act 1993 and Office of Local Government
- Non-pecuniary regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

#### The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

#### **Identifying problems**

**1st** Do I have private interests affected by a matter I am officially involved in?

2nd Is my official role one of influence or perceived influence over the matter?

**3rd** Do my private interests conflict with my official role?

#### **Local Government Act 1993 and Model Code of Conduct**

For more detailed definitions refer to Sections 442, 448 and 459 or the *Local Government Act 1993* and Model Code of Conduct, Part 4 – conflictions of interest.

#### Disclosure of pecuniary interests / non-pecuniary interests

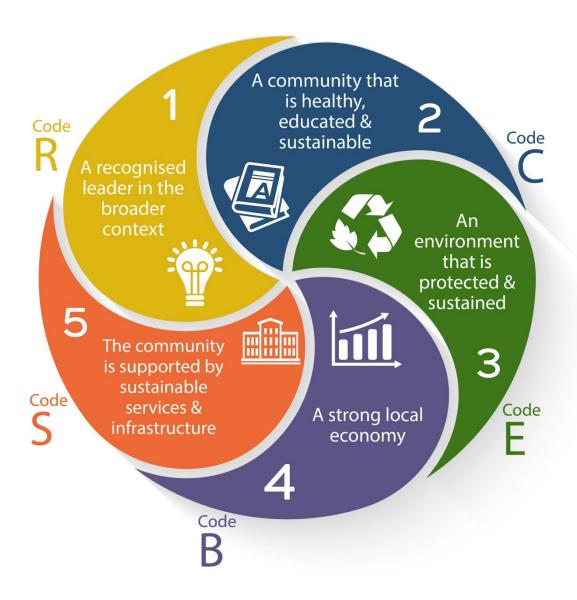
Under the provisions of Section 451(1) of the *Local Government Act 1993* (pecuniary interests) and Part 4 of the Model Code of Conduct prescribed by the Local Government (Discipline) Regulation (conflict of interests) it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

**A Declaration form should be completed and handed to the General Manager** as soon as practible once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Form can be downloaded at <u>Declaration Form</u>

#### **Quick Reference Guide**

#### Below is a legend that is common between the:

- Inverell Shire Council Strategic Plan;
- Inverell Shire Council Delivery Plan; and
- Inverell Shire Council Operational Plan.



#### 1 APOLOGIES

#### 2 CONFIRMATION OF MINUTES

#### **RECOMMENDATION:**

That the Minutes of the Civil and Environmental Services Committee Meeting held on 12 August, 2020, as circulated to members, be confirmed as a true and correct record of that meeting.

# MINUTES OF INVERELL SHIRE COUNCIL CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL

ON WEDNESDAY, 12 AUGUST 2020 AT 9.00 AM

PRESENT: Cr Di Baker (Chair), Cr Paul Harmon (Mayor), Cr Mal Peters via Zoom, Cr

Stewart Berryman, and Cr Neil McCosker via Zoom.

**IN ATTENDANCE:** Cr Anthony Michael (Deputy Mayor), Cr Jacki Watts and Cr Kate Dight.

Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Scott Norman (Director Corporate & Economic Services), Justin Pay (Manager Civil Engineering) and Anthony Alliston (Manager Development

Services).

#### 1 APOLOGIES

Nil

#### 2 CONFIRMATION OF MINUTES

#### **COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon Seconded: Cr Stewart Berryman

That the Minutes of the Civil and Environmental Services Committee Meeting held on 8 July, 2020, as circulated to members, be confirmed as a true and correct record of that meeting.

**CARRIED** 

#### 3 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS

Nil

#### 4 PUBLIC FORUM

#### SUSPENSION OF STANDING ORDERS

#### **COMMITTEE RESOLUTION**

Moved: Cr Stewart Berryman Seconded: Cr Paul Harmon

That standing orders be suspended to enable Stephen Leathley from Insite Planning Services and Phillip Drew from Bunnings to address the Committee.

Time being 9.04am

CARRIED

#### **BUNNINGS PLANNING PROPOSAL**

Stephen Leathley from Insite Planning Services and Phillip Drew from Bunnings addressed the Committee regarding the planning proposal for the corner of Jardine Road and Gwydir Highway, Inverell. Bunnings wishes to build a new store on the site. Phillip Drew spoke about the shortfalls of the current store, both in relation to the building and the location. Stephen Leathley spoke about the planning process, how the application addressed the requirements, the nature of the development and the impacts on neighbouring properties and the local businesses.

#### RESUMPTION OF STANDING ORDERS

#### **COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon Seconded: Cr Stewart Berryman That standing orders be resumed.

**CARRIED** 

#### 5 DESTINATION REPORTS

5.1 PLANNING PROPOSAL - AMENDMENT TO THE INVERELL LOCAL ENVIRONMENTAL PLAN 2012 - CORNER GWYDIR HIGHWAY AND JARDINE ROAD, INVERELL \$18.6.34/09

#### **COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon Seconded: Cr Stewart Berryman

That the Committee recommend to Council that:

- i. The Planning Proposal to amend the Inverell Local Environmental Plan 2012 to facilitate a large format retail development be forwarded to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway Determination in accordance with sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;
- ii. The Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the Planning Proposal and obtaining the Gateway Determination, including any minor amendments, information requests and public exhibition; and
- iii. A further report be submitted in relation to this matter following public exhibition.

#### S375A Record of Voting on Planning Matters

In Favour: Crs Paul Harmon, Stewart Berryman and Di Baker

Against: Crs Mal Peters and Neil McCosker

CARRIED 3/2

#### 5.2 ANNUAL HERITAGE ADVISORY SERVICE UPDATE \$18.8.3

#### **COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon

Seconded: Cr Stewart Berryman

- 1. That the Committee suspend standing orders to allow Heritage Advisor, Mr Mitch McKay the opportunity to address the Committee; and
- 2. That the Committee recommend to Council that the 2019-2020 annual reporting and funding acquittals to Heritage NSW, be noted.

**CARRIED** 

Mr Mitch McKay delivered the annual Heritage Advisory Services Update.

#### **RESUMPTION OF STANDING ORDERS**

Moved: Cr Stewart Berryman Seconded: Cr Paul Harmon

That standing orders be resumed.

**CARRIED** 

#### 5.3 RURAL SEALED ROAD REHABILITATION PLAN S28.21.1/13

#### **COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon Seconded: Cr Stewart Berryman

That the Committee recommend to Council that:

- i) the Rural Sealed Roads Rehabilitation Plan 2020 2024 be adopted; and
- ii) the associated Local Roads and Regional Roads Rehabilitation Programs be endorsed, and utilised for funding allocations in the nominated Budget Votes.

**CARRIED** 

### 5.4 FUNDING ALLOCATION - GRAVEL RESHEETING, WOODSTOCK ROAD AND WATERLOO ROAD \$28.10.\$R243 & \$16.7.31/08

#### **COMMITTEE RESOLUTION**

Moved: Cr Stewart Berryman Seconded: Cr Neil McCosker

That the Committee recommend to Council that the 2020/2021 Special Roads Projects budget of \$341,055 be allocated for gravel resheeting to be completed on sections of Woodstock Road and Waterloo Road during the current financial year.

**CARRIED** 

#### 5.5 REGIONAL ROAD TRANSFER AND ROAD CLASSIFICATION REVIEW S28.24.1

#### **COMMITTEE RESOLUTION**

Moved: Cr Stewart Berryman Seconded: Cr Paul Harmon

That the Committee recommend to Council that:

- (i) The information in the report be received and noted;
- (ii) Council staff conduct a review of all Council controlled roads in accordance with the classification framework provided by TfNSW and a further report be presented to Council regarding any potential classification changes;
- (iii) A priority submission be made for the Bruxner Way and Bundarra Road to be transferred to State Government control, provided the conditions outlined in the report are met;
- (iv) Council provide in principal support for the transfer of all ISC controlled Regional Roads to State Government control, provided the conditions outlined in the report are met; and
- (v) Council notify NEJO, BROC and neighbouring Councils of its position so that joint submissions can be investigated.

**CARRIED** 

#### 5.6 D-33/1992 - SUBDIVISION OFF PALAROO LANE - ROAD NAMING D-33/1992

#### **COMMITTEE RESOLUTION**

Moved: Cr Stewart Berryman Seconded: Cr Paul Harmon

That the Committee recommend to Council that:

- 1. The road running south off Palaroo Lane not be named "Lorikeet Lane";
- 2. The appropriate steps be taken to formally name the road running south off Palaroo Lane as "Olive Grove Lane"; and
- 3. Council authorise the General Manager to undertake the road naming in accordance with the NSW Road Regulation 2018.

**CARRIED** 

#### 6 INFORMATION REPORTS

#### **COMMITTEE RESOLUTION**

Moved: Cr Stewart Berryman Seconded: Cr Paul Harmon

That the information reports be received and noted.

**CARRIED** 

#### 6.1 WORKS UPDATE \$28.21.1/13

# 6.2 ROADS MAINTENANCE COUNCIL CONTRACT - STATE ROAD NETWORK S25.9.12/13

6.3 NOTICE OF DETERMINATION - DA-59/2020 - CONSTRUCTION OF A NEW POLICE STATION BUILDING, ANCILLARY WORKS, ASSOCIATED USAGE AND SIGNAGE - 109 OTHO STREET, INVERELL DA-59/2020

#### **7 GOVERNANCE REPORTS**

## 7.1 GOVERNANCE - PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS \$1.2.3/14

#### **COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon Seconded: Cr Stewart Berryman

That the information be received and noted.

**CARRIED** 

The Meeting closed at 10.30am.

- 3 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS
- 4 PUBLIC FORUM

#### 5 DESTINATION REPORTS

#### 5.1 DA-96/2019 - CATTLE FEEDLOT - 1804-2033 TARWOONA ROAD, CAMP CREEK

File Number: DA-96/2019 / 20/31103

Author: Chris Faley, Development Services Coordinator

#### **SUMMARY:**

An application (DA-96/2019) has been received for a 25,055 head cattle feedlot at 1804-2033 Tarwoona Road, Camp Creek.

DA-96/2019 has been examined having regard to the matters for consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered to:

- Comply with the Inverell Local Environmental Plan 2012;
- Comply with the Inverell Development Control Plan 2013;
- Comply with the applicable state environmental planning policies;
- Have no significant adverse impact on the natural and built environments;
- Have no significant social and economic impacts;
- Be a suitable development for the site; and
- Not be prejudicial to the public interest.

Three (3) submissions have been received in response to the exhibition of DA-96/2019. The matters raised in the submissions have been adequately addressed within the Environmental Impact Statement and accompanying studies and on balance it is considered that the matters raised are not sufficient such to preclude issuing of development consent.

#### **RECOMMENDATION:**

The Committee recommend to Council that Development Application 96/2019 be approved subject to the following conditions of consent:

#### **General Conditions**

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979.

Consent is granted for a beef cattle feedlot.

Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following documents:

Document Description	Date	Report No.	Version No.
Environmental Impact Statement			
Development Application and Environmental Impact Statement – Proposed Beef Cattle Feedlot, Tarwoona Road, Camp Creek	15/08/2019	RU01Z000	V02R02
Additional Information			
Local Government Engineering Services - Traffic Impact Assessment	28/05/2020	IV2481	Rev C
AREA Environmental Consultants & Communication – Biodiversity Development	17/01/2020	QU-0042	V3.4

Assessment Report			
Chance Find Procedure – Cultural heritage items	-	-	-
Matrix Acoustics - Road Traffic Noise Assessment	21/04/2020	-	-

Any deviation will require the consent of Council.

- 2. The maximum head of cattle permitted within the cattle feedlot at any one point in time is 25,055.
- 3. The development is to be undertaken in accordance with the General Terms of Approval (Appendix 1 of this consent) and any subsequent Environmental Protection License (as amended), issued by the NSW Environment Protection Authority.
- 4. The development is to be undertaken in accordance with the General Terms of Approval (Appendix 2 of this consent) and any subsequent Controlled Activity Approval (as amended), issued by the National Resources Access Regulator.
- 5. The development is to be undertaken in accordance with the General Terms of Approval (Appendix 3 of this consent) and any subsequent Fisheries Permit (as amended), issued by the Department of Primary Industries (Fisheries).
- 6. The development is to be undertaken in accordance with the General Terms of Approval (Appendix 4 of this consent) and any subsequent Water Use Approval and/or Water Management Work Approval (as amended), issued by the WaterNSW.
- 7. The final design, construction and operation of the feedlot must be undertaken in accordance with the Mitigation Measures summarised in **Section 15.3** of the approved Environmental Impact Statement.
- 8. Permanent vehicle classifiers must be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development, at the applicant's expense.
- 9. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the Environmental Planning & Assessment Regulation 2000 (as detailed at the end of this consent).

#### Prior to Construction (including road upgrades)

- 10. Prior to the commencement of any works (including earthworks and road upgrades) a Construction Certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979. The application for a Construction Certificate, made to Council or an Accredited Certifier, must include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.
- 11. Prior to issue of a Construction Certificate, a Heavy Vehicle Code of Conduct for traffic associated with the feedlot must be submitted to and approved by Council. The Code of Conduct must address at minimum:
  - A map of the primary haulage routes highlighting critical locations;
  - Safety initiatives for haulage through residential areas and/or school zones;
  - An induction process for vehicle operators and regular toolbox meetings;
  - A complaints resolution and disciplinary procedure; and
  - Community consultation measures for peak haulage periods.
- 12. Prior to issue of a Construction Certificate, protection buffers areas with suitable fencing/delineation, must be provided around the Aboriginal Cultural Heritage Artefacts identified in "Figure 34 Heritage Assessment Aboriginal Objects" being Drawing No. "RU01Z EIS HA -34D" of the Environmental Impact Statement. The proposed method of fencing/delineation must be submitted to and approved by Council.

Note: Council may undertake consultation with the Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment in relation to the proposed fencing/delineation method.

- 13. Prior to issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 must be obtained from Council for:
  - Upgrade of the bridge on Cunningham Weir Road over the Dumaresq River;
  - Widening and resurfacing of the Cunningham Weir Road including Dumaresq River approaches;
  - Upgrade of existing intersection at Tarwoona Road onto Cunningham Weir Road;
  - Permanent vehicle classifiers to be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development;
  - The proposed new access crossing; and
  - Any other road upgrades.

The application for approval under Section 138 of the Roads Act 1993 must be accompanied by detailed engineering survey and design of all works.

Note: Council will consult with the Goondiwindi Regional Council, National Resource Assess Regulator and Department of Primary Industries (Fisheries) in relation to the proposed road upgrades, bridge upgrade and works within 40 metres of the Dumaresq River.

- 14. Prior to issue of a Construction Certificate, an approval from Goondiwindi Regional Council must be obtained for the upgrade works in Queensland to the Cunningham Weir Road and Texas-Yelarbon Road. A copy of this approval is to be provided to Inverell Shire Council.
- 15. Prior to issue of a Construction Certificate, the applicant must provide Council with documentary evidence that the required biodiversity credits have been retired in accordance with the Biodiversity Conservation Act 2016.
  - The retired biodiversity credits must be of the number and class as specified within the Biodiversity Development Assessment Report prepared by AREA Environmental Consultants & Communication, Report No. QU-0042, Version No. V3.4, dated 17/01/2020.
- 16. Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 must be obtained from Council for the installation and operation of on-site sewage management systems for the administration office and other amenities.

#### **During Construction / Demolition**

- 17. The applicant will:
  - repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
- 18. The Chance Find Procedure prepared for the discovery of Aboriginal artefacts or places must be implemented and maintained for the duration of works.
- 19. Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.

20. All demolition work is to be carried out in accordance with Australian Standard 2601 The demolition of structures.

#### Prior to Occupation / Commencement of Use

21. Prior to occupation of the site and commencement of the feedlot use, an Occupation Certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979.

Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:

- all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- any preconditions to the issue of the certificate required by a development consent have been met.
- 22. Prior to issue of an Occupation Certificate, the following road works are to be completed in accordance with the approval issued under Section 138 of the Roads Act 1993:
  - Upgrade of the bridge on Cunningham Weir Road over the Dumaresq River;
  - Widening and resurfacing of the Cunningham Weir Road including Dumaresq River approaches;
  - Upgrade of existing intersection at Tarwoona Road onto Cunningham Weir Road;
  - The proposed new access crossing; and
  - Any other road upgrades.
- 23. Prior to issue of an Occupation Certificate, the upgrade works in Queensland to the Cunningham Weir Road and Texas-Yelarbon Road must be completed in accordance with the approval issued by Goondiwindi Regional Council. Goondiwindi Regional Council must provide Inverell Shire Council with a formal sign-off that the works have been completed to the required standards.
- 24. Prior to issue of an Occupation Certificate, permanent vehicle classifiers must be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development in accordance with the approval under Section 138 of the Roads Act 1993.
- 25. Prior to issue of an Occupation Certificate, Cunningham Weir Road and Tarwoona Road (from Cunningham Weir Road to the Feedlot Access) must be gazetted as a B-Double approved route.
- 26. Prior to issue of an Occupation Certificate, the landscaped earthen mound on the northern side of the main feedlot complex is to be completed.
- 27. Prior to issue of an Occupation Certificate, documentary evidence must be provided to Council demonstrating compliance with the General Terms of Approval and other requirements and licences issued by:
  - NSW Environment Protection Authority;
  - National Resources Access Regulator;
  - Department of Primary Industries (Fisheries); and
  - WaterNSW.

#### **Ongoing Use**

28. A Sec. 94 Contribution for the ongoing maintenance of the local road network is to be paid to Council every quarter, with payments to be made at the following times:

- Financial guarter January to March to be paid by **30 April** of that year;
- Financial quarter April to June to be paid by **31 July** of that year;
- Financial quarter July to September to be paid by 31 October of that year; and
- Financial quarter October to December to be paid by **31 January** of the next year.

The current rate is \$1.176 per head and is subject to CPI adjustment each financial quarter.

The applicant is to provide Council with details of cattle processed through the feedlot during the financial quarter at the time a payment is made. If Council does not receive these details, the contribution will be levied on maximum processing of 25,055 head of cattle for that financial quarter.

- 29. A report must be provided to Inverell Shire Council each financial year, by 31 July, which addresses:
  - The source of water, including current water licences, for the feedlot site during that financial year;
  - A comparison of the total water available in relation to the maximum feedlot capacity; and
  - In the event that if any water restriction and/or water licences are revoked, surrendered, modified or otherwise removed from the development site:
    - A review of cattle numbers within the feedlot in relation to water supply;
       and
    - Proposed measures to operate the feedlot to match current water supply (e.g. de-stocking).
- 30. A report must be provided to Inverell Shire Council each financial quarter, providing the following data (at minimum), based on the permanent vehicle classifiers installed under this consent:
  - Traffic volume;
  - Heavy vehicle traffic volume;
  - B-Double/HPV/Road Train volume; and
  - Date and time of B-Double/HPV/Road Train access.

Note: This condition may be satisfied by the provision of live feed data to Council.

- 31. The National Guidelines for Beef Cattle Feedlots in Australia is to be complied with at all times during the operation of the feedlot to ensure animal health and welfare.
- 32. All external lighting must:
  - comply with AS 4282–1997 Control of the obtrusive effects of outdoor lighting; and
  - be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- 33. The fencing/delineation provided around the Aboriginal Cultural Heritage Artefacts identified in "Figure 34 Heritage Assessment Aboriginal Objects" being Drawing No. "RU01Z EIS HA -34D" of the Environmental Impact Statement must be maintained in perpetuity.
- 34. The operation of the feedlot, including all associated traffic, must comply with the approved Heavy Vehicle Code of Conduct.

35. Any other condition deemed appropriate by the Director Civil and Environmental Services.

#### **COMMENTARY:**

#### **EXECUTIVE SUMMARY**

An application (DA-96/2019) has been received for a 25,055 head cattle feedlot at 1804-2033 Tarwoona Road, Camp Creek.

1804-2033 Tarwoona Road (the site) is comprised of the properties "Paisley" (2050.9 hectares) and "Goondarin" (1258 hectares), which are located in the north of the Inverell Shire, approximately 22 kilometres north-east of Yetman and adjoining the Queensland Border. A locality plan is provided in Figure 1 and an aerial image of the site is provided in Figure 2.

Irrigated agriculture cropping, dry land cropping and beef cattle grazing are carried out on the land. The site is bounded by:

- The Dumaresq River (NSW/QLD border) and Tarwoona Road to the north-east;
- The Dthinna Dthinnawan National Park to the south-west; and
- Farmland holdings predominantly used for beef cattle and irrigated cropping.

The nearest non-associated dwellings to the feedlot site are approximately 2.5 kilometres to the west and approximately 3.7 kilometres to the east. An aerial image of the site and surrounding properties is provided in **Figure 3**.

The proposed cattle feedlot includes the following components:

- Feedlot pens and infrastructure, within a controlled drainage area, which incorporates:
  - Production pens, including feed bunks, water troughs and associated infrastructure (e.g. fences and aprons);
  - Induction and hospital pens and associated infrastructure (e.g. crush and veterinary facilities);
  - Cattle lanes and catch drains;
  - Sedimentation basin;
  - Liquid waste holding pond;
  - Solid waste storage and processing area;
  - Silage storage area; and
  - Cattle wash facility;
- Access road (approximately 2.5km in length);
- Site office and weighbridge;
- Water storage dam (turkey nest);
- Feed storage and feed preparation area (e.g. grain silos, liquid supplement tanks and hay pad);
- Feed processing infrastructure (e.g. tempering bins, steam flaking mill, boilers and augers;
- Maintenance workshop;
- Liquid and solid waste utilisation areas; and
- Upgrade of the bridge on Cunningham Weir Road over the Dumaresq River.

The site layout submitted for the proposed feedlot is provided as **Figure 4**, with the site layout imposed over an aerial image of the site and surrounding area as **Figure 5**.

The total area of the proposed development, including solid and liquid waste utilisation areas, is approximately 820 hectares. The primary feedlot footprint (pens and infrastructure, excluding waste utilisation areas) is approximately 124 hectares. Approximately 28 hectares of native vegetation is proposed to be removed as part of the development. It is expected that the construction of the feedlot will have an operational workforce of approximately 45 full time equivalent staff.

DA-96/2019 is 'Designated Development' in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. The applicant has submitted an Environmental Impact Statement for DA-96/2019, which has been prepared in accordance with Secretary Environmental Assessment Requirements issued by the NSW Department of Planning.

DA-96/2019 is 'Integrated Development' pursuant to Section 4.46 of the *Environmental Planning* and Assessment Act 1979 with General Terms of Approval (concurrence) required from:

- NSW Environment Protection Authority Licensed Premises under Schedule 1 of the Protection of the Environment Operations Act 1997 – General Terms of Approval issued 22 November 2019:
- Natural Resources Access Regulator Controlled activity approval required under the Water Management Act 2000 General Terms of Approval were received 6 February 2020;
- WaterNSW Water Use Approval and Water Management Work Approval under the Water Management Act 2000 – General Terms of Approval were issued 3 December 2019; and
- Department of Primary Industries (Fisheries) Permit under the *Fisheries Management Act* 1994 General Terms of Approval were issued 15 October 2019.

DA-96/2019 was also referred to the following agencies for comment. The comments have been incorporated and considered in this assessment:

- Goondiwindi Regional Council;
- NSW Roads and Maritime Services; and
- Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment.

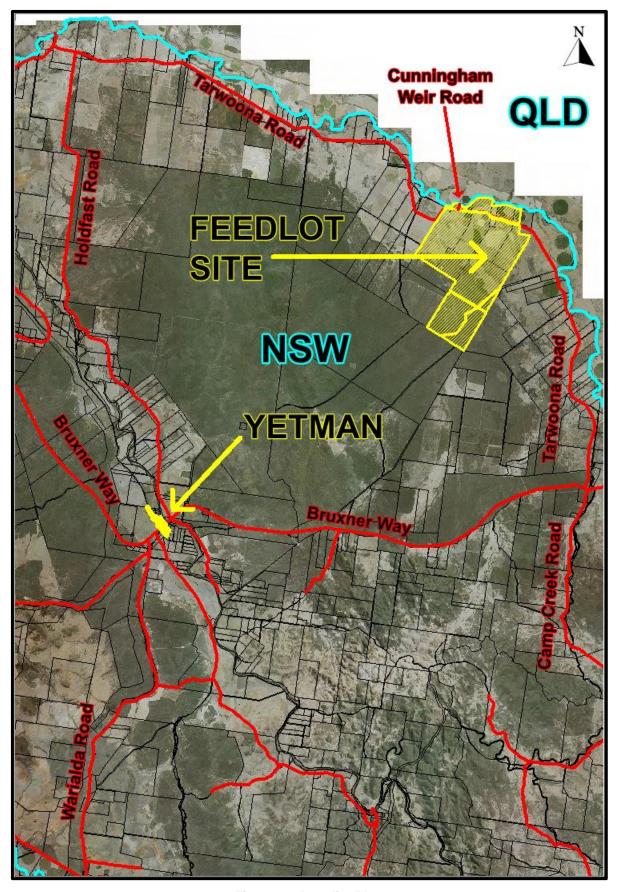


Figure 1 – Locality Plan

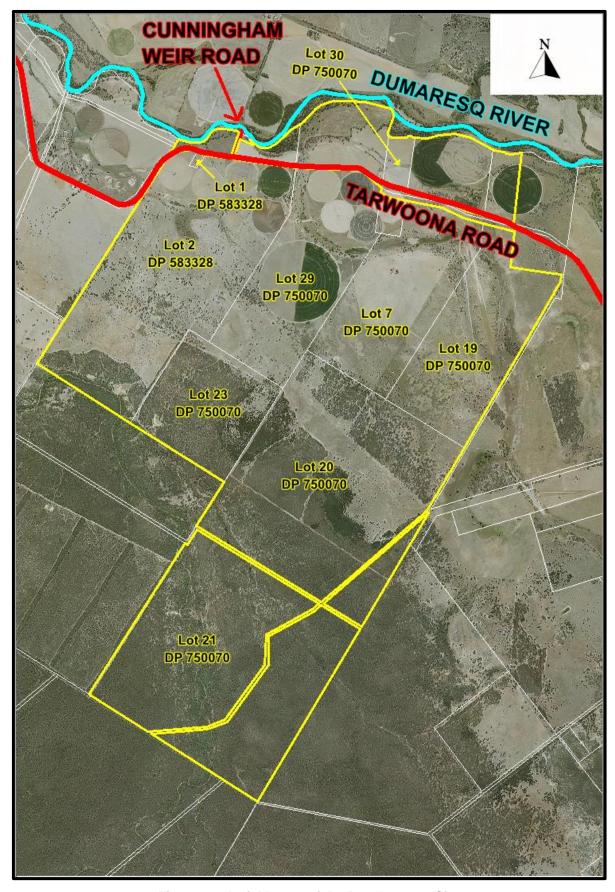


Figure 2 - Aerial Image of the Development Site

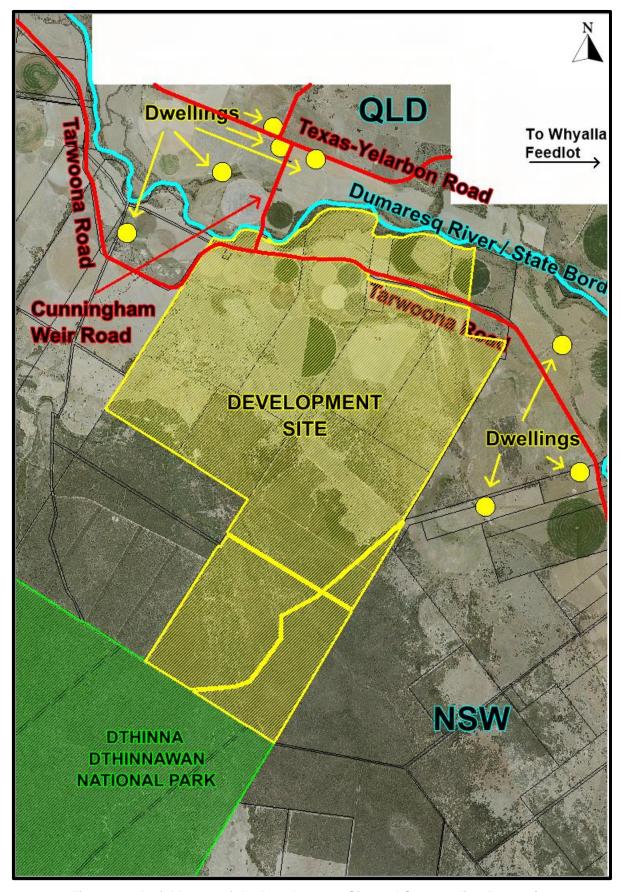


Figure 3 - Aerial Image of the Development Site and Surrounding Properties

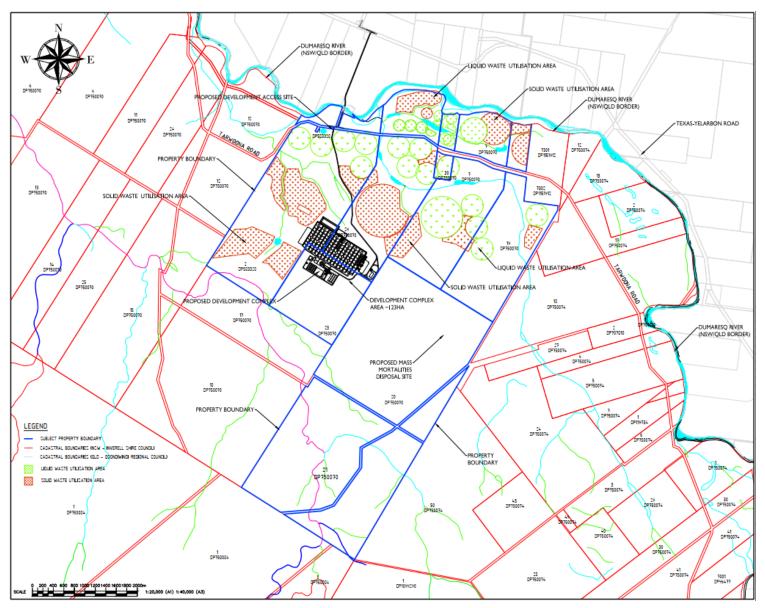


Figure 4 - Proposed Feedlot Site Plan

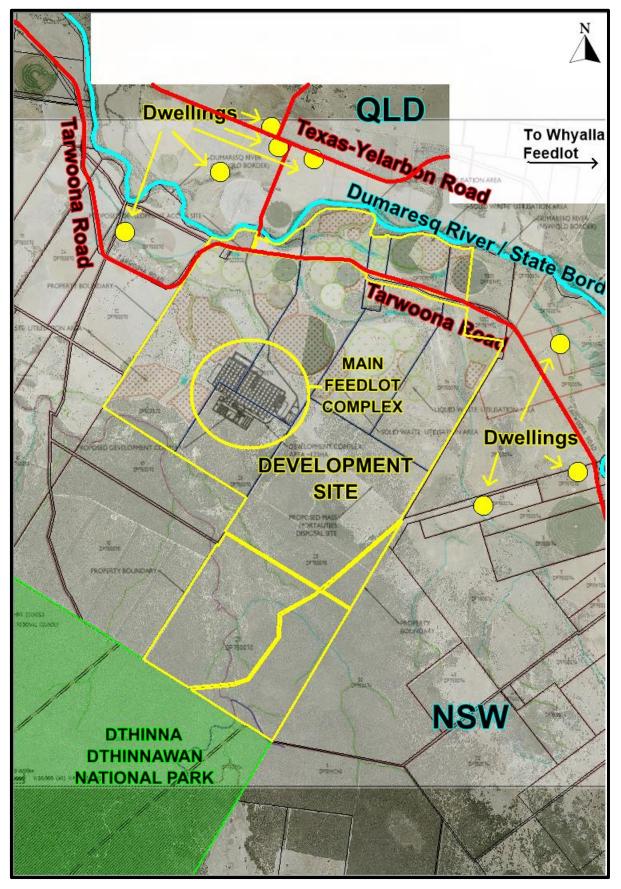


Figure 5 – Proposed Feedlot Site Plan overlaying an Aerial Image of the Site and Surrounding Properties

#### **Environmental Considerations**

The primary environmental considerations relating to this development are:

#### Traffic

The principal haulage route associated with the proposed cattle feedlot would be Tarwoona Road (NSW) onto Cunningham Weir Road (NSW) onto Texas-Yelarbon Road (QLD). Accordingly, the developer proposes to upgrade the bridge on the Cunningham Weir Road, over the Dumaresq River, as part of this development.

The Traffic Impact Assessment (**Attachment 19**) identifies a number of upgrades to Cunningham Weir Road (including river crossing) and the surrounding intersections. These upgrades will need to be completed at the applicant's expense, prior to commencement of operation of the feedlot.

In addition to the Traffic Impact Assessment, Council's engineering assessment has identified increased traffic along the Tarwoona Road from the feedlot and the potential for heavy vehicles to use Tarwoona Road. To mitigate these potential traffic impacts, it is recommended that:

- A code of conduct be prepared for haulage operators; and
- Permanent vehicle classifiers be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development; and
- Contributions under Section 7.11 (formerly Section 94) of the Environmental Planning and Assessment Act 1979 are levied quarterly on the development for road maintenance.

#### Odour

The Environmental Impact Statement submitted with DA-96/2019 includes a Level 1 Odour Assessment (**Attachment 7**) undertaken in accordance with NSW Technical requirements and the National Feedlot Guidelines. This assessment has modelled the relevant factors and determined that the minimum required separation distance to mitigate odour associated with the feedlot is 2.253 kilometres from a dwelling not associated with the development.

The distance between the feedlot site and the closest sensitive receptor (dwelling) is 2.625 kilometres, which exceeds the minimum separation distance required to mitigate odour impacts associated with the proposed feedlot.

#### Flooding

A Flooding Assessment (**Attachment 17**) has been undertaken for this development. Based on historic flood data for the Dumaresq River, the highest known floods at the development site are 1956 and 1976. In terms of discharge the 1956 and 1976 flood levels are similar and are approximately 1 in 100 year flood events.

The flood planning level (1 in 100 year flood plus 500mm freeboard) for the development site is RL 261 metres. The main feedlot complex is located above RL 261 metres. Whilst waste utilisation areas are below the flood planning levels, these are existing agricultural areas (e.g. centre pivots), which are considered to be acceptable on a flood plain.

The design of the development has included suitable flood mitigation measures, including maintaining sufficient water and feed supplies in the event of restricted access during a flood.

#### Groundwater and Surface Water Impacts

The design of the main feedlot complex will mitigate potential impacts on groundwater and surface water by being within an impermeable Controlled Drainage Area, which drains to an appropriately designed and sized sedimentation basin and holding pond. The waste utilisation areas will be subject to appropriate management and the application rates and therefore will not result in excessive leaching of nutrients.

#### Biodiversity

The following clearing is required for the proposed development:

- Within the primary feedlot complex footprint (total 124.16 hectares):
  - 28.86 hectares of forested land of moderate to good condition;
  - 89.24 hectares of grazing land containing native groundcover and scattered native trees comprising of moderate to good condition; and
  - 6.06 hectares of grazing land containing high threat exotic weed (Coolatai Grass).
- 140.11 hectares of manure effluent areas, which require removal of groundcover only.
   No trees require removal; and
- 2.55 hectares of grazing land for access roads.

In addition to the required clearing, the habitat of two (2) threatened species (Belsons Panic and Pale Headed Snake) has been identified on the site.

The applicant has submitted a Biodiversity Development Assessment Report (**Attachment 20**), prepared by an Accredited Assessor, in accordance with the *Biodiversity Conservation Act 2016*.

It is considered that the development:

- Will not have any serious or irreversible impacts; and
- The clearing of native vegetation and impact on the habitat of two (2) threatened species (Belsons Panic and Pale Headed Snake) can be offset through the retirement of biodiversity credits.

The applicant proposes to establish a Biodiversity Stewardship Site within the property to provide the required credits / offsets for this development.

#### Noise

Temporary construction noise (e.g. bulk earthworks) and operational noise (e.g. machinery and livestock) will be mitigated by the separation distance to the nearest receptors. An operational noise limit of 35 dB(A) has been imposed and will be enforced by the NSW Environment Protection Authority, which is an appropriate limit for a rural area.

A Road Traffic Noise Assessment (**Attachment 22**) has also been completed which predicted an average increase in traffic noise level of 0.2 dB(A). This is considered to be indiscernible to most occupants and complies with the NSW Road Noise Policy.

#### Water Supply

The proposed feedlot has a total capacity of 25,055 head of cattle, which equates to a yearly water consumption estimate of between 365 and 520 Megalitres. Water for the proposed feedlot will be sourced primarily from existing groundwater allocations (**Attachment 8**), with surface water allocations to be used as a secondary source in the event of failure of the primary source.

At this point in time it is considered that the development has sufficient water supply for the proposed feedlot. Based on historic water availability and consultation with WaterNSW, there is no evidence to suggest that these water licences/allocations would be terminated in the short to medium term.

#### **Public Exhibition**

Being both 'Designated Development' and 'Integrated Development', DA-96/2019 was notified for a period of 35 days from 8 October, 2019 to 12 November, 2019. This exhibition involved:

- Notice in the Inverell Times;
- Notice in the Goondiwindi Argus;
- Notice in the Macintyre Gazette (Texas):
- Installation of a notice board on Tarwoona Road at the frontage of the property; and

• Letters sent to surrounding property owners.

During the exhibition period, the Development Application and accompanying Environmental Impact Statement could be viewed:

- At Council's Administration Centre; or
- Electronically, at:
  - The 'Advertised Development Applications' section of Council's website; and
  - The NSW Department of Planning, Industry and Environment's head office at 320
     Pitt Street, Sydney (mandatory 'Designated Development' requirement).

As a result of the exhibition period, three (3) submissions were received. The primary issues raised in the submissions were:

- Odour, including liquid and solid waste;
- Traffic volumes, noise and light;
- Noise:
- Dust;
- Flood:
- · Water impacts and supply; and
- Aboriginal heritage.

The matters raised by the submission makers have been discussed in this report and it is considered that the Environmental Impact Statement and the additional information submitted by the applicant addresses the submission makers concerns. It should also be noted that the submissions were also forwarded to the NSW Government agencies for consideration.

The application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements.

It is recommended that the Development Application (DA-96/2019) for a 25,055 head cattle feedlot at Tarwoona Road, Camp Creek be approved by Council subject to the conditions contained in the recommendation.

#### **PLANS & DOCUMENTATION**

The applicant submitted an Environmental Impact Statement, which includes the following:

Note: Due to the size of the attachments, they have been forwarded to Councillors under separate cover. They can be accessed via Council's website.

Document submitted with DA-96/2019	Attachment No. to this Report
Main body	Attachment 1
Appendix A - Environmental Planning Framework	Attachment 2
Appendix B - Consultation with Relevant Authorities	Attachment 3
Appendix C - Community Consultation	Attachment 4
Appendix D - Study Team CV	Attachment 5
Appendix E - Clay Lining Specifications	Attachment 6
Appendix F - Odour Impact Assessment	Attachment 7
Appendix G - Groundwater and Surface Water Licences	Attachment 8
Appendix H - Bore Report	Attachment 9

Appendix I - Biodiversity Assessment	(superseded by final report - refer below)
Appendix J - Aboriginal Cultural Heritage	Attachment 10
Appendix K - Soil Test Pit Logs	Attachment 11
Appendix L - Liquid Waste Utilisation	Attachment 12
Appendix M - Preliminary Risk Screening	Attachment 13
Appendix N - Waste Generation Beefbal	Attachment 14
Appendix O - Operation Environment Management Plan	Attachment 15
Appendix P - Traffic Impact Assessment	(superseded by final report - refer below)
Appendix Q - Controlled Activity Approval	Attachment 16
Appendix R - Flooding Assessment	Attachment 17
Appendix S - Cost Estimate	Attachment 18

Following the assessment by Inverell Shire Council and other Government agencies, the following reports were provided:

Document submitted with DA-96/2019	Attachment No. to this Report
Updated Traffic Impact Assessment	Attachment 19
Final Biodiversity Development Assessment Report;	Attachment 20
Chance Find Procedure in relation to Aboriginal Cultural Heritage	Attachment 21
Road Traffic Noise Assessment	Attachment 22

#### **APPLICATION DETAILS**

**Applicant:** Rabremo Pty Ltd Atf Ostwald Rural Trust

Owner: Rabremo Pty Ltd

**Application No:** DA-96/2019

Address: "Paisley" and "Goondarin", 1804-2033 Tarwoona Road, CAMP CREEK

4385

**Title Particulars:** Lot 7 DP 750070, Lot 19 DP 750070, Lot 20 DP 750070, Lot 21 DP

750070, Lot 23 DP 750070, Lot 29 DP 750070, Lot 30 DP 750070, Lot

1 DP 583328, Lot 2 DP 583328

**Lodgement Date:** 26 September 2019

Proposed Cattle Feedlot

**Development:** 

**Estimated Cost of** \$18,180,387.00

**Development:** 

Site Area: 3308.9 Hectares

**Zoning:** RU1 Primary Production

**DA-96/2019 - APPLICATION HISTORY** 

<u>Date</u> <u>Comment</u>

26 September 2019 Application lodged.

4 October 2019	DA-96/2019 referred to the following agencies:
	Natural Resources Access Regulator;
	<ul> <li>NSW Environment Protection Authority;</li> </ul>
	<ul> <li>NSW Department of Primary Industries (Fisheries); and</li> </ul>
	<ul> <li>Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment.</li> </ul>
8 October 2019	Public exhibition period commences.
8 October 2019	DA-96/2019 referred to Goondiwindi Regional Council.
9 October 2019	Information report considered by the Council's Civil and Environmental Services Committee.
15 October 2019	General Terms of Approved issued by the NSW Department of Primary Industries (Fisheries).
6 November 2019	DA-96/2019 referred to WaterNSW.
12 November 2019	Public exhibition period ends. Three (3) submissions received.
13 November 2019	Comments received from Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment.
	Several issues identified in relation Aboriginal heritage and biodiversity.
13 November 2019	Comments received from Goondiwindi Regional Council that their Engineering Department has no objection to the proposed development subject to it being in accordance with the information provided.
13 November 2019	DA-96/2019 referred to NSW Roads and Maritime Services.
18 November 2019	The NSW Roads and Maritime Services advised that transport arrangements and impacts remain as previously assessed and NSW Roads and Maritime Services do not require a further referral.
22 November 2019	General Terms of Approved issued by the NSW Environment Protection Authority.
3 December 2019	General Terms of Approved issued by WaterNSW.
	Additional letter also received from WaterNSW in relation to water supply for the proposed feedlot.
4 December 2019	Copy of agency comments received to date forwarded to applicant for consideration, including identification of issues in relation to Aboriginal heritage and biodiversity.
	Note: As at 4 December 2019, the remaining agency was the Natural Resources Access Regulator.
17 December 2019	Additional information submitted by the applicant in relation to Aboriginal heritage and biodiversity.
3 January 2020	Additional Aboriginal heritage and biodiversity information forwarded to the Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment.
10 January 2020	Further comments received from Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment, with minor issues identified for Council's consideration.
15 January 2020	Inverell Shire Council request for further information in relation to:
	Updated Traffic Impact Assessment; and

Off-Site Road Noise Assessment.

6 February 2020 General Terms of Approval received from Natural Resources Access

Regulator.

29 May 2020 The following information was provided by the applicant:

 Updated Traffic Impact Assessment and Off-Site Road Noise Assessment as per Council request for further information; and

Final Biodiversity Development Assessment Report.

#### SUBJECT SITE AND LOCALITY

The development site is known as 1804-2033 Tarwoona Road, Camp Creek, which is comprised of:

- Lot 7 DP 750070, Lot 19 DP 750070, Lot 20 DP 750070, Lot 21 DP 750070, being the property "Paisley"; and
- Lot 23 DP 750070, Lot 29 DP 750070, Lot 30 DP 750070, Lot 1 DP 583328, Lot 2 DP 583328, being the property "Goondarin".

The site is located in the north of the Inverell Shire, approximately 22 kilometres north-east of Yetman and adjoins the Queensland Border (refer previous **Figure 1**).

The land is used for irrigated agriculture cropping, dry land cropping and beef cattle grazing. It contains support farm infrastructure in the form of cattle handling yards, shearing shed, farm residences, machinery/storage sheds and silos, which are generally located on the northern parts of the property (refer previous **Figure 2**).

A Panorama Photo of the development site north of Tarwoona Road, is included as **Photo 1**.

The primary feedlot footprint (pens and infrastructure, excluding waste utilisation areas) of approximately 124 hectares, comprise:

- Cleared open areas;
- · Regrowth open woodland; and
- Approximately 28 hectares of near-natural native box woodland.

The primary feedlot footprint is shown in **Photo 2** and **Photo 3**. An indicative waste utilisation area is shown in **Photo 4** and the internal access road location is shown in **Photo 5**. An indication of the 28 hectares of near-natural native box woodland is shown in **Photo 6**.

The site is bound by:

- The Dumaresq River (NSW/QLD border) and Tarwoona Road to the north-east;
- The Dthinna Dthinnawan National Park to the south-west; and
- Farmland holdings predominantly used for beef cattle and irrigated cropping.

The nearest non-associated dwellings to the feedlot site are approximately 2.5 kilometres to the west and approximately 3.7 kilometres to the east (refer previous **Figure 3** and **Figure 5**). The Whyalla Cattle Feedlot, with a licensed capacity of approximately 75,000 head is located in Queensland 8km to the north-east of the site.

Access to the site is taken from Tarwoona Road, which is:

- Bitumen sealed from the Bruxner Way to approximately 15 kilometres west of the feedlot site (Photos 7 to 12); and
- Gravel from the end of the bitumen seal to the Keetah Road.

The principal haulage route associated with the proposed cattle feedlot would be Tarwoona Road (NSW) onto Cunningham Weir Road (NSW) onto Texas-Yelarbon Road (QLD). This road network can be seen in the previous **Figure 3**. The proposed access point to the feedlot will be off the

Tarwoona Road approximately 50 metres west of the Cunningham Weir Road intersection (**Photos 13 to 15**). Cunningham Weir Road is a bitumen sealed road, which includes a low level crossing over the Dumaresq River (**Photos 16 to 21**). The Texas-Yelarbon Road is a bitumen sealed road (**Photos 22 to 25**).

Although Council does not have any flood mapping for the Camp Creek area, the site is known to be affected by flooding from the Dumaresq River, with the 1956 and 1976 floods (highest on record) being approximately equivalent to the 1 in 100 year flood events. The 1956 and 1976 flood levels at the development site are similar with the 1956 flood level at RL 260.5mAHD. The minimum level of the feedlot footprint is RL 261mAHD, approximately 500mm above the 1956 flood.

The site is mapped as bush fire prone land as per the Inverell LGA – Bush Fire Prone Lands Map 2004.



Photo 1 – Panorama Photo of Development Site North of Tarwoona Road



Photo 2 – Main Feedlot Complex (Pens, Controlled Drainage Area) – North-West corner looking south-easterly



Photo 3 - Main Feedlot Complex (Pens, Controlled Drainage Area) - Eastern Side looking West



Photo 4 - Indicative Waste Utilisation Area



Photo 5 - Internal Access Road



Photo 6 - Indicative Photo of 28 hectares of near-natural native box woodland to be cleared



Photo 7 – Bruxner Way / Tarwoona Road Intersection (looking north)



Photo 8 - Bruxner Way / Tarwoona Road Intersection (looking west)



Photo 9 - Bruxner Way / Tarwoona Road Intersection (looking east)



Photo 10 – Bruxner Way / Tarwoona Road Intersection (looking south)



Photo 11 -Tarwoona Road (start at Bruxner Way) looking North



Photo 12 - Tarwoona Road approximately 12 kilometres from Bruxner Way (looking east)



Photo 13 – Proposed New Access Crossing Location



Photo 14 – Proposed New Access Crossing Location (looking east towards Cunningham Weir Road)



Photo 15 - Proposed New Access Crossing Location (looking west)



Photo 16 - Tarwoona Road / Cunningham Weir Road Intersection (looking north)



Photo 17 – Tarwoona Road / Cunningham Weir Road Intersection (looking east)



Photo 18 – Tarwoona Road / Cunningham Weir Road Intersection (looking west)



Photo 19 – Cunningham Weir Road Dumarseq River Crossing (looking north from NSW)



Photo 20 - Cunningham Weir Road Dumarseq River Crossing (looking south from QLD)



Photo 21 -Cunningham Weir Road in QLD (looking south)



Photo 22 - Cunningham Weir Road approach to Texas-Yelarbon Road Intersection



Photo 22 -Texas-Yelarbon Road looking west from Intersection with Cunningham Weir Road



Photo 23 –Texas-Yelarbon Road looking east from Intersection with Cunningham Weir Road approach

#### PROPOSED DEVELOPMENT

The proposed development is a 25,055 head beef cattle feedlot on 1804-2033 Tarwoona Road, Camp Creek. The proposed development will occupy approximately 820 hectares and includes the following key components:

- Pens for housing production cattle (production pens), cattle arriving to or being dispatched from the feedlot (induction/dispatch pens) and sick cattle (hospital pens);
- Livestock handling infrastructure and facilities for the arrival, processing and dispatch of cattle;
- Controlled drainage area for stormwater runoff from pens, livestock handling areas and silage pits. This runoff is controlled within a system that collects and conveys runoff to a sedimentation basin and holding pond prior to disposal to liquid utilisation areas;
- Solid waste management areas for temporary stockpiling and processing of manure, mortalities and sludge (from the holding pond), prior to use on-site or removed off-site;
- Solid and liquid waste utilisation areas Processed solid wastes used on-site will be applied to dedicated areas within "Goondarin" and "Paisley". Liquid wastes are "shandied" with clean water and applied to land via irrigation (centre pivots) in dedicated areas within "Goondarin" and "Paisley";
- Feed processing and commodity storage;
- Access and internal roads:
- Administrative/maintenance infrastructure, including office, machinery workshop, weighbridge and associated facilities; and
- Upgrade of the bridge on Cunningham Weir Road over the Dumaresq River.

The site plan submitted with DA-96/219 showing the feedlot location and waste utilisation areas in relation to 1804-2033 Tarwoona Road has been provided as **Figure 4** previously in this report.

#### **Pens**

The proposed development has been designed to accommodate a maximum of 25,055 head of beef cattle at a stocking density of 15m<sup>2</sup> per head.

The pens areas range in size from about 1,030m² to 3,060m². The final pen width will be approximately 50 metres depending on final pen layout and cattle lane/drain design. The pens will have a back-to-back configuration, with each pen having access to a common feed road (front), cattle lanes (rear) and catch drains (rear). The pens will be oriented north-south and shade structures would be implemented as required to reduce heat stress for cattle.

The pens will be constructed with 300mm compacted clay lining and have a slope of approximately 4% to catch drains.

Concrete aprons and feed bunks will be constructed on-site for each pen and prefabricated concrete water troughs will be installed.

The pen layout is shown in **Figure 6** and **Figure 7**.

#### **Livestock Handling**

A building is proposed to be constructed for the cattle induction/processing area, which will, at a minimum, cover the race and crush area. A purpose-built hospital facility and recovery pens are also proposed. Horses will be used for monitoring cattle (pen-riding) and for moving stock around the feedlot. These horses will be provided with a stables and husbandry facilities.

The location of the livestock handling facilities is shown in **Figure 6**. Typical elevations of the cattle processing building is provided in **Figure 8**.

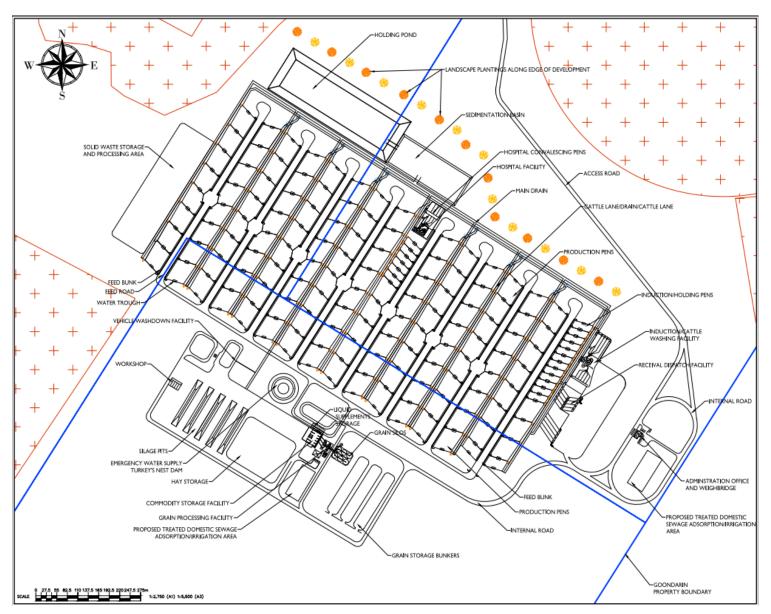


Figure 6 – Proposed Feedlot Complex Layout

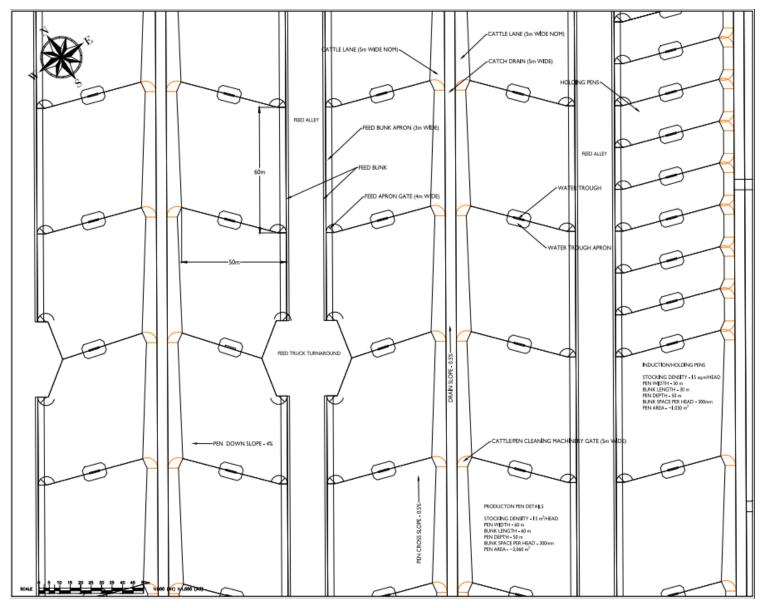


Figure 7 – Back-to-Back Pen Layout Plan

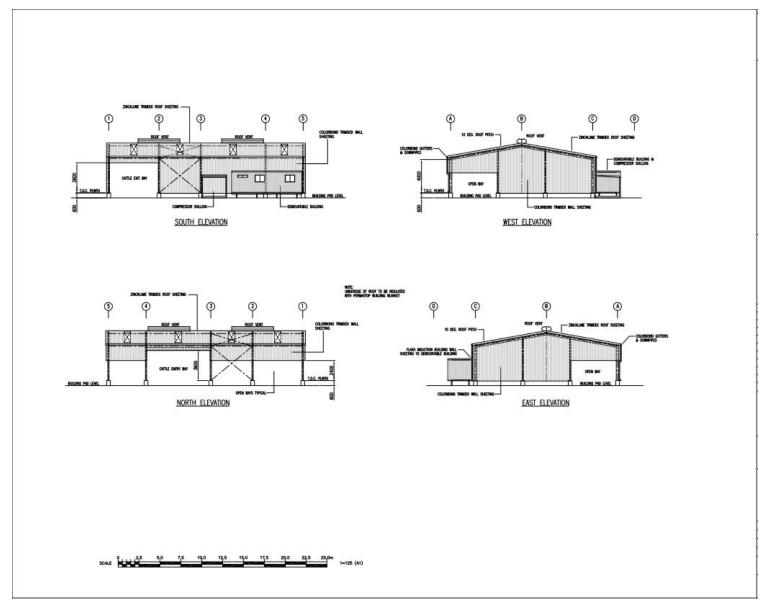


Figure 8 – Typical Elevations of Cattle Processing Building

#### **Controlled Drainage**

Stormwater runoff from areas such as pens, livestock handling, solid waste storage and process area and silage storage area will be controlled within an impermeable drainage area that collects and conveys runoff to a sedimentation basin and holding pond prior to use.

Runoff will be collected within catch-drains that flow into a main drain, which subsequently discharges to the sedimentation basin. The proposed sedimentation basin measures approximately 215 metres long by 90 metres wide by 1 metre deep, with approximately 0.9 metres of freeboard. The sedimentation basin is designed to temporarily retain stormwater within the basin, allowing sediment to settle-out and be captured.

A holding pond is proposed downstream of the sedimentation basin, which is designed to temporarily store stormwater runoff from major storms and/or when extended wet periods prevent irrigation of wastewater. The holding pond is proposed to have a maximum capacity of 164 megalitres, being capable of storing the peak flow discharge from the controlled drainage area from a 1 in 50 year rainfall event.

The controlled drainage area of the feedlot comprises the following:

- Production pens;
- Cattle handling facilities, including receival and dispatch facilities;
- Hospital facility, treatment and recovery pens;
- Solid waste storage and processing area;
- Cattle and vehicle washdown facilities;
- Cattle lanes;
- Feed lanes:
- Silage pits;
- · Run-off catch drains;
- Sedimentation basin; and
- Holding pond.

The controlled drainage area is shown in Figure 9.

#### **Solid Waste Management**

A solid waste storage and processing area for manure, waste feed and solids from the sedimentation basin is proposed to be constructed on the western side of the feedlot (refer **Figure 6**). The total area of the storage and processing area is approximately 3.5 hectares, with stockpiling proposed to be undertaken in windrows up to 2 metres high.

In the event of cattle mortalities, the cattle will generally be composted with other solid wastes. A contingency burial location has also been proposed in the event of mass cattle mortalities.

#### **Solid and Liquid Waste Utilisation Areas**

Both solid and liquid waste will be applied to the land. This involves:

- Approximately 295 hectares of the property to be used for liquid waste utilisation areas in the form of centre pivot irrigation; and
- Approximately 375 hectares of the property to be used for solid waste utilisation areas.

The solid and liquid waste utilisation areas are shown in Figure 10.

#### Landscaping

An earthen mound is proposed to be constructed along the northern side of the main feedlot complex, which will be planted with local tree species. This landscaping is shown in **Figure 6**.

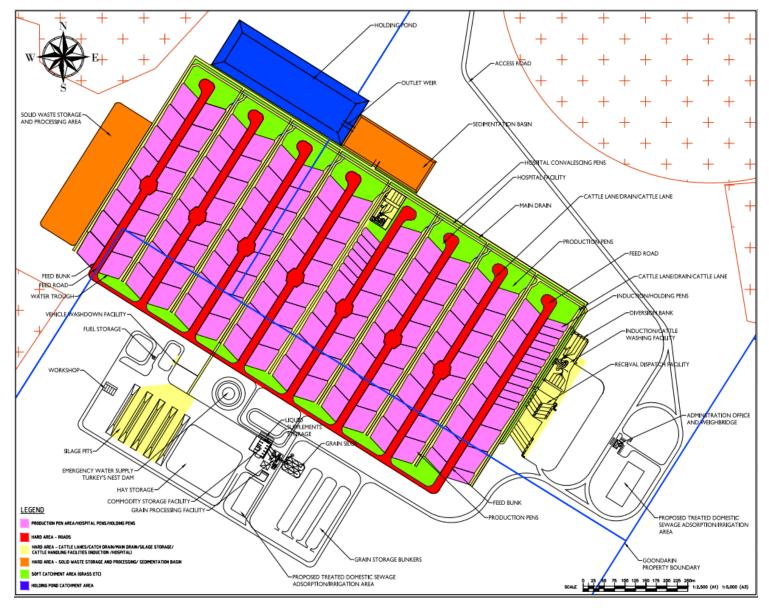


Figure 9 - Plan of Controlled Drainage Area

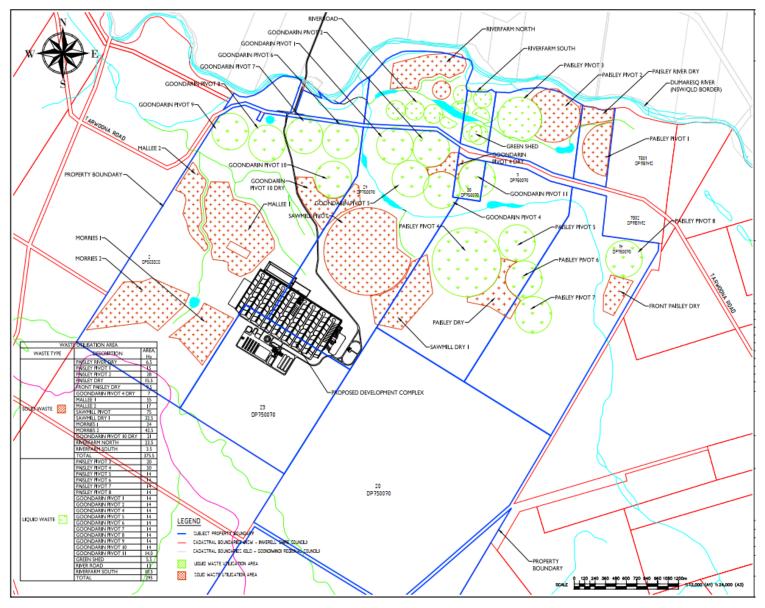


Figure 10 – Plan of Solid and Liquid Waste Utilisation Areas

#### **Feed Processing and Commodity Storage**

On-site feed preparation and commodity storage is proposed within the feedlot complex (refer **Figure 6**), which includes the following key components:

- Grain storage and handling;
- Grain processing;
- Other commodity storage and management;
- Silage storage and management;
- Hay/straw storage and management;
- Storage and handling of liquid ingredients and supplements; and
- Ration mixing and delivery systems.

The above components require storage structures (silos, bunks and sheds) and handling equipment (augers and conveyors). The proposed feed processing structures are shown in **Figure 11**, **Figure 12** and **Figure 13**. The proposed commodity storage is shown in **Figure 14**.

## **Water Requirements**

The total estimated yearly water use of a feedlot averages from 14.5 to 20.5 megalitres, per 1000 head. The proposed feedlot has a total capacity of 25,055 head of cattle, which equates to an estimated yearly water consumption of between 365 and 520 megalitres.

Water for the proposed feedlot will be sourced primarily from existing groundwater allocations, with surface water allocations to be used as a secondary source in the event of failure of the primary source.

The existing water allocations for "Goondarin" and "Paisely", to be used for the proposed feedlot, are:

- Primary Water Source Groundwater Allocations
  - "Goondarin" 389 megalitres; and
  - "Paisley" 1,785 megalitres.
- Secondary Water Source Surface Water Entitlements:
  - "Goondarin" 962 megalitres.

The on-site water storage will be an above-ground earthen "turkey nest" dam to allow the water to be gravity fed to the pens. This dam has been designed to store approximately 7 days emergency supply (10 megalitres). This dam will be constructed on the southern side of the feedlot pens (refer **Figure 6**).

## **Administration and Maintenance**

The proposed development will include the following facilities for management, maintenance and administrative functions:

- Administration office (Figure 15);
- Machinery workshop (Figure 16); and
- Weighbridge.

The location of these facilities is shown in Figure 6.

#### **Access and Internal Roads**

Access to the feedlot is proposed from Tarwoona Road with a new access crossing proposed to be constructed 50 metres west of the Cunningham Road intersection (refer **Figure 4** and **Photos 13** to 15).

An all weather access road is proposed to be constructed from Tarwoona Road to the feedlot site with a width of approximately 8 metres. **Photo 5** (page 32) shows an indicative location of the proposed internal access road.

#### Traffic - Vehicles and Deliveries

**Table 1** below provides the estimated traffic movements for the proposed feedlot extracted from the Environmental Impact Statement submitted with DA-96/2019.

Table – Estimated Traffic Movements extracted from EIS				
Activity	Vehicle Type	Movements (inbound & outbound)		
		Per Year	Per Week	Per Day
Incoming Cattle	B-Double*	1544	30	5
Outgoing Cattle	B-Double*	2344	45	8
Incoming Feed Commodities	Semi-Trailer / B- Double	5160	99	18
Outgoing Solid Waste	Body Truck 12t	1344	26	5
Employees	Light Vehicles	16640**	320	58

<sup>\*</sup> General mass limits and 1.5% bred on the subject property or leased adjoining property

The principal haulage route for the proposed feedlot is Tarwoona Road onto Cunningham Weir Road, into Queensland and onto the Texas-Yelarbon Road. This will apply to vehicles originating in NSW and Queensland. It is expected that a small proportion of light vehicles, being predominantly staff would use Tarwoona Road, between the feedlot site and the Bruxner Way.

## Upgrade of the Bridge on Cunningham Weir Road over the Dumaresq River

The existing Dumaresq River crossing on the Cunningham Weir Road consists of:

- A single lane two (2) span concrete bridge 20 metres long; and
- A concrete causeway 60 metres, approximately 1 metre lower than the bridge deck. This one (1) metre drop has an approximate 1:12 grade.

Photo 19 and Photo 20 show the existing Dumaresq River crossing on the Cunningham Weir Road.

To facilitate the principal haulage route into southern Queensland (onto the Texas-Yelarbon Road), the applicant proposes to upgrade the existing bridge to a two (2) lane bridge structure, extending the width of the river. The road alignment on the northern approach will be widened to improve sight distance. A concept design of the proposed bridge structure, submitted with the Environmental Impact Statement for DA-96/2019, is provided in **Figure 17**.

#### **Staff and Hours and Operation**

When fully developed, the proposed feedlot is anticipated to provide employment for approximately 45 full time equivalent staff, sourced from the local area. The proposed feedlot will operate from 6am to 6pm, 7 days a week. It is intended that staff will be on-site 24 hours a day, 7 days a week.

#### **Vegetation Clearing**

The following clearing is required for the proposed development:

- Within the development feedlot complex footprint (total 124.16 hectares):
  - 28.86 hectares of forested land of moderate to good condition;

<sup>\*\*</sup> Based on estimated staffing level of 45 FTE with 5FTE residing on the property, 50% staffing on Saturday and Sunday and 1.5 persons per vehicle.

- 89.24 hectares of grazing land containing native groundcover and scattered native trees comprising of moderate to good condition; and
- 6.06 hectares of grazing land containing high threat exotic weed (Coolatai Grass);
- 140.11 hectares of manure effluent areas, which require removal of groundcover only. No trees require removal; and
- 2.55 hectares of grazing land for access roads

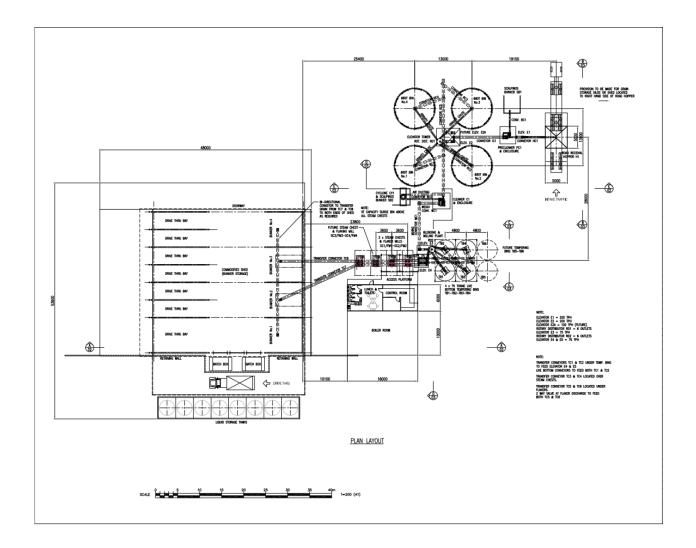


Figure 11 - Layout of Feed Processing

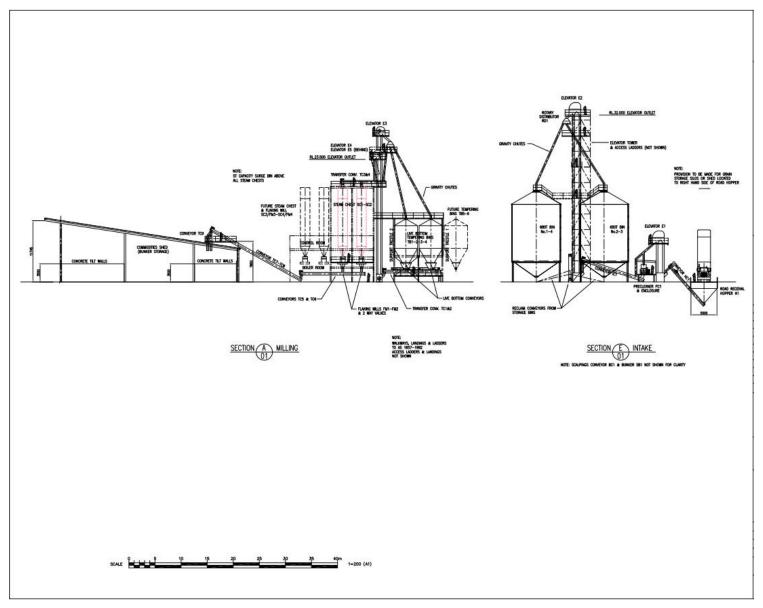


Figure 12 – Elevation (1) of Feed Processing

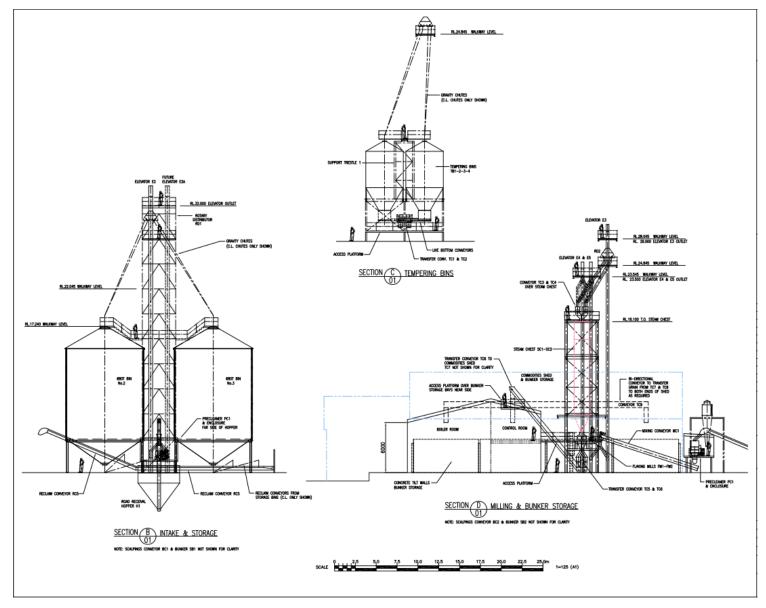


Figure 13 – Elevation (2) of Feed Processing

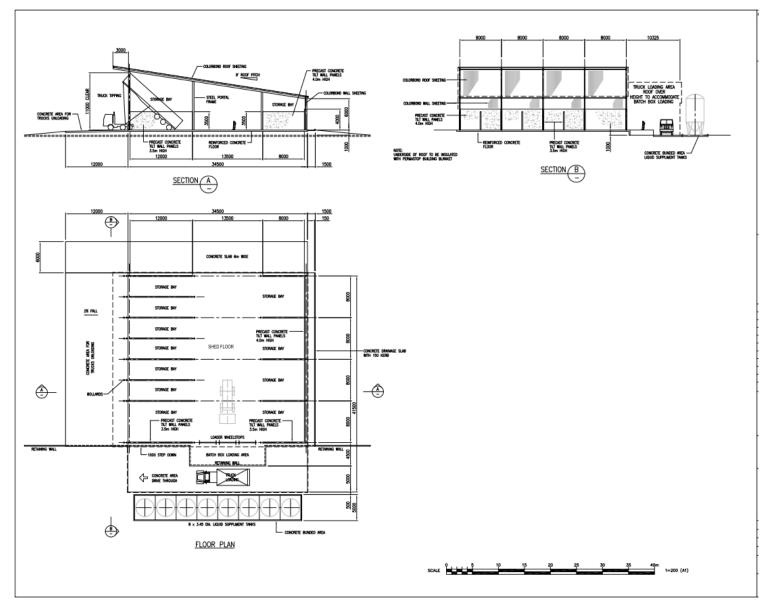


Figure 14 – Layout and Elevation of Commodity Storage

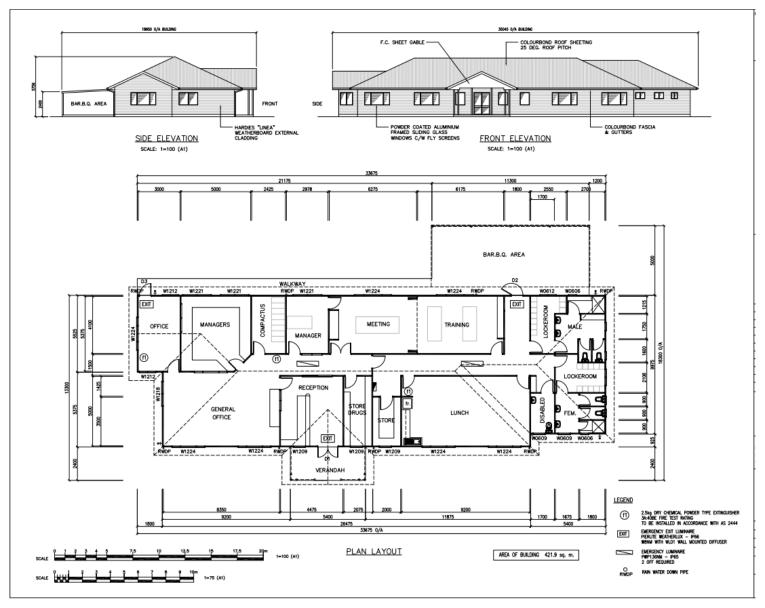


Figure 15 – Administration Office

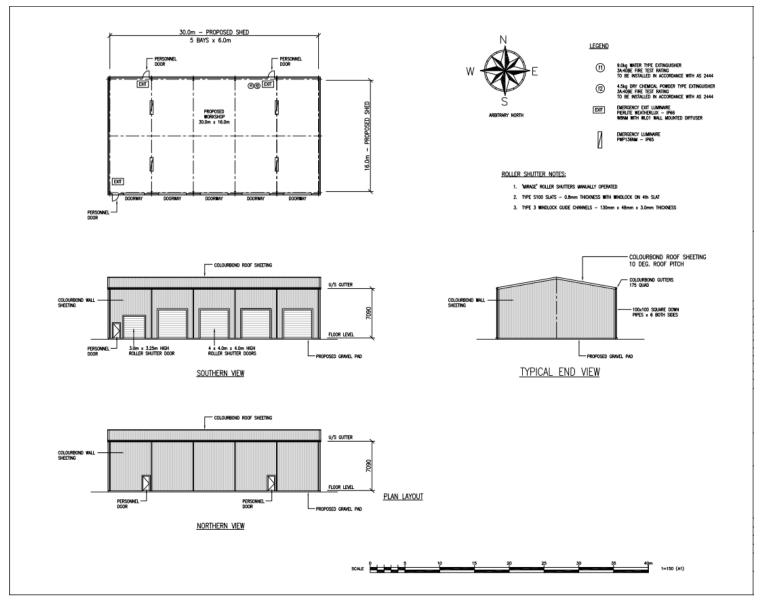


Figure 16 - Machinery Workshop

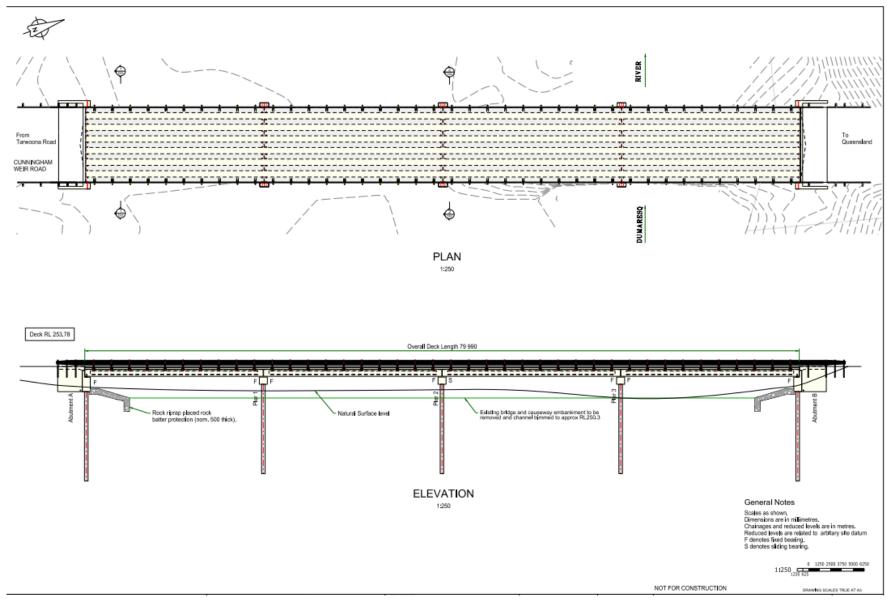


Figure 17 - Concept Design of new bridge on Cunningham Weir Road over the Dumaresq River

#### REFERRALS UNDERTAKEN & OTHER APPROVALS REQUIRED

### **External Referrals - Integrated Development**

#### NSW Environment Protection Authority

The application was referred to NSW Environment Protection Authority as once constructed the proposed feedlot will be a "Licensed Premises" under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

The EPA issued General Terms of Approval on 22 November 2019. The General Terms of Approval include conditions including:

- Groundwater quality monitoring;
- Surface water quality monitoring;
- Soil quality monitoring;
- Effluent quality monitoring;
- Manure quality monitoring;
- Operational noise limits;
- Construction noise limits;
- Solid waste management;
- Liquid waste management;
- Dust prevention; and
- Reporting requirements.

Because the feedlot will be a "Licensed Premises" under Schedule 1 of the *Protection of the Environment Operations Act 1997* the NSW Environment Protection Authority will be the Regulatory Authority in regards to monitoring and enforcing the above environmental requirements.

## NSW Department of Primary Industries (Fisheries)

The application was referred to NSW Department of Primary Industries (Fisheries) as a permit under the *Fisheries Management Act 1994* will be required for the proposed upgrade of the bridge on Cunningham Weir Road over the Dumaresq River.

NSW Fisheries issued General Terms of Approval on 22 November 2019. The General Terms of Approval include conditions including:

- Not causing an obstruction to fish passage;
- Erosion and sediment controls (the "Blue Book"); and
- Other environmental safeguards.

#### Natural Resources Access Regulator

The application was referred to the Natural Resources Access Regulator (NRAR) as the development will require a Controlled Activity Approval (required for works within 40 metres of a watercourse) under the *Water Management Act 2000*, principally for the proposed upgrade of the bridge on Cunningham Weir Road over the Dumaresq River.

NRAR issued General Terms of Approval on 6 January 2020. The General Terms of Approval include conditions including:

- Design of works and structures;
- Erosion and sediment controls;
- Plans, standards and guidelines;
- Rehabilitation and maintenance; and

Reporting requirements.

#### WaterNSW

The application was referred to WaterNSW as the proposed development requires a "Water Use Approval" and "Water Management Work Approval" under the *Water Management Act 2000*. These approvals relate to the construction of the "turkey nest" dam.

WaterNSW issued General Terms of Approval on 3 December 2019. The General Terms of Approval include conditions including:

- Design of works and structures;
- Plans, standards and guidelines; and
- Reporting requirements.

## **External Referrals - Other**

#### WaterNSW

In addition to the mandatory Integrated Development referral to Water NSW (refer above), Council also sought comment from WaterNSW in relation to the availability and security of the groundwater supply for the proposed feedlot.

The response received from WaterNSW is reproduced below.

"The EIS indicates that the feedlot will require an annual water usage of between 365-520 megalitres per annum. The subject property has access to 2174 unit shares of water in the NSW Border Rivers upstream Keetah Bridge alluvial Groundwater source held between three water access licences (WALs).

These aquifer WALS are subject to annual available water determinations (AWD) which are determined by Department of Industry, Planning & Environment, and are announced at the commencement of each water year being 1st July.

Since the commencement of the water sharing plan in 2012, the AWD for this water source has always been 100%, with no reductions applicable. The usage on the three WALS for the years 2012/13 through to 2018/19 has varied from a minimum usage of 600 megalitres through to a maximum usage of 1206 megalitres.

Water NSW therefore believes that based on the entitlement and historical usage for the last 7 years, that the proponent has an adequate entitlement and has been able to physically extract sufficient quantities to meet the feedlot water requirements.

The proponent also holds several regulated river WALS in the Border Rivers regulated river water source. These are all zero share WALs, apart from a very small supplementary WAL. The proponent may wish to use these WALs to trade in additional water from the regulated river if necessary."

Water supply and security for the feedlot, including recommended conditions for stocking and water allocation, is discussed under Section 6.6 of the *Inverell Local Environmental Plan 2012* further in this report.

#### Goondiwindi Regional Council

The proposed feedlot proposes a principal haulage route via the Texas-Yelarbon Road (Queensland) and an upgrade of the bridge on Cunningham Weir Road over the Dumaresq River. Preliminary discussions were held between the applicant, Inverell Shire Council and Goondiwindi Regional Council engineering staff during the preparation of the Environmental Impact Statement.

Once lodged, DA-96/2019 was referred to Goondiwindi Regional Council who has confirmed that "the details in the letter dated 8 October were consistent with previous discussions regarding the proposed feedlot development. (Goondiwindi) Council's Engineering Department has no objection to the proposed development subject to it being in accordance with the information provided."

## **NSW Roads and Maritime Services**

Preliminary discussions were held between the applicant, Inverell Shire Council and NSW Roads and Maritime Services during the preparation of the Environmental Impact Statement, in particular the Traffic Impact Statement.

Once lodged, DA-96/2019 was formally referred to NSW Roads and Maritime Services who have confirmed that "if the new application does not propose a change to the transport arrangements and impacts remain as previously assessed then Roads and Maritime does not require a further referral. We reiterate our previous comment and note that Council is assessing the new application as per this advice".

The comments provided by the NSW Roads and Maritime Services to assist with the determination have been reproduced below.

- "The identified haulage route will use the local road network to access the wider road network in Queensland. Council should be satisfied that the identified works will address the impacts of the proposed development on the local road network.
- The TIA identifies that cattle from the proposed feedlot may be transported to the Bindaree Beef facility in Inverell. The most direct route would likely be via Tarwoona Road and Bruxner Highway. The TIA has not identified or addressed the impact of heavy vehicle movements along this route. The Consent Authority should consider restricting access along this route until an assessment has been undertaken and any identified upgrade works completed.
- The consent authority may wish to condition the preparation of a Code of Conduct for haulage operators which could include, but not be limited to;
  - o A map of the primary haulage routes highlighting critical locations.
  - o Safety initiatives for haulage through residential areas and/or school zones.
  - An induction process for vehicle operators and regular toolbox meetings.
  - o A complaints resolution and disciplinary procedure.
  - Any community consultation measures for peak haulage periods."

The comments provided by the NSW Roads and Maritime Services have been considered during Council's Manager Civil Engineering assessment of traffic and transport (refer 'Internal Referrals' section of this report below). It is recommended that a condition of consent enforce a Code of Conduct for Haulage Operators are per the recommendation from NSW Roads and Maritime Services.

Biodiversity and Conservation Division (BCD) of the NSW Department of Planning, Industry and Environment

As per the 'DA-96/2019 – Application History' provided earlier in this report, DA-96/2019:

- Was referred twice to the Biodiversity and Conservation Division (BCD) of the NSW Department of Planning, Industry and Environment for comment; and
- The applicant has submitted updated additional information to address issues identified by the BCD.

The final response from the BCD recommends that:

- 1. "The council must require an updated Biodiversity Development Assessment Report (BDAR)
  - and Biodiversity Assessment Method (BAM) calculations if any further changes are made as a result of recommendations 2 and 3 below.
- 2. More detail should be provided to explain and justify the species polygons for the Belsens Panic and the Pale-headed Snake, which must include all suitable habitat for these species within the relevant vegetation zones.
- 3. The council should:

- a. satisfy itself that adequate consideration has been given to avoiding and minimising impacts on biodiversity values.
- b. ensure the proposed mitigation measures of the BDAR are adequately incorporated into the development consent, including the proposed Biodiversity Management Plan.
- c. ensure that the conditions of consent are drafted to clearly identify the required biodiversity credits and specify that the offset obligation is to be satisfied before impacts occur.
- 4. The chance finds protocol and the Aboriginal cultural heritage induction must be appropriately incorporated into the conditions of development consent by the council."

A final Biodiversity Development Assessment Report was submitted 29 May 2020 (**Attachment 20**), which has been assessed against the *Biodiversity Conservation Act 2016* further in this report. The conditions of consent recommended by the BCD can be included in any subsequent consent.

#### **Internal Referrals**

The application was referred to Council's **Manager Civil Engineering** for comments in relation to the potential traffic and transport impacts associated with the feedlot proposal. The following comments were received:

The Traffic Impact Assessment (TIA) notes that the Principal Haulage Route (PHR) for the Development will be via Tarwoona Road and Cunningham Weir Road. This section of road is not approved for B-Double use in Inverell Shire Council. B-Double approval will be required prior to any B-Double movements.

The proposed upgrades listed in the TIA are:

- Widening and resurfacing of the Cunningham Weir Road including Dumaresq River crossing and approaches;
- Intersection works into the new development access from Tarwoona Road;
- Upgrade of existing intersection at Tarwoona Road onto Cunningham Weir Road; and
- Upgrade of existing intersection at Cunningham Weir Road onto Texas-Yelarbon Road.

I concur that the above upgrades are critical to ensure road user safety and protection of Inverell Shire Council and Goondiwindi Regional Council assets.

<u>Development Services Coordinator Comment</u>: The identified upgrades to the road network will require detailed engineering survey and design, approval under Section 138 of the *Roads Act 1993* prior to commencement of works and must be completed prior to commencement of the feedlot. The upgrade works in Queensland will require separate approval from Goondiwindi Regional Council. These matters can be enforced as conditions of consent. Once the road upgrades have been completed, the B-Double approval for Cunningham Weir Road and part Tarwoona Road (access to the Feedlot site) would be subject to a separate report to Council.

The TIA notes that traffic volumes (light vehicles) will increase at the intersection of Tarwoona Road and Bruxner Way as a result of the development. Addendum A to the TIA notes that the intersection alignment does not provide adequate sight distance. The improvement of sight distance at this intersection requires minor earthworks and minor shoulder widening.

<u>Development Services Coordinator Comment</u>: Both the Updated Traffic Impact Assessment (Attachment 19) and Council's Manager Civil Engineering have identified that the existing intersection of Tarwoona Road and Bruxner Way requires minor earthworks and shoulder widening to improve sight distance. Generally, this minor work, which is required regardless of whether the feedlot development proceeds, would be undertaken as part of Council's general road maintenance duties. The minor increase in light vehicles as a result of the feedlot development is not considered sufficient to require the proponent to undertake works at this intersection. It is noted that contributions towards road maintenance are recommended to be levied on this development (discussed further below), which would include maintenance works at intersections.

The TIA makes the assumption that heavy vehicle usage will not increase on the section of Tarwoona Road from the proposed development to the Bruxner Way. Council disagrees with this assumption. Whilst it is acknowledged that a majority of freight will utilise the PHR, it is reasonable to expect that some heavy freight will use this section of Tarwoona Road. Given the significant cropping area between Yetman and North Star, it is highly likely that feed will be sourced from this area and access the development from the south via Tarwoona Road.

With additional traffic generated by the development as noted in the TIA and the potential for additional heavy vehicles along Tarwoona Road from the south, Councils road network will be impacted and require a greater frequency of maintenance. It will be critical to levy Sect 94 contributions to provide funding for Council to undertake this additional maintenance.

<u>Development Services Coordinator Comment</u>: Council can impose contributions on a development pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning and Assessment Act 1979. Council's current Section 94 Plan specifies 'Intensive Keeping of Livestock' as a type of development which may be levied contributions. Consistent with previous feedlot approvals, with the most recent being the expansion of Nullamanna Feedlot under DA-15/2016, it is recommended that Council impose contributions for the ongoing maintenance of the local road network every quarter as per the Manager Civil Engineering recommendation. The current contribution is \$1.176 per head and is subject to CPI adjustment each financial quarter.

Any unauthorised use of B-Doubles or Higher Productivity Vehicles (HPV) on Tarwoona Road has the potential to negatively impact on the road network and to present a high safety risk to road users. It will be critical that a transport code of conduct and transport management plan be developed to ensure that the PHR is utilised as per the TIA and that no unauthorised heavy vehicle use occurs. In order for Council to ensure compliance, it is recommended that permanent vehicle classifiers be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development. Installation and maintenance cost are to be borne by the proponent and a report presented to Council quarterly. The report must provide at least:

- Traffic volume;
- Heavy vehicle traffic volume;
- B-Double/HPV/Road Train volume; and
- Date and time of B-Double/HPV/Road Train access.

<u>Development Services Coordinator Comment</u>: The recommendation for permanent vehicle classifiers to be installed and quarterly monitoring can be enforced as conditions of consent.

# ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 - SCHEDULE 3 - DESIGNATED DEVELOPMENT

#### Part 1 What is designated development?

21 Livestock intensive industries

(1) Feedlots that accommodate in a confinement area and rear or fatten (wholly or substantially) on prepared or manufactured feed, more than 1,000 head of cattle, 4,000 sheep or 400 horses (excluding facilities for drought or similar emergency relief).

At 25,055 head of cattle, the proposed feedlot is 'Designated Development'.

In accordance with the provisions for 'Designated Development' under the *Environmental Planning* and Assessment Act 1979 and *Environmental Planning* and Assessment Regulation 2000:

- DA-96/2019 has been accompanied by an Environmental Impact Statement prepared in accordance with Secretary Environmental Assessment Requirements issued by the NSW Department of Planning;
- DA-96/2019 has been subject to a 35 day public exhibition period (minimum 28 days required); and
- Consultation has been undertaken with relevant state agencies.

#### **BIODIVERSITY CONSERVATION ACT 2016**

#### Assessment

In accordance with the *Biodiversity Conservation Act 2016*, a Biodiversity Development Assessment Report has been submitted for the feedlot proposal (**Attachment 20**).

A Biodiversity Development Assessment Report must be prepared by an 'Accredited Assessor' and amongst other matters will determine:

- Whether a development will have any 'serious and/or irreversible impacts'; and
- Any offsets that are required for clearing associated with a development proposal.

When a Biodiversity Development Assessment Report is received as part of a Development Application, Council must:

- Refuse a Development Application if it is of the opinion that the proposed development is likely to have serious and irreversible impacts on biodiversity values; and
- Subject to a development not having serious and irreversible impacts:
  - If consent is granted, impose conditions relating to the retiring of biodiversity offsets;
     and
  - Not reduce the number of offsets required without receiving concurrence from the Environment Agency Head.

The Biodiversity Development Assessment Report submitted for DA-96/2019 determines that the proposed feedlot development will require the clearing of "Narrow-leaved Ironbark – White Cypress Pine +/- Buloke tall open forest or woodland", being:

- Within the development feedlot complex footprint (total 124.16 hectares):
  - 28.86 hectares of forested land of moderate to good condition;
  - 89.24 hectares of grazing land containing native groundcover and scattered native trees comprising of moderate to good condition; and
  - 6.06 hectares of grazing land containing high threat exotic weed (Coolatai Grass);
- 140.11 hectares of manure effluent areas, which require removal of groundcover only.
   No trees require removal; and
- 2.55 hectares of grazing land for access roads

In addition, substantial habitats for the following two threatened species have been identified on the development site:

- Homopholis belsonii / Belsens Panic (Flora); and
- Hoplocephalus bitorguatus / Pale-headed Snake (Fauna).

It is noted that the site contains Poplar Box Grassy Woodland, which can form part of the Endangered Ecological Community "Brigalow within the Brigalow Belt South Bioregion". The Biodiversity Development Assessment Report has undertaken a detailed integrity assessment of this woodland, which concludes that due to the low integrity of the site it is not representative of the Endangered Ecological Community "Brigalow within the Brigalow Belt South Bioregion".

As discussed in the 'External Referrals' section of this report, DA-96/2019 was referred to the Biodiversity and Conservation Division (BCD) of the NSW Department of Planning, Industry and Environment for comment. In response to the comments provided by the BCD:

- A final Biodiversity Development Assessment Report was provided 29 May 2020;
- The final Biodiversity Development Assessment Report provides explanation and justification for the Belsens Panic (Flora) and the Pale-headed Snake (Fauna);

- The applicant has given consideration to avoiding and minimising harm. Whilst it may be possible to locate the feedlot complex further north to reduce the extent of vegetation clearing, this would place the feedlot below the 1 in 100 year flood level; and
- Suitable conditions of consent can be imposed in relation to the mitigation measures contained in the Biodiversity Development Assessment Report; and
- Suitable conditions of consent can be imposed in relation to biodiversity offsets (discussed below).

#### Serious and Irreversible Impacts

The Biodiversity Development Assessment Report includes a list of candidate "serious and irreversible impacts". No "serious and irreversible impacts" have been identified for this proposal.

#### Offset Requirements

The Biodiversity Development Assessment Report submitted with DA-96/2019 concludes that offsets are required for the removal of:

- 124.16 hectares of native vegetation for the feedlot complex footprint;
- 0.81 hectares of habitat for Belsens Panic (Flora); and
- 26.16 hectares of habitat for Pale-headed Snake (Fauna).

Biodiversity offsets can be retired in the following manner:

- The developer can identify and purchase the required 'like for like' credits in the market and then retire those credits through the NSW Government Biodiversity Offsets and Agreement Management System;
- 2. The developer can make a payment to the Biodiversity Conservation Trust, with the Trust then responsible for identifying and securing the credit obligation; or
- 3. If suitable and sufficient land is available, the developer can create a Biodiversity Stewardship Site within their property to create an offset area.

For DA-96/2019, the applicant proposes to establish a Biodiversity Stewardship Site over the rear of the property, which is shown in **Figure 18**. This complies with the *Biodiversity Conservation Act 2016* subject to:

- The Biodiversity Stewardship Site being registered with the Biodiversity Conservation Trust; and/or
- The required credits under the Biodiversity Development Assessment Report are retired.

## Conclusion

The applicant has submitted a Biodiversity Development Assessment Report, prepared by an Accredited Assessor, in accordance with the *Biodiversity Conservation at 2016*. It is considered that the development will not have any serious or irreversible impacts and the retirement of the biodiversity offset can be imposed as a condition of consent.

DA-96/2019 has satisfied the requirements of the *Biodiversity Conservation Act* 2016.

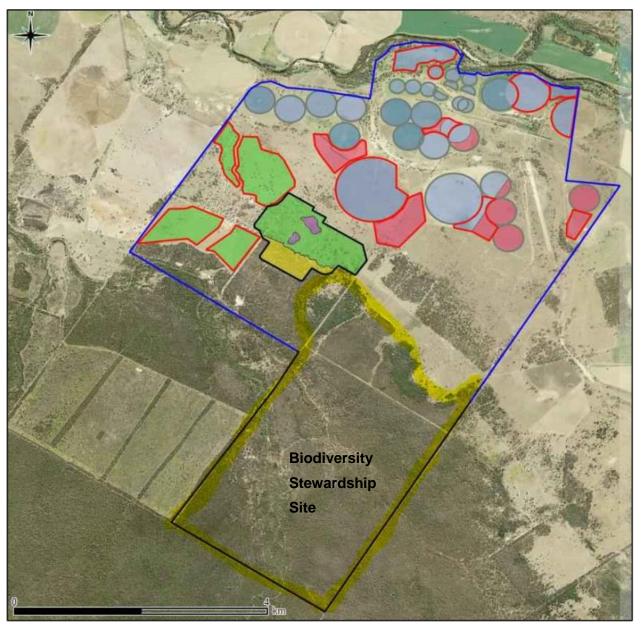


Figure 18 – Proposed Biodiversity Stewardship Site (offset) area shown within yellow boundary

## CONSULTATION AND DEVELOPMENT CONSENT—CERTAIN BUSH FIRE PRONE LAND - S.4.14 EP&A ACT 1979

Part of the site is identified as bush fire prone as per the Inverell LGA – Bush Fire Prone Land Map 2004.

Development consent cannot be granted for the carrying out of development for any purpose on bush fire prone land unless the consent authority is satisfied that the development conforms to the specifications and requirements of *Planning for Bush Fire Protection* prepared by the NSW Rural Fire Service.

No specific bush fire protection standards apply to feedlots; however, all development on bush fire prone land must satisfy the objectives of *Planning for Bush Fire Protection 2019*, which are:

- afford buildings and their occupants protection from exposure to a bush fire;
- provide for a defendable space to be located around buildings;
- provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;
- ensure that appropriate operational access and egress for emergency service personnel and occupants is available;
- provide for ongoing management and maintenance of BPMs; and
- ensure that utility services are adequate to meet the needs of firefighters.

A firebreak is proposed to be maintained around the feedlot complex. All weather access roads will provide access and egress for emergency vehicles and site occupants, with water from on-site storages to be accessible for fire fighting purposes.

It is considered that the proposed feedlot development is consistent with the objectives of *Planning* for Bush Fire Protection 2019.

## ASSESSMENT - STATUTORY REQUIREMENTS - S.4.15 EP&A Act 1979

In determining a Development Application, a consent authority is to take into consideration the following matters that are of **relevance** to the development, the subject of the Development Application.

#### S.4.15 (1) (a) (i) EP&A Act 1979 - Relevant State Environmental Planning Policies

State Environmental Planning Policy No 33—Hazardous and Offensive Development	Various hazardous materials, such as petrol, LPG and diesel will be stored on the development site during construction and operation for the feedlot. A preliminary risk screening assessment has been undertaken ( <b>Attachment 13</b> ), which has determined that the quantities of the stored materials and distance from the site boundaries are less than the hazardous screening threshold.  The proposed development is not considered a 'hazardous' or 'potentially hazardous development'.
State Environmental Planning Policy No. 44 — Koala Habitat Protection	' '

	undertaken.
	Section 7 Step 1—Is the land potential koala habitat?
	The development site qualifies as Potential Koala Habitat, being greater than 1 hectare and containing Koala food trees (Poplar Box).
	Section 8 Step 2—Is the land core koala habitat?
	Koala has not been recorded on the development site and there are no records of the species adjacent to the property. Although there is one designated Koala food tree species present (Poplar Box) there is no evidence to suggest the presence of Koala and it is considered that the Poplar Box is likely too fragmented for the site to be core Koala Habitat.
State Environmental Planning Policy No. 55 – Remediation of Land	The development site has historically been used for agriculture, being for irrigated cropping, dry land cropping and beef cattle grazing. The proposed feedlot development would retain and intensify this agricultural use. Given the nature of the past and proposed uses of the site, the land is not expected to contain contamination from past activities, which would impact the proposed use.
State Environmental Planning Policy (Infrastructure) 2007	No specific provision of this policy applies to feedlots; however, Council must have consideration for other infrastructure agencies In this regard:
	Electricity infrastructure is principally located along Tarwoona Road, servicing dwellings and farm infrastructure. The proposed feedlot development is not considered to impact this infrastructure; and
	<ul> <li>The development is not 'Traffic Generating Development' and no works are required on a Classified (RMS controlled) Road.</li> </ul>
	Overall, DA-96/2019 is considered to be consistent with the aims of this State policy.
State Environmental Planning Policy (State and Regional Development) 2011	The capital investment value of the proposed development is \$18,180,387.00. The proposed development is not State Significant Development or Regionally Significant Development under this State policy.
State Environmental Planning Policy (Primary Production and Rural Development) 2019	State Environmental Planning Policy (State and Regional Development) 2011 commenced on 28 February 2019 and repealed:
	State Environmental Planning Policy No 30—Intensive Agriculture;
	<ul> <li>State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas;</li> </ul>
	State Environmental Planning Policy No 62—Sustainable Aquaculture; and
	State Environmental Planning Policy (Rural Lands) 2008.
	The development site is not declared 'State Significant Land'

under this policy. Provisions relating to Intensive Livestock
Agriculture with the Inverell Local Government Area are
contained in Clause 5.16 of the Inverell Local Environmental Plan
2012, which has been assessed further in this report. Overall,
DA-96/2019 is considered to be consistent with this State policy.

## S.4.15 (1) (a) (i) EP&A Act 1979 - Local Environmental Plans

Inverell Local Environmental Plan 2012

CLAUSE	TITLE	COMMENT AND ASSESSMENT
1.2	Aims of Plan	The particular aims of this Plan are as follows:
		a) To encourage sustainable economic growth and development,
		b) To protect and retain productive agricultural land,
		c) To protect, conserve and enhance natural assets,
		d) To protect built and cultural heritage assets,
		e) To provide opportunities for growth.
		The feedlot is a permitted use on agricultural land. It will provide economic growth to the area without significantly adversely impacting on natural resources. The development is consistent with the aims of the LEP.
2.1	Land use zones	The site is zoned RU1 Primary Production. The development is characterised as 'feedlot', being a type of 'intensive livestock agriculture'.
		intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—
		dairies (restricted),
		feedlots,
		pig farms,
		poultry farms,
		but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.
		<b>feedlot</b> means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.
		A 'feedlot' is permissible within the RU1 Primary Production zone with consent.
		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.	
		1804-2033 Tarwoona Road has sufficient land to cater for the proposed feedlot and the required waste utilisation areas. It is considered that the development is sustainable and the feedlot will increase the diversity of agriculture in the area. No fragmentation of rural land is required to facilitate the development. The surrounding area is predominantly zoned rural with the exception of Dthinna Dthinnawan National Park. The development is not considered to result in significant land use conflict.	
		The development is considered to be consistent with the objectives of the zone.	
5.10	Heritage Conservation	The objectives of this clause are as follows—	
		(a) to conserve the environmental heritage of Inverell,	
		<ul> <li>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</li> </ul>	
		(c) to conserve archaeological sites,	
		(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	
		Aboriginal Cultural Heritage	
		An Aboriginal Cultural Heritage Assessment ( <b>Attachment 10</b> ) has been undertaken, for the development, which involved consultation with the Toomelah Local Aboriginal Land Council and Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment. Eight (8) items of Aboriginal cultural heritage have been located on the feedlot site being:	
		<ul> <li>A potential scarred tree – located to the south of the feedlot complex;</li> </ul>	
		<ul> <li>Fire hearths – located to the south of the feedlot complex;</li> </ul>	
		<ul> <li>Grindstone fragment – located to the west of the feedlot complex;</li> </ul>	
		<ul> <li>Artefact scatter (large) – located to the west of the feedlot complex adjacent to a solid waste utilisation area;</li> </ul>	
		<ul> <li>Artefact scatter (isolated) – located immediately north of the proposed holding dam;</li> </ul>	
		<ul> <li>Scarred tree – located on the eastern side of the feedlot complex between the processing facilities and access road;</li> </ul>	
		<ul> <li>Artefact scatter (large flake) - located on the eastern side of the feedlot complex between the processing facilities and access road; and</li> </ul>	
		Artefact scatter (core) - located on the eastern side of	

the feedlot complex between the processing facilities and access road. The location of these artefacts is shown in Figure 19. The feedlot development, including main complex and waste utilisation areas have been located to avoid any direct impacts on the Aboriginal artefacts. Additionally, buffer areas are proposed around these artefacts to avoid potential It is recommended that provision and indirect impacts. maintenance of these buffers be reinforced as conditions of consent. Based on the identification of Aboriginal artefacts (refer above), it is likely that there are other artefacts present on the site, which were not identified during the Aboriginal Cultural Heritage Assessment. The applicant has submitted a Chance Find Procedure (Attachment 21) in the event that artefacts are discovered during construction of the feedlot. Consistent with the advice from Biodiversity and Conservation Division (BCD) of the NSW Department of Planning, Industry and Environment, the chance finds protocol can be incorporated into the conditions of development consent. Non-Aboriginal Heritage The site is not identified as a heritage item under the *Inverell* Local Environmental Plan 2012. A non-aboriginal site assessment was undertaken for the site. which concludes that due to extensive disturbance from agricultural development (e.g. vegetation clearing, timber harvesting, grazing and cropping) it is highly unlikely for nonaboriginal heritage significance (e.g. artefacts) to be present on the site. 5.18 Intensive livestock The objectives of this clause are agriculture (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location. In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration— (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application, The Environmental Impact Statement submitted with DA-96/2019 has been prepared in accordance with the Secretary's Environmental Assessment Requirements issued by the NSW Department of Planning and in consultation with

local and state agencies.

The Environmental Impact Statement submitted with DA-96/2019 is considered to contain adequate information to enable a merit based assessment of Development Application.

(b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,

The nearest sensitive receptors at or within five (5) kilometres of the feedlot complex are:

- 2458 Tarwoona Road, Camp Creek (NSW) 2.625 kilometres west of the feedlot complex; and
- 2841 Beebo-Seventeen Mile Road (QLD) 3.05 kilometres north of the feedlot complex;
- 2717 Texas-Yelarbon Road, Beebo (QLD) 3.55 kilometres north of the feedlot complex;
- 2773 Texas-Yelarbon Road, Beebo (QLD) 3.56 kilometres north of the feedlot complex;
- 1343 Tarwoona Road, Camp Creek (NSW) 3.75 kilometres east of the feedlot complex.
- 1586 Tarwoona Road, Camp Creek (NSW) 4.715 kilometres north-east of the feedlot complex;
- Texas- Yelarbon Road (QLD) 5 kilometres north of the feedlot complex; and
- 1383 Tarwoona Road, Camp Creek (NSW) 5.03 kilometres east of the feedlot complex.

The Yetman Village is approximately 22 kilometres southwest of the feedlot complex.

The separation distance necessary to mitigate odour impacts are based on the capacity of the feedlot, receptor sensitivity, feedlot design, feedlot management and site specific variables.

The Environmental Impact Assessment submitted with DA-96/2019 includes a Level 1 Odour Assessment (**Attachment 7**) undertaken in accordance with NSW Technical requirements and the National Feedlot Guidelines. This assessment has modelled the relevant factors and determined that the minimum required separate distance to mitigate odour associated with the feedlot is:

- 2.253 kilometres from a single residence; and
- 9.195 kilometres from a medium town (Yetman).

Based on the above calculations, the distance of the feedlot from sensitive receptors is within acceptable limits for mitigation of odour.

Additional mitigation and management measures have been proposed within the Environmental Impact Statement, which include:

- Pens are designed with sufficient slope to maximise drainage and rapid drying;
- Frequent removal of manure from the pens, drains and under fences:
- Manure stockpiles are not turned to release emissions generated from the decomposition process;
- Monitoring and reporting.

It is considered that the combination of the separation distance and mitigation/management measures are sufficient to minimise odour impacts. Furthermore, the NSW Environment Protection Authority has assessed DA-96/2019, including odour impacts. The NSW EPA has issued General Terms of Approval, which include the consideration of odour.

(c) the potential for the pollution of surface water and ground water,

The potential for pollution of surface and ground water would be from:

- Runoff from the feedlot complex;
- Leaching into soil from the feedlot complex; and
- Waste utilisation area.

## Surface Runoff from the Feedlot Complex

Uncontaminated (clean) water from areas upslope of the feedlot area will be prevented from entering the feedlot facility by upslope "clean" water diversion.

Contaminated water from inside the feedlot complex will be captured within the feedlot 'Controlled Drainage Area". Runoff from the feedlot pens is to be collected in catch drains situated behind each pen. The individual catch drains behind each pen will discharge into main collection drains that will in turn discharge into a sedimentation system and ultimately the holding pond.

## Leaching from the Feedlot Complex

To prevent leaching into the soil, the following has been included in the design of the feedlot:

- Impermeable clay lining of pens, pads and drainage systems in accordance with the specifications submitted with the Environmental Impact Statement; and
- All facilities to store hazardous materials (e.g. diesel and other chemicals) will be designed to Australian Standards for storage and spill management.

It is considered that there is unlikely to be any significant risk to groundwater from leaching in the feedlot complex.

## Waste Utilisation Areas

The Environmental Impact Statement submitted with DA-96/2019 includes detailed liquid waste, solid waste and soil (discussed below) assessments (Attachment 1 and

**Attachment 12**), which conclude that the application of waste to the proposed utilisation areas will not result in excess nutrient availability (e.g. Nitrogen and Phosphorus), which would leach into groundwater. The applicant proposes to undertake regular monitoring of soil conditions and groundwater.

The potential for pollution of groundwater is considered minimal.

In relation to potential pollution of surface water from waste utilisation areas (runoff), mitigation measures have been proposed, which include:

- Maintenance of buffer zones around drainage lines and riparian zones to prevent contamination of surface waters;
- Application rates of liquid waste will be controlled to ensure that excessive runoff does not occur; and
- An Operational Environmental Management Plan and Irrigation Management Plan will be prepared for the operation of the proposed feedlot, including waste management.

## Conclusion

It is considered that the design of the feedlot expansion is unlikely to significantly pollute surface water or ground water. The NSW EPA has assessed DA-96/2019, including water quality impacts. The NSW EPA has issued General Terms of Approval, which include conditions relating to water quality, including groundwater and surface water monitoring.

(d) the potential for the degradation of soils,

The Environmental Impact Statement includes a detailed soil capability assessment, which demonstrates that the waste utilisation areas are suitable for use, subject to on-going monitoring of nutrient levels.

The feedlot (pens, drains, etc.) have been designed (e.g. clay lining, etc.) to prevent leaching and degradation of the soil.

The Environmental Impact Statement commits to the preparation of a Construction Erosion and Sediment Control Plan prior to the commencement of construction of the feedlot, which is satisfactory.

The General Terms of Approval issued by the NSW EPA include requirements for soil quality monitoring and reporting.

Overall, the proposed feedlot is not considered to result in a significant risk to the degradation of soils.

(e) the measures proposed to mitigate any potential adverse impacts,

The Environmental Impact Statement includes approximately 277 measures to mitigate adverse impacts in relation to:

- Odour;
- Dust:

- Greenhouse gas emissions;
- Soils;
- Groundwater;
- Surface water;
- Flooding and Stormwater;
- Aboriginal Cultural Heritage;
- Non-Aboriginal Heritage;
- Office of Environment Heritage Estate (e.g. national parks);
- Waste Materials:
- Land Capability;
- Traffic and Transport;
- Noise and Vibration;
- Landscape and Visual Amenity;
- Pest Animals and Weeds; and
- Other Hazards and Risks (e.g. animal welfare, Work Health and Safety).

These mitigation measures address the different stages of the feedlot development, including design and siting, construction and operation.

It is considered that the mitigation measures proposed within the Environmental Impact Statement, in conjunction with the General Terms of Approval issued by NSW State agencies and other conditions of consent imposed by Council, are sufficient to mitigate an adverse impacts associated with the feedlot development.

(f) the suitability of the site in the circumstances,

The suitability of the site has been addressed in the 'S.4.15 (1) (c) EP&A Act 1979 – Suitability of the Site' section of this report (refer below). Overall, it is considered that the site has sufficient area and separation from sensitive receptors to be suitable for the development.

(g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,

The applicant has indicated an intention to seek accreditation under the National Feedlot Accreditation Scheme. Subsequently, animal welfare issues would be covered in the feedlots Quality Assurance manuals. It is also noted that the feedlot has been designed in consideration of the *National Guidelines for Beef Cattle Feedlots in Australia*.

(h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made

		available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
		The proposal is consistent with the National Guidelines for Beef Cattle Feedlots in Australia and Planning Guidelines Intensive Livestock Agriculture Development published by the NSW Department of Planning and Environment in 2019.
6.1	Earthworks	Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
		(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
		The development will not adversely impact drainage patterns as the feedlot designs incorporates a controlled drainage area to ensure all runoff is captured in to the sedimentation basin and holding pond. There is no evidence to suggest that soil stability, landslip, etc. is an issue on 1804-2033 Tarwoona Road, Camp Creek.
		(b) the effect of the development on the likely future use or redevelopment of the land,
		The suitability of the site is discussed throughout this report and the development is not considered to significantly impact the future/continuing agricultural use or redevelopment of the site or surrounding area.
		(c) the quality of the fill or the soil to be excavated, or both,
		Fill material will be obtained from the excavations within the site, supplemented by borrow material if necessary. The development site has historically been used for agriculture and there is no evidence to suggest that the quality of the soil is comprised.
		(d) the effect of the development on the existing and likely amenity of adjoining properties,
		The earthworks are not in close proximity to any adjoining properties. Other impacts affecting amenity (odour, etc.) have been considered elsewhere in the report.
		(e) the source of any fill material and the destination of any excavated material,
		Material for filling will be obtained from the excavations within the site and supplemented by borrow material if necessary.
		(f) the likelihood of disturbing relics,
		The likelihood of disturbing relics has been discussed in Clause 5.10 of the <i>Inverell Local Environmental Plan 2012</i> above.
		(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
		Impacts on surface water and ground water have been

		considered under Clause 5.18 of the <i>Inverell Local Environmental Plan 2012</i> above.
		(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
		The Environmental Impact Statement contains mitigation measures, including soil and erosion control.
6.2	Flood Planning	The objectives of this clause are to minimise the flood risk to life and property and to allow development on land that is compatible with the land's flood hazard.
		Consideration of this clause is required for a Development Application when the land is at or below the flood planning level.
		flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.
		The applicant has undertaken a Flooding Assessment (Attachment 17) based on historical flood records along the Dumaresq River to determine the flood planning level applicable to the development.
		Historically, the two highest flood events that have occurred in the Dumaresq River at the development proposal site are the 1956 and 1976 flood events. Based on four (4) gauge stations along a 182 kilometre section of the Dumaresq River, the 1976 flood is an approximate a 1 in 128 year event. At the development site, the 1976 flood is similar to the 1956 flood (1956 discharge of 354,000ML/day, 1976 discharge of 336,000ML/day).
		The 1956 flood level recorded and surveyed at the Cunningham Weir is RL 260.5 metres AHD.
		The flood planning level for the site is considered RL 261 metres AHD, which inundates approximately 50% of the property. The extent of the flooding is shown in <b>Figure 20</b> .
		(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
		(a) is compatible with the flood hazard of the land, and
		The feedlot is comprised of two (2) main components:
		<ul> <li>The feedlot complex (e.g. pens, sedimentation basin, holding pond, buildings and structures); and</li> </ul>
		Waste utilisation areas.
		The feedlot complex is proposed to be constructed slightly above RL 261 metres AHD and will be above the flood planning level as shown in <b>Figure 20</b> .
		The majority of the waste utilisation areas will be located below the flood planning level; however, this is considered appropriate as:
		This land is already used for agricultural purposes (centre pivots already present);

- No levees, banks, etc. are proposed to be constructed for the waste utilisation areas; and
- The management of these waste areas (refer previous assessment against 5.18 of the Inverell Local Environmental Plan 2012) will ensure that soil nutrients are not excessive.

A potential risk for this development is restricted access during a flood event. This risk will be mitigated by ensuring adequate on-site storage of drinking water and feed to maintain livestock health.

Overall, the development is considered to be compatible with the flood hazard of the land.

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

As discussed above, the feedlot complex is located above the flood planning level and is not considered to affect flood behaviour. The waste utilisation areas are existing agricultural areas (e.g. centre pivots already present) and no significant works are proposed, which would affect flood behaviour.

The proposed bridge over the Dumaresq River will maintain the existing deck height, which will improve flood access for the site. In the context of the Dumaresq River catchment, the proposed bridge is a minor structure, which is not considered to significantly impact flood behaviour.

(c) incorporates appropriate measures to manage risk to life from flood, and

Principally, the main feedlot complex has been located above the flood planning level. Additionally, it is proposed to maintain sufficient drinking water and feed on-site to maintain livestock health during a flood event. It is considered that the feedlot development incorporates appropriate measures to manage risk to life from flood.

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

The feedlot complex is located above the flood planning level. The potential impacts under this clause may be caused by the waste utilisation areas and the proposed new bridge. In this regard:

- The design and management of the waste utilisation areas (refer previous assessment against 5.18 of the Inverell Local Environmental Plan 2012) will ensure that soil nutrients are not excessive:
- Existing riparian areas between the waste utilisation areas, Dumaresq River and drainage lines will not be disturbed; and
- The upgrade of the bridge on Cunningham Weir Road

over the Dumaresq River has been assessed by Natural Resources Access Regulator and General Terms of Approval issued, inclusive of conditions to protect the Dumaresq River.

Overall, the development is not considered to adversely affect the environment or have significant impact in relation avoidable erosion, siltation, destruction of riparian vegetation

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

As discussed above, the development has been designed in consideration of flooding from the Dumaresq River and has incorporated suitable mitigation measures. The development is not considered to result in unsustainable social and economic costs to the community as a consequence of flooding.

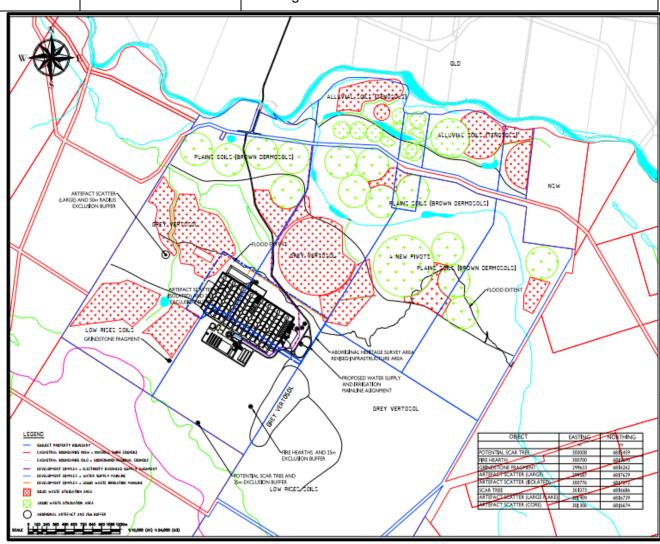


Figure 19 - Aboriginal artefacts identified within the development site

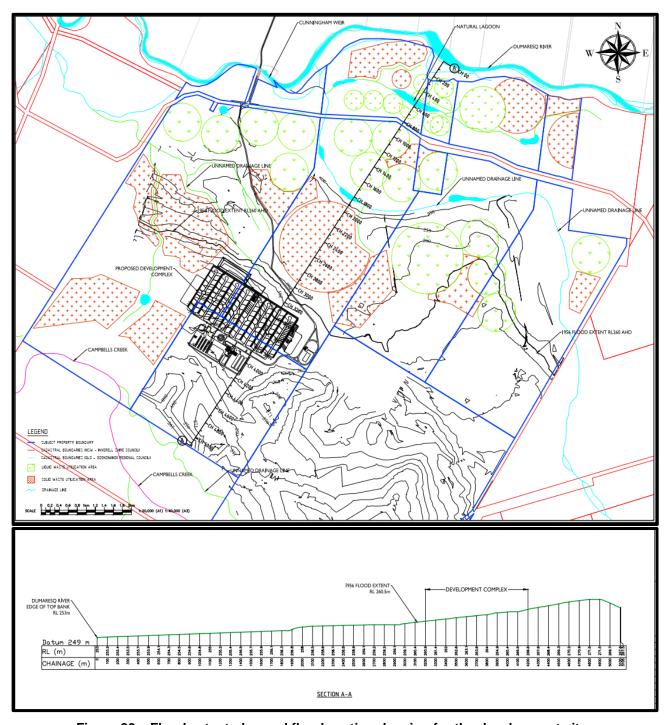


Figure 20 – Flood extent plan and flood section drawing for the development site

## 6.6 Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

In relation to the supply of water, it is considered that two aspects should be considered:

- Existing water supply for the proposed feedlot; and
- Long term security of this water supply.

## Existing water supply for the proposed feedlot

The total estimated yearly water use of feedlot averages from 14.5 to 20.5 Megalitres, per 1000 head. The proposed feedlot has a total capacity of 25,055 head of cattle, which equates to an estimated yearly water consumption of between 365 and 520 Megalitres.

Water for the proposed feedlot will be sourced primarily from existing groundwater allocations, with surface water allocations to be used as a secondary source in the event of failure of the primary source.

The existing water allocations for "Goondarin" and "Paisely", to be used for the proposed feedlot, are:

- Primary Water Source Groundwater Allocations
  - "Goondarin" 389 megalitres; and
  - "Paisley" 1,785 megalitres.
- Secondary Water Source Surface Water Entitlements:
  - "Goondarin" 962 megalitres.

It is considered that the existing water supply for "Goondarin" and "Paisley" is sufficient for the proposed feedlot.

Additionally, DA-96/2019 was referred to WaterNSW for expert advice in relation to water availability. It is the opinion of WaterNSW that based on the entitlement and historical usage for the last seven (7) years, that the proponent has an adequate entitlement and has been able to physically extract sufficient quantities to meet the feedlot water requirements.

## Long Term Water Security

When considering long term water security, the following matters should be noted:

- Council's consideration is generally limited to the information submitted with and available at the time of determination of a development application;
- There are a range of factors that may affect the long term water security for a development/property, including changing legislation at both State and National levels. It is not appropriate for Council to

- engage in speculation of water security based on uncertain and unknown future variables;
- Despite the point above, it is considered reasonable that Council consider extreme drought and/or climate change impacts associated with a development; and
- It is not Council's role to assess the economic viability of a particular development.

Council's Development Services staff reviewed water security matters for the proposed feedlot and consider that:

- At this point in time and for the purpose of assessing DA-96/2019, the proponent has adequately demonstrated sufficient existing water supply for the proposed feedlot (refer comments above);
- Based on the historical water usage for the last seven (7) years and the specialist opinion of WaterNSW, the proponent has been able to extract sufficient quantities of water to satisfy the feedlot requirements. There is no evidence to suggest that this licencing and/or extraction volume would be reduced in the short to medium term;
- In extreme drought events, the Environmental Impact Statement proposes a fall-back option to reduce livestock numbers, which is considered an appropriate response to potential future water security issues.

Overall, it is considered that the water availability is suitable for the proposed feedlot development, subject to the following condition of consent that requires a report to be provided to Inverell Shire Council each financial year, by 31 July, which addresses:

- The source of water, including current water licences, for the feedlot site during that financial year;
- A comparison of the total water available in relation to the maximum feedlot capacity; and
- In the event that of any water restriction and/or water licences are revoked, surrendered, modified or otherwise removed from the development site:
  - A review of cattle numbers within the feedlot in relation to water supply; and
  - Proposed measures to operate the feedlot to match current water supply (e.g. de-stocking).
- (b) the supply of electricity,

The property has an existing 3-phase electricity supply, which services the existing farm infrastructure (e.g. irrigation equipment). An extension of this electricity infrastructure will be required to the main feedlot complex, which is considered satisfactory with this work to be completed to Essential Energy's requirements at the applicant's expense.

(c) the disposal and management of sewage,

The proposed office and amenities will be require connection

to a septic system/s approved under section 68 of the Local Government Act 1993, prior to commencement of works. Controlled drainage and waste utilisation areas are proposed for feedlot effluent, which has been discussed further against Clause 5.18 of the Inverell Local Environmental Plan 2012 above. (d) stormwater drainage or on-site conservation, The proposed controlled drainage area, including pen drains, sedimentation basin and holding pond are considered satisfactory as assessed against Clause 5.18 of the Inverell Local Environmental Plan 2012 above. (e) suitable vehicular access. The site has legal and practical access to Tarwoona Road and the proposed new access crossing is considered satisfactory. The proposed feedlot development requires the upgrade of the bridge on Cunningham Weir Road over the Dumaresq River to facilitate the proposed principal haulage route into Queensland. Council's Manager Civil Engineering has reviewed the updated Traffic Impact Statement submitted with DA-96/2019 and provides a number of recommendations in relation to traffic matters (refer 'Internal Referrals' section of this report). Subject to the recommendations of Council's Manager Civil Engineering, which can be imposed as conditions of consent, it is considered that the feedlot development has suitable vehicular access.

## S.4.15 (1) (a) (iii) EP&A Act 1979 - Development Control Plans

Inverell Development Control Plan 2013 - Chapter 1 Introduction

CLAUSE	TITLE	COMMENT AND ASSESSMENT	
1.11 & 1.12	Notification of Applications & Advertising of Applications	Being both 'Designated Development' and 'Integrated Development', DA-96/2019 was notified for a period of 35 days from 8 October, 2019 to 12 November, 2019 in accordance with this Chapter of the <i>Inverell Development Control Plan 2013</i> , <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i> .	
		Note: DA-96/2019 was lodged 26 September 2019 prior to commencement of the Inverell Shire Community Participation Plan on 27 November 2019, which currently applies to notification/advertising of Development Applications.	

## <u>Inverell Development Control Plan 2013 – Chapter 5 Parking & Traffic</u>

CLAUSE	TITLE	COMMENT AND ASSESSMENT
5.3	Parking Space Requirements	No specific car parking rate is specified within this chapter for Feedlots or Intensive Livestock Agriculture.
5.4	Provision of Car Parking	It is considered the proposed feedlot site has sufficient area for car parking to be provided within the main development complex. The proposed development is considered to be consistent with the outcome of this clause.

5.5	Design	No specific car parking design requirements are considered to apply to this development. The development is designed for all vehicles to enter and exit the site in a forward direction as required by this clause.
5.6	Stormwater	Stormwater has been assessed against the provision of the <i>Inverell Local Environmental Plan 2012</i> (refer above). No specific additional provisions of this chapter are considered to apply.
5.7	Landscaping	The feedlot development proposes landscaping, which is considered satisfactory.

## Inverell Development Control Plan 2013 - Chapter 6 Flood Prone Land

CLAUSE	TITLE	COMMENT AND ASSESSMENT
6.6	Ashford, Yetman and Other Flood Prone Land	The Outcome of this clause is "to allow for appropriate development on flood prone land"
		As assessed against Clause 6.2 of the <i>Inverell Local Environmental Plan 2012</i> , the main feedlot complex is located above the flood planning level. No specific requirements are considered necessary (e.g. engineering certification, electrical works, flood resistance materials) in relation to the main feedlot complex or associated buildings/structures.
		The proposed development does not involve:
		<ul> <li>Any significant works/structures for the proposed waste utilisation areas below the flood planning level (existing infrastructure/pivots to be used); and</li> </ul>
		<ul> <li>No habitable buildings (i.e. dwelling) are proposed as part of this development.</li> </ul>
		As part of the final engineering design for the proposed bridge over the Dumaresq River, this structure will need to be certified to withstand flood conditions.
		Overall, it is considered that the proposed development has been designed in consideration of the flood hazard of the site and the development satisfies the Outcome of this clause.

## S.4.15 (1) (a) (iv) EP&A Act 1979 - Prescribed Matters of the Environmental Planning and Assessment Regulation 2000

## Australian Standard 2601:2001 The Demolition of Structures

The existing raised section of the Dumaresq River crossing on the Cunningham Weir Road will require demolition to facilitate the proposed new river crossing. A condition of consent will enforce that all demolition work be undertaken in accordance with this Australian Standard.

## S.4.15 (1) (b) EP&A Act 1979 - The likely impacts of that development

Matters	Consideration
Context & Setting	The surrounding area is characterised as a rural agricultural locality, predominantly used for beef cattle and irrigated cropping. A cattle feedlot is a permissible and accepted land use within a rural agricultural locality, noting the existing Whyalla Feedlot located in Queensland to the north-east of the development site. It is considered that the development will not result in any adverse land use conflict with surrounding agricultural uses.  The closest sensitive receptor to the development site is approximately 2.625

	kilometres west of the feedlot complex. This separation distance is considered sufficient to minimise amenity impacts with the feedlot (discussed throughout this report).	
	In relation to potential visual impacts, the main feedlot complex and associated buildings/structures (e.g. pens, sheds, silos) are located approximately 1.6 kilometres from Tarwoona Road and 2.625 kilometres to the nearest residence. Farm structures (silos, sheds, etc.) are an accepted built form within a rural area. Furthermore, the separation distance from Tarwoona Road/sensitive receptors in conjunction with scattered vegetation and proposed landscaping is considered sufficient to minimise the visual impact of the development.	
	Overall, it is considered that the proposed development will not have a significant adverse impact on the context and setting of the rural agricultural locality.	
Access, Transport & Traffic	As per the comments by Council's Manager Civil Engineering, the development is not considered to have a significant adverse impact on access, traffic or transport, in consideration of:	
	<ul> <li>The principal haulage route onto the Texas-Yelarbon Road in Queensland;</li> </ul>	
	<ul> <li>The proposed upgrade to Cunningham Weir Road, including river crossing and intersections;</li> </ul>	
	B-doubles are not able to use Tarwoona Road, east of Cunningham Weir Road or west of the development site;	
	<ul> <li>Permanent vehicle classifiers must be installed and a quarterly report provided to Council to monitor the vehicle movements and road usage; and</li> </ul>	
	<ul> <li>In recognition that heavy vehicles (e.g. semi-trailers) will still use Tarwoona Road, a Section 94 contribution (discussed below) be imposed in relation to road maintenance.</li> </ul>	
	Section 7.11 Contributions (formerly Section 94)	
	Council may impose contributions on a development pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning and Assessment Act 1979. Council's current Section 94 Plan specifies 'Intensive Keeping of Livestock' as a type of development which incurs contributions.	
	Consistent with previous feedlot approvals, with the most recent being the expansion of Nullamanna Feedlot under DA-15/2016, it is recommended that Council impose a contribution for the ongoing maintenance of the local road network every quarter. The current contribution is \$1.176 per head and is subject to CPI adjustment each financial quarter.	
Utilities	Utilities for the proposed feedlot have been discussed against the provisions of Clause 6.6 of the <i>Inverell Local Environmental Plan 2012</i> (refer above).	
	The development is not considered to impact utility infrastructure or impact the availability of utilities for further development in the area.	
Heritage	Both Aboriginal and Non-Aboriginal Heritage have been considered in detail under Clause 5.10 of the <i>Inverell Local Environmental Plan 2012</i> .	
	In summary, eight (8) items of aboriginal cultural heritage have been located on the feedlot site. The feedlot complex has been sited to avoid disturbance to these artefacts and a Chance Find Procedure has been developed for potential discovery of other artefacts during the development. Due to past disturbance, the site is considered highly unlikely to contain any non-aboriginal significance.	
	Overall, it is considered that the proposed development will not have a significant	

	adverse impact on heritage matters.
Other Land	The overall development site, being the properties 'Goondarin' and 'Paisley'' has
Resources	a total area of 3308.9 hectares, with the main feedlot complex having a footprint of 124.16 hectares (approximately 4% of the site).
	It is considered the feedlot will not significantly impact the availability of agricultural land. Furthermore, the Environmental Impact Statement has demonstrated that the soil characteristics are suitable for waste utilisation.
	Overall, it is considered that the proposed development will not have a significant adverse impact on land resources.
Water	Impacts on surface water and ground water have been considered in accordance with Clause 5.18 of the <i>Inverell Local Environmental Plan 2012</i> (refer above).
	Overall, it is considered that the proposed development will not have a significant adverse impact on water.
Soils	Soil degradation and earthworks have been considered in accordance with Clause 5.18 of the <i>Inverell Local Environmental Plan 2012</i> (refer above).
	Overall, it is considered that the proposed development will not have a significant adverse impact on soils.
Air Quality	Pollutants likely to impact air quality are odour and dust.
	An odour assessment has been undertaken and included within the Environmental Impact Statement, which has determined that there is sufficient distance between the feedlot and sensitive receptors to minimise impacts. This has been discussed in detail under Clause 5.18 of the <i>Inverell Local Environmental Plan 2012</i> (refer above).
	In relation to potential dust impacts, separation distances required to meet odour nuisance criteria inherently provide potential rural residence receptors with a high level of protection from feedlot dust impacts. In addition to the separation distance from receptors, the assessment also proposes a number of active mitigation measures to minimise dust; for example, watering access roads, pen cleaning, ceasing dust generating operations during high wind periods, etc.
	The General Terms of Approval issued by the NSW EPA include conditions relating to dust and odour control.
	It is considered that the proposed development will not result in significant adverse impacts on air quality.
Flora & Fauna	The applicant has submitted a Biodiversity Development Assessment Report, prepared by an Accredited Assessor ( <b>Attachment 20</b> ), in accordance with the <i>Biodiversity Conservation Act 2016</i> .
	It is considered that the development will not have any serious or irreversible impacts. The clearing of native vegetation and impact on the habitat of two (2) threatened species (Belsons Panic and Pale Headed Snake) can be offset through the retirement of biodiversity credits.
	As the applicant has satisfied the requirements of the <i>Biodiversity Conservation Act 2016</i> , the development is not considered to have significant adverse impact on flora or fauna.
Waste	Wastewater management has been assessed and complies with Clause 5.18 of the <i>Inverell Local Environmental Plan 2012</i> .
	Solid waste harvested from the pens and sedimentation basin will be stockpiled and composted on-site prior to:
	Being sustainably applied to solid waste utilisation areas contained within

the development site; and/or

- Being transported off-site for use on other farming properties within NSW and QLD owned or leased by the proponent being:
  - "Lochnay" 2458 Tarwoona Road, Camp Creek, NSW;
  - "El Dorado", 2841 Texas-Yelarbon Road, Beebo, QLD; and/or
  - "Carinya", 2773 Texas-Yelarbon Road, Beebo, QLD.

The proposed waste management is considered appropriate for the feedlot development. Furthermore, the NSW EPA has also assessed waste management and issued General Terms of Approval, which contain conditions relating to waste management.

Overall, it is considered that the proposed development will not have a significant adverse waste impact.

## Energy

The development site has existing 3-phase power supply. Extension of this service, and any necessary upgrades, will be the responsibility of the proponent. No adverse impact on energy matters are considered to arise from the proposed development.

## Noise & Vibration

#### Construction Noise

The primary noise impact during construction will be from the bulk earthworks. This activity will be temporary in nature and there is considered sufficient separation distance to the nearest receptor (2.625 kilometres) to mitigate this temporary noise impact.

#### **Operational Noise**

Noise generated from the operation of the feedlot would be from the use of machinery and equipment on the site and from animal noise.

The proposed hours of operation are 6am to 6pm, seven days a week.

A noise assessment has been undertaken within the Environmental Impact Statement and subsequently reviewed by the NSW Environment Protection Authority. It is considered that due to the significant distance to the nearest sensitive receptor and the operational activities being generally consistent with activities of the existing agricultural practices in the area, the noise generated by the development is not expected to create significant impact on the surrounding development.

Due to the nature of the proposed development and separation distance to sensitive receptors, no noise monitoring was undertaken to define existing background noise levels is the vicinity of the development. Rather, the development has adopted a minimum background noise level of 30 dB(A) for rural areas.

Generally, noise is considered intrusive if it exceeds the background limit by 5 dB(A). For this development, the noise impact limit equates to 35 dB(A). The NSW Environment Protection Authority have imposed a condition within the General Terms of Approval that noise generated from the site must not exceed 35 dB(A) at any time of the day, measured at the receptor location (e.g. within 30 metres of a dwelling). The NSW Environment Protection Authority will be responsible for monitoring and enforcing this noise limit.

#### Off-Site Road Traffic Noise

The applicant has submitted a Road Traffic Noise Assessment (**Attachment 22**). As part of this Road Traffic Noise Assessment noise monitoring was undertaken at two points on the road network being:

- At the intersection of Cunningham Weir Road and Texas-Yelarbon Road in Queensland; and
- On Tarwoona Road, east of the feedlot site.

A noise model was created in accordance with the NSW Road Noise Policy, which modelled:

- Existing "no build" traffic noise; and
- Projected traffic noise from the development.

This model has predicted that an average road noise increase of 0.2 dB(A), which is considered to be indiscernible to most occupants and complies with the NSW Road Noise Policy.

#### Vibration

No significant vibration causing activities (e.g. blasting, jack-hammering, piling) are proposed for the feedlot. Due to the large separation distance between the proposed development and sensitive receptors, the development is not considered to result in any significant adverse vibration impacts.

## Natural Hazards

In relation natural hazards:

- Bush fire protection has been considered under *Planning for Bush Fire Protection 2019* The development is considered to be consistent with
   the aims of this document:
- Flooding has been assessed against the *Inverell Local Environmental Plan 2012* and *Inverell Development Control Plan 2013*. The development is considered to be suitable for the flood hazard of the site;
- There is no evidence to suggest the feedlot site is subject to any other natural hazards, landslip, etc.; and
- Drought Noting that a feedlot imports feed for the cattle, the primary drought impact is water security. As assessed under Section 6.6 of the Inverell Local Environmental Plan 2012, the proposed feedlot is considered to have sufficient water supply and a condition of consent will require annual monitoring of this water supply.

## Safety, Security & Crime Prevention

The feedlot will have personnel on-site twenty-four (24) hours a day, seven (7) days a week for surveillance and management of access. The development is not considered to impact safety, security or crime prevention in the area.

# Social Impacts in the Locality

In the development assessment process, social impacts can be defined as a significant change or consequence experienced by people or communities as a result of a development. Such changes may include, but are not limited to a person's way of life, access to services, health and wellbeing, aesthetics and/or amenity (sunlight, views, traffic, noise impacts). Social impacts can be both positive and negative.

When considering social impacts as part of a Development Application, the Land and Environment Court in <u>New Century Development Pty limited v Baulkham</u> Hills Shire Council [2003] NSWLEC 154 has held that:

"the consent authority must not blindly accept the subjective fears and concerns expressed in the public submissions. Whilst such views must be taken into consideration, there must be evidence that can be objectively assessed before a finding can be made of an adverse effect upon the amenity of the area (Dixon at [53]).

In Broad, de Jersey J explained (at 304) that whilst the court is clearly

entitled to have regard to the views of residents of the area, those views will be accorded little, if any, weight if there is no objective, specific, concrete, observable likely consequence of the establishment of the proposed use. A fear or concern without rational or justified foundation is not a matter which, by itself, can be considered as an amenity or social impact pursuant to s 79C(1) of the EP&A Act" In the case of this Development Application, submission makers have raised a number of concerns including but not limited to amenity impacts such as odour and noise. These matters have been assessed by Council technical staff and it has been determined that these possible impacts will not be significant in the context of the surrounding rural agricultural area. Accordingly, whilst submissions have been received, consistent with the Land and Environment Court findings, these submissions do no constitute evidence of a negative social impact as a result of the proposed development. The proposed feedlot development will have a positive economic impact on the **Economic** Impact in the region with provision of: Locality Local employment and income for contractors during the construction of the feedlot: • Creation of employment of approximately 45 full-time equivalent personnel for the operation of the feedlot; The creation of 45 full time employment positions would likely result in economic benefit for the nearby Yetman Village e.g. local businesses, school and housing opportunities; and Upgrade of the bridge on Cunningham Weir Road over the Dumaresq River, which is a significant infrastructure upgrade by a private development. Site Design & The site of the proposed feedlot has been chosen as: Internal Design The main feedlot complex is located above the flood planning level: The site has sufficient area and agricultural infrastructure for waste utilisation (e.g. centre pivots); The site is close to the Queensland Border, which facilitates a primary haulage route via the Texas-Yelarbon Road; and A minimum separation distance of 2.625 kilometres to the nearest sensitive receptor can be achieved, which exceeds the recommended minimum distance for a 25,055 head feedlot. It is considered that the design of the proposed feedlot will not have a significant adverse environmental impact. Construction Primary construction impacts will be from noise, traffic and earthworks. These matters have been considered and suitable measures proposed within the Environmental Impact Statement to mitigate construction impacts. Cumulative Detailed assessments have been undertaken of the different aspects of this development (traffic, odour, water, etc.) by Council's technical staff and expert **Impacts** Government agencies. No significant adverse impacts have been identified for the proposed feedlot and overall, the cumulative impact is not considered significant. Climate Greenhouse gas emissions from the proposed feedlot would be from three (3) Change principal sources:

- Direct methane emissions from livestock;
- Methane and nitrous oxide emissions from breakdown of solid/liquid waste storage and utilisation areas; and
- Use of fossil fuels.

A number of mitigation measures are proposed in relation to sources of greenhouse gas emissions. Drought, which may be exacerbated by climate change has been discussed previously in this report. Overall the development is not considered to significantly influence climate change factors.

## S.4.15 (1) (c) EP&A Act 1979 – Suitability of the Site

In assessing the suitability of the site, two matters are considered:

Does the proposal fit in the locality?

The locality is predominantly rural, with a feedlot being a generally accepted use in a rural area. The footprint of the feedlot is relatively small (approximately 4%) compared to the overall property size and the availability of rural agricultural land will not be impacted.

It is considered that the proposed feedlot can 'fit' within the surrounding locality.

Are the site attributes conducive to development?

The site has legal and practical access to Tarwoona Road and subject to the proposed upgrade of the bridge on Cunningham Weir Road over the Dumaresq River, the road network is considered appropriate for the proposed development.

The property is affected by flooding from the Dumaresq River; however, there is sufficient area to locate the main development complex (pens, sedimentation basin, holding pond, buildings and structures) above the flood planning level (1 in 100 year flood plus 500mm freeboard).

Soil and waste assessments have been undertaken to ensure that the development site is suitable for the feedlot, in particular the irrigation of wastewater and application of solid waste (manure) onto the land.

The land is not unduly constrained by bush fire and Council's records do not identify the property as subject to any other natural hazard.

Overall, it is considered that the site attributes are conducive to the proposed feedlot development.

#### S.4.15 (1) (d) EP&A Act 1979 - Submissions

DA-96/2019 was exhibited for a period of 35 days from 8 October, 2019 to 12 November, 2019. This exhibition involved:

- Notice in the Inverell Times;
- Notice in the Goondiwindi Argus;
- Notice in the Macintyre Gazette (Texas);
- Installation of a notice board on Tarwoona Road at the frontage of the property; and
- Letters sent to surrounding property owners.

During the exhibition period, the Development Application and accompanying Environmental Impact Statement could be viewed:

- · At Council's Administration Centre; or
- Electronically, at:
  - The 'Advertised Development Applications' section of Council's website; and
  - The NSW Department of Planning, Industry and Environment's head office at 320
     Pitt Street, Sydney (mandatory 'Designated Development' requirement).

As a result of the exhibition period, three (3) submissions were received. The submissions have been circulated separately to Councillors with the Business Paper and the matters raised by submission makers are discussed below.

#### **Submission Comment**

## Consideration

#### **Submission One**

I have serious concerns with the potential feedlot odour, liquid and solid waste, increased dust and high traffic noise. These issues will impact our current lifestyle and property values. What guarantees can be given that there will be no impact regarding these issues.

Whilst the submission maker has raised several concerns regarding the feedlot development, no specific issue relating to these concerns have been identified.

In relation odour, liquid and solid waste, dust and high traffic noise, these have been assessed in detail throughout this report. Additionally, matters such as odour, dust and waste have been considered by the NSW Environment Protection Authority, who have issued General Terms of Approval for the feedlot.

In consideration of the submission makers identified concerns, the development is not considered to have significant adverse impact on these matters

There is no evidence to suggest that the proposed feedlot would affect property values.

A concern also being the increased heavy traffic on Tarwoona road, as B-doubles and Road trains continually use this road. I have advised council on numerous occasions regarding this matter. A Traffic Impact Assessment has been included with the Environmental Impact Statement (**Attachment 19**), which proposes the Principal Haulage Route into Queensland.

As assessed by Council's Manager Civil Engineering (refer 'Internal Referrals' section of this report:

- Tarwoona Road is not gazetted for B-Doubles or Road Trains;
- The unauthorised use of Tarwoona Road is a matter that must be reported to NSW Police;
- The proposed feedlot does not propose to use Tarwoona Road for B-Doubles; and
- As per the recommendation from Council's Manager Civil Engineering, permanent vehicle classifier must be installed by the applicant on the surrounding road network as part of this development. A quarterly report must be provided to Council to monitor B-Double / Road Train usage. This report would identify any unauthorised use of Tarwoona Road, which can then be provided to enforcement agencies.

#### **Submission Two**

The area of land needs defining that it is not within the floodplain of the Dumaresq River which breaks its banks at Tarwoona Road and follows various anna-branches to below the development proposal at Lochnay.

As assessed against the Inverell Local Environmental Plan 2012, the Environmental Impact Assessment includes a Flooding Assessment (Attachment 17).

The flood planning level for the site is RL 261 metres AHD, which inundates approximately 50% of the site (refer **Figure 20**).

The main feedlot complex will be above the RL 261 metres AHD (**Figure 20**) and the proposed waste utilisation areas below the flood planning level are existing agricultural land.

The development is considered to satisfy the provisions of the *Inverell Local Environmental Plan 2012* and *Inverell development Control Plan 2013* in relation to flooding. The development is suitable in consideration of the flood hazard of the land.

At present the river is in no state to supply water to any new development. Underground water is also going dry. The main water supply for the proposed feedlot will be from ground water, not surface water (river), which would only be used on a secondary basis.

As per the comments received from WaterNSW and assessed under Clause 6.6 of the *Inverell Local Environmental Plan 2012*, the existing groundwater licences for the development site are considered sufficient to cater for the proposed feedlot at this point in time. No additional licences are required. Furthermore, there is no evidence to suggest that access to the ground water and/or licenses would be restricted in the short to medium term. The proponent commits to reducing stock numbers in the event of an extreme drought.

An Aboriginal Cultural Heritage clearance must be approved by the elders. A GPS survey of the area of the river and anna-branches needs to be done. As assessed against Clause 5.10 of the *Inverell Local Environmental Plan 2012*, an Aboriginal Cultural Heritage Assessment has been undertaken for the site.

This Aboriginal Cultural Heritage Assessment (**Attachment 10**) included consultation within the Toomelah Local Aboriginal Land Council and has been reviewed by the Biodiversity and Conservation Division (BCD) of the NSW Department of Planning, Industry and Environment.

The Aboriginal Cultural Heritage Assessment submitted with DA-96/2019 (Attachment 10) is considered satisfactory, subject to protection of identified artefacts and implementation of a Chance Find Procedure (Attachment 21), which are both proposed by the applicant.

This area on Queensland and New South Wales side when in flood is around 5 to 6 kilometres wide with a great volume of water with five major creeks spilling in and backing up the volume of water.

Refer previous flood comments above in response to this submission.

#### **Submission Three**

My concerns as a resident on the QLD side of the border are that we have not been fully considered in the planning for the new development in regards to the impact to our properties, lifestyles and wellbeing.

Some of the issues that have not been addressed, or facts that have been misrepresented or dismissed as being issues, are the noise and lights of trucks (truck lights directed at homes), the increased traffic and traffic type at the intersection of Texas-Yelarbon Road and Cunningham Weir Road. Also the noise, odour and light impacts from the feedlot site.

The impacts identified by the submission maker are discussed below.

There will be an increase of noise and light at this intersection of Texas-Yelarbon Road and Cunningham Weir Road even though stated otherwise in the application. The traffic that will be using this intersection to gain access to the feedlot will be slowing down (using Jake brakes etc.) then speeding up again (most of the time with a full load); not travelling a straight road as the report states. Therefore there will be an excessive increase in the amount of noise. There is no mention of fixed barrier walls or tree barrier plantings to mitigate noise and light issues at this without upgrading intersection. Also this intersection there would be an increased potential of a major crash occurring.

#### Road Noise

A Road Traffic Noise Assessment has been submitted with DA-96/2019 (**Attachment 22**), which has predicted an average road noise increase of 0.2 dB(A), which is considered to be indiscernible to most occupants and complies with the NSW Road Noise Policy.

It is considered that an acoustic barrier on the corner of Cunningham Weir Road and Texas-Yelarbon Road is not warranted.

## Lights

The hours of operation for the proposed feedlot are 6am to 6pm, which would apply to transport to and from the site. Based on these hours, the likelihood of light impacts from travelling vehicles, even at shoulder periods (dusk and dawn) is highly unlikely.

In relation to flood lights from the main feedlot complex, it is considered that the separation distance from sensitive receptors would largely mitigate these impacts; however, in recognition of this concern a precautionary condition of consent can be imposed that all new external lighting must:

- comply with AS 4282–1997 Control of the obtrusive effects of outdoor lighting;
   and
- be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

## <u>Cunningham Weir Road / Texas-Yelarbon Road</u> Intersection

The Traffic Impact Assessment submitted with DA-96/2019 (Attachment 19) has identified the requirement to upgrade this intersection which will assist with road safety.

The concentration of cattle and machinery at the new feedlot site is well above any normal agricultural operation as well as flood lights that will have to be in operation at night for safety reasons. There is also no mention of any adequate sound barriers being put in place on and around the site to mitigate these issues from impacting surrounding properties.

Lights have been discussed above.

In relation to noise impacts from the feedlot complex, this has been assessed in detail earlier in this report and is considered that there is sufficient separation distance between the feedlot complex and sensitive receptors to mitigate noise impacts.

The odour from the feedlot, solid waste and liquid waste storages will be a major issue if not monitored and followed to the book. This will impact heavily on property values as well as lifestyle and the wellbeing of surrounding neighbours.

Odour, solid waste and liquid waste storages form part of the General Terms of Approval issued by the NSW Environment Protection Authority who will be the responsible agency for monitoring compliance of these matters.

There is no evidence to support the submissions concerns that the proponent would not comply with odour, solid waste and liquid waste requirements.

There is no evidence to suggest that the development will have a significant adverse impact on property values, lifestyle or well-being.

Amenity impact matters, including but not limited to odour, noise, waste and traffic have been assessed in detail throughout this report. No significant adverse impacts have been identified.

## S.4.15 (1) (e) EP&A Act 1979 - Public Interest

#### North West Regional Plan 2036

The North West Regional Plan 2036 identifies that "growing broadacre and grazing sectors and expanding intensive agriculture and food processing will drive economic prosperity and jobs growth". Furthermore, "the focus of the future is to leverage the distinctive regional identity to promote intensive agriculture, horticulture, green industries, renewable energy generation and tourism". Overall, the proposed development, being intensive agriculture, is consistent with the North West Regional Plan 2036.

#### Inverell Community Strategic Plan 2009-2029

The vision of the *Inverell Community Strategic Plan 2009-2029* is "A Community for Everyone". Two of the objectives to achieve this vision are a strong local economy, in conjunction with sustainable agriculture and protection and conservation of natural resources. It is considered that the proposed feedlot development will support the vision of the *Inverell Community Strategic Plan 2009-2029*, and is consistent with the following strategies:

- E.01 Promote sustainable agricultural activities;
- E.03 Protect, rehabilitate and manage all impacts on the built and natural environment.
- E.05 Manage human impacts on the Shire's unique diversity of plants and animals.

- B.01 Business, institutions and Council are working cooperatively towards agreed initiatives to strengthen and expand the Shire's economic base.; and
- B.04 Develop and promote the Shire as the place for business establishment.

## Objects to the Environmental Planning and Assessment Act 1979

The proposed feedlot development is considered to promote:

- The orderly and economic use and development of land;
- The sustainable management of cultural heritage;
- The protection of the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats; and
- The sharing of the responsibility for environmental planning and assessment between the different levels of government in the State.

Accordingly, the development is considered to be consistent with the objects of the *Environmental Planning and Assessment Act 1979*.

#### CONCLUSION

DA-96/2019 has been lodged for a 25,055 head cattle feedlot at 1804-2033 Tarwoona Road, Camp Creek. The feedlot is 'Designated Development' in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. The applicant has submitted an Environmental Impact Statement for DA-96/2019, which has been prepared in accordance with Secretary Environmental Assessment Requirements issued by the NSW Department of Planning.

The site is zoned 'RU1 Primary Production' pursuant to the *Inverell Local Environmental Plan 2012*. The proposed development is characterised as a 'feedlot', being a type of 'intensive livestock agriculture', which is permissible with consent.

The development has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered to be consistent with the relevant State Environmental Planning Polices, *Inverell Local Environmental Plan 2012* and *Inverell Development Control Plan 2013*.

DA-96/2019 is 'Integrated Development' pursuant to Section 4.46 of the *Environmental Planning* and Assessment Act 1979 with concurrence required and received from:

- NSW Environment Protection Authority;
- Natural Resources Access Regulator;
- WaterNSW; and
- Department of Primary Industries (Fisheries).

Comments have also been sought from other New South Wales and Queensland Government agencies, which have been considered in this assessment report.

The primary environmental considerations relating to this development are traffic, odour, flooding, groundwater and surface water impacts, biodiversity, noise and water supply. These matters have been assessed in detail and it is considered that:

- The development will not have a significant impact on the surrounding road network, in consideration of the primary haulage route onto the Texas-Yelarbon Road in Queensland, the proposed upgrade to the Dumaresq River crossing on the Cunningham Weir Road, traffic monitoring on Tarwoona Road and ongoing payment of Section 94 contributions to Council for road maintenance;
- There is sufficient separation distance (minimum 2.625 kilometres) between the main feedlot complex and the nearest sensitive receptor (dwelling), which is sufficient distance to mitigate odour impacts;

- The main feedlot complex is located above the flood planning level. The proposed waste utilisation areas are existing agricultural land already below the flood planning level. The development is considered suitable in consideration of the flood hazard of the site;
- The main feedlot complex will be within an impermeable Controlled Drainage Area, which will mitigate potential impacts on groundwater and surface water. The waste utilisation areas are suitable for use and subject to appropriate management will not result in excessive leaching of nutrients;
- A Biodiversity Development Assessment Report has been submitted in accordance with the Biodiversity Conservation Act 2016, which does not identify any serious or irreversible impacts and recommends offsets in relation to vegetation clearing and impact to two (2) species (Belsons Panic and Pale Headed Snake);
- Temporary construction noise (e.g. bulk earthworks) and operational noise (e.g. machinery and livestock) will be primarily mitigated through separation distance to the nearest receptors. An operational noise limit of 35 dB(A) has been imposed and will be enforced by the NSW Environment Protection Authority, which is an appropriate limit for a rural area. A Road Traffic Noise Assessment has also been completed that has predicted that the average noise increase in noise level if 0.2 dB(A), which is considered to be indiscernible to most occupants and complies with the NSW Road Noise Policy.
- Council in conjunction with WaterNSW have considered the water supply for the proposed feedlot. The site has existing groundwater licences, which have sufficient capacity to service the feedlot. There is no evidence to suggest that these water licences would be revoked in the short to medium term.

As a result of public exhibition of DA-96/2019, three (3) submissions were received. The matters raised by the submission makers have been considered in this report. It is considered that the concerns and objections raised by the submission makers have been addressed within the Environmental Impact Statement and accompanying reports submitted with DA-96/2019.

The development is consistent with the strategic planning for the area and region; and is not prejudicial to the public interest.

Following an assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, it is recommended that DA-96/2019 be approved subject to conditions.

#### ATTACHMENTS:

Nil

## 5.2 PROCUREMENT OF BITUMEN AND AGGREGATE SERVICES - 2020/2021 - BITUMEN RESEALING PROGRAM

File Number: \$28.28.2/12 / 20/34597

Author: Scott Hamilton, Project Engineer

#### SUMMARY:

A confidential report has been prepared regarding the Procurement of Bitumen and Aggregate Services for 2020/2021 – Bitumen Resealing program. The Committee is asked to consider this matter.

## **RECOMMENDATION:**

That the matter be referred to Closed Council for consideration as the matters and information are:

d(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

On balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

#### **COMMENTARY:**

The Local Government Act 1993 (the Act), and the Local Government (General) Regulation 2005 makes provision for the closure of meetings to the public and media in specified circumstances. In particular s.10A of the Act provides that Council may close to the public and media so much of a meeting as relates to the discussion and consideration of information identified in s.10A(2). The matters which may be closed to the public and media, as stated in the Act, must involve:

- (a) Personnel matters concerning particular individuals (other than councillors.)
- (b) The personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of the council, councillors, council staff or council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.

In considering whether to close a part of a meeting to the public and media, Councillors are also reminded of further provisions of s.10D of the Act which states:

## Grounds for closing part of meeting to be specified

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:

- (a) the relevant provision of section 10A (2),
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

It is recommended that, pursuant to Section 10A(2) of the *Local Government Act 1993* the matter be referred to Closed Committee for consideration as the matters and information are:

d(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

On balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act*, 1993.

#### 6 INFORMATION REPORTS

#### 6.1 WORKS UPDATE

File Number: \$28.21.1/13 / 20/33997

Author: Justin Pay, Manager Civil Engineering

#### SUMMARY:

This report is intended to keep Council updated on the capital works and maintenance programs.

#### **COMMENTARY:**

#### **Lake Inverell All Abilities Project**

Council has been successful in obtaining \$881,606 from the Stronger Country Communities Fund to contribute towards the upgrade of the Lake Inverell Precinct. Works consist of the construction of a new kayak launching facility, boardwalk, lookout platform and footpaths which allow for wheelchair access to the new facilities. This project is 100% grant funded.

The boardwalk structure is now complete and open to the public. Stage two (2) of the footpaths have also been completed with the only works left to finalise being the kayak access road and handrails for stage two (2) footpaths.

An addition to this project is a shade structure over the Eastern viewing platform which has been erected. At the time of writing this report a small retaining wall is being constructed along the back edge of the shade structure to direct surface water around the viewing platform.

There have been some slight delays due to machinery availability to finalise the construction of the kayak access road. Works are expected to be completed by mid September 2020.



Stage 2 Footpaths – Lake Inverell All Abilities Project



New Handrails - Lake Inverell All Abilities Project



New Shade Structure over Eastern Viewing Platform – Lake Inverell All Abilities Project

## Warialda Road "Black Dam" Rehabilitation and Widening

Council has committed \$1.1M from the Fit for the Future Program to undertake the widening and rehabilitation of a section of Warialda Road 69.35km to 71.44km North of Warialda at the locality known as "Black Dam" (10km south of Yetman). The works include the widening of 1.45km of existing pavement, realignment of a reverse curve for 350m through a greenfield site and upgrading the existing concrete causeway to a 6-cell precast box culvert.

An additional 270m was incorporated into the project bringing the total length to 2.07km. The original length was based on Council's Asset data and segment lengths. Upon further investigation it was determined that there is an additional 270m that requires rehabilitation and it is more economical for Council to complete the works while onsite.

Additional Flora/Fauna, Aboriginal and Environmental studies were required that were not foreseeable at the time of estimation which also added to the cost. Therefore, additional funds were sourced from the Block Grant Supplementary and Roads to Recovery program bringing the total project cost to \$1,483,889.

Fit for the Future \$1,096,530

Block Grant Supplementary \$160,000

Roads to Recovery \$227,359

Total Project Cost \$1,483,889

A copy of the design plans are available upon request.

Works commenced in late June, 2020. The construction of a new box culvert structure in place of the old causeway slab has been completed and works are continuing on the laying of pavement material.

The project is still on track to be completed by the end of September, 2020.



New Box Culvert Completed – Warialda Road Upgrade



Progress photo of the New Box Culvert Structure – Warialda Road Upgrade

## SR246 Elsmore Road Causeway Upgrade

Council has allocated \$115,500 for the replacement of the concrete causeway on Elsmore Road. The source of funding being:

ACRD Culverts and Causeways - \$72,500 ACRD Bitumen Renewal - \$43,000

The existing causeway slab has poor alignment and has deteriorated to the point that it is no longer economically viable to continue to undertake constant maintenance. The replacement slab improves the alignment due to the approaches being slightly realigned and the extra width and length improves the ride quality.

Temporary work has been completed on the slab approaches in order to reopen the road to the public. Once works are completed in Oliver Street, the works crew will return to the site to re-grade the approaches and apply the final bitumen seal in order to improve the ride quality.



New Causeway Slab with Temporary Approaches – SR246 Elsmore Road Causeway Upgrade

## Oliver Street Extension

An extension of Oliver Street, from Arthur Street to Swanbrook Road has been programmed by Council. Works involve construction of a new sealed pavement, kerb and gutter and associated water main and drainage construction through the land formerly used as the Community Gardens. The project also involves constructing of a cul-de-sac in Arthur Street adjacent to Ashford Road and extending the kerb and gutter along the southern side of Swanbrook Road from Ashford Road to Oliver Street.

The new stormwater drainage and water main has been completed and the boxing out for road and kerb works has commenced.

Works are anticipated to be completed by the end of 2020.



Boxing out for Pavement Material - Oliver Street Extension Project

## **Pioneer Village Fire Water Main**

Council has been successful in obtaining \$63K from the Drought Communities Programme to install a fire water main and fire hose reels at the Pioneer Village, Inverell. This will provide for a quick response while awaiting the local fire brigade.

The water main has been constructed and the only remaining works are the installation of the fire hose reels. Delivery of the reels has been delayed due to COVID 19 restrictions, with the supplier being based in Melbourne. Once the reels are delivered they will be installed which will finalise the project.

## **Maintenance Grading**

The following maintenance grading works were undertaken during August 2020.

Road Number	Road Name	Length Graded (km)
SR 109	Cherry Tree Hill Road	14.86
SR 104	Lecoin Road	10.27
SR 103	Gragin Boundary Road	1.78
SR 352	Quimong Road	2.09
SR 163	Kents Road	2.70

SR 203	Minnamurra Lane	1.76
SR 164	Haywood Road	10.33
SR 165	Pretoria Park Road	1.66
SR 188	Eddy Park Lane	5.13
SR 58	Rocky Creek Road	32.92
SR 19	Yetman West Road	15.21
	TOTAL	98.71 km

## **Reactive Spot Grading**

There were no reactive spot grading works undertaken during August 2020.

## **Gravel Patching**

There was no gravel patching works undertaken during August 2020.

## **Gravel Re-sheeting**

The following gravel re-sheeting works were undertaken during August 2020.

Road Number	Road Name	Area Re-sheeted (m2)
SR 9	North Star Rd	1800
SR 18	Milkomi Rd	3600
	TOTAL	5400m2

## **Other Maintenance Activities**

Council's State, Regional and Local Roads, Urban and Village Street maintenance activities, such as bitumen patching, drainage and shoulder repairs as well as vegetation control, are continuing as required. Town maintenance will continue as programmed.

#### **ATTACHMENTS:**

Nil

## 6.2 INLAND RAIL - NORTH STAR TO NSW/QLD BORDER (SSI - 9371) - NOTICE OF EXHIBITION

File Number: \$18.6.69 / 20/34312

Author: Anthony Alliston, Manager Development Services

#### SUMMARY:

This report has been prepared to inform Committee Members of State Significant Infrastructure application (SSI – 9371), lodged with the NSW Department of Planning, Industry and Environment for a section of the Inland Rail from North Star to the NSW/QLD border.

#### **COMMENTARY:**

The Australian Rail Track Corporation (ARTC) has submitted an application (SSI – 9371) to the NSW Department of Planning, Industry and Environment (DPIE) for the North Star to NSW/QLD Border section of the Inland Rail project, being thirty (30) kilometres of rail track and associated facilities between North Star and the NSW/Queensland Border, located in the Gwydir and Moree Plains Local Government Areas.

The Inland Rail route is approximately 1,700 kilometres long and will provide a direct link between Melbourne and Brisbane via regional Victoria, New South Wales (NSW) and Queensland. The route is divided into thirteen (13) project sections, being a combination of existing and new tracks, with seven (7) project sections located in NSW. Each project section is subject to a separate Environmental Assessment process.

The application (SSI – 9371) lodged with DPIE relates to the section of the Inland Rail route from North Star to NSW/QLD Border comprising:

- A new rail track following the existing non-operational Boggabilla rail corridor for twenty-five (25) kilometres towards Whalan Creek;
- Five (5) kilometres of new rail track in a greenfield rail corridor to the NSW/QLD border;
- A crossing loop, new bridges and level crossing works;
- Establishment and use of off-site borrow sites for construction materials:
- A workers' accommodation camp at North Star; and
- Ancillary infrastructure and associated earthworks, drainage and road works.

A plan showing the location of the project is provided in **Attachment 1**. The Inland Rail does not involve any works within the Inverell Shire, which require consideration by Council.

The Environmental Impact Statement (EIS) submitted for SSI - 9371 is currently on public exhibition from **Wednesday 26 August 2020** until **Tuesday 6 October 2020**. The EIS and other accompanying documents may be viewed on the Major Projects section of the NSW Planning Portal. ARTC has requested the Minister for Planning and Public Spaces to declare the project as Critical State Significant Infrastructure.

Subject to approval, construction of the proposal is planned to occur between 2021 and 2025, with train services not expected to start until all thirteen (13) sections of the Inland Rail Program are complete (estimated completion in 2025).

Once constructed, the Inland Rail will be used by an estimated fourteen (14) trains per day in 2025, increasing to an estimated twenty-one (21) trains per day in 2040. Annual freight tonnages will increase in parallel, from approximately twelve (12) million tonnes per year in 2025 to twenty (20) million tonnes per year in 2040.

#### **RISK ASSESSMENT:**

Nil

## **POLICY IMPLICATIONS:**

Nil

## **CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

## **LEGAL IMPLICATIONS:**

Nil

## **ATTACHMENTS:**

1. Inland Rail - North Star to NSW/QLD Border (SS1-19371)

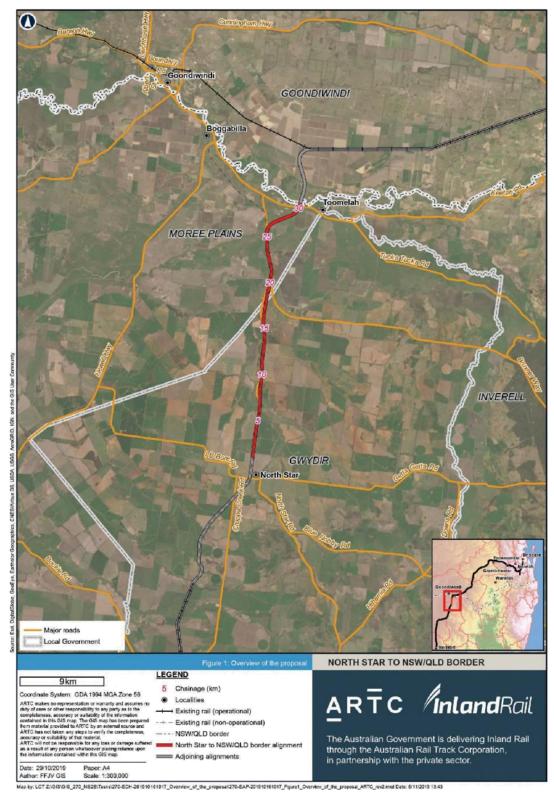


FIGURE 1: OVERVIEW OF THE PROPOSAL

NORTH STAR TO NSW/QUEENSLAND BORDER ENVIRONMENTAL IMPACT STATEMENT

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#### 6.3 BITUMEN RESURFACING PROGRAM OUTCOMES - 2019/2020

File Number: \$28.21.1/13 / 20/34712

Author: Scott Hamilton, Project Engineer

#### **SUMMARY:**

This report is intended to keep the Committee updated on the completed Bitumen Resurfacing Program for the 2019/2020 financial year.

#### **COMMENTARY:**

Bitumen sealing contractors, Colas, were awarded a full service contract and completed Council's Bitumen Resurfacing Program in February 2020. Expenditure against the program has now been reconciled and a detailed analysis has been undertaken.

The table below shows the cost per square metre for Council's previous four (4) years of bitumen resurfacing works.

	2019/2020	2018/2019	2017/2018	2016/2017
	Unit Rate	Unit Rate	Unit Rate	Unit Rate
Rural Roads	\$4.09/m <sup>2</sup>	\$4.63/m <sup>2</sup>	\$3.95/m <sup>2</sup>	\$3.69/m <sup>2</sup>
Urban Streets	\$3.74/m <sup>2</sup>	\$4.29/m <sup>2</sup>	\$3.80/m <sup>2</sup>	\$3.90/m <sup>2</sup>

The binder utilised for the rural roads program was S35E, a polymer modified binder. This product has superior qualities when compared to the standard C170 class binder that has been used in the past. The S35E binder was used in last years resurfacing program with excellent results.

The binder utilised for the urban streets program was C170 with 5% crumb rubber. The addition of the crumb rubber to the standard C170 binder significantly improves the product quality. Council has been using C170 with 5% crumb rubber on its urban streets program for a number of years now with good results. S35E is not ideal for use in an urban area due to the fact that the product tends to float in the air when sprayed.

During the 2019/2020 program, 327,089 square metres were resealed on Council's road network.

The original budget adopted by Council (excluding works on the Gwydir Highway) was \$1,450,640. The total expenditure for the program was \$1,294,242, equating to an under expenditure of \$156,398. The under expenditure from the 2019/2020 financial year is proposed to be rolled over to the 2020/2021 resealing program.

The contractor completing the program performed well and delivered the program on time, under budget and to a high quality standard. The program was delivered under a full service contract, whilst achieving a cost effective unit rate. The 2019/2020 unit rate decrease can be attributed to a decrease in the price of bitumen at the time sealing operations were undertaken and the competitive nature of procurement services under the Local Government Procurement (LGP) contract.

Procurement for the 2020/2021 reseal program is underway and the Committee will be presented with a separate report on this matter.

#### ATTACHMENTS:

Nil

## 7 CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)

#### **RECOMMENDATION:**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with the reasons stated in the referral reports:

7.1 Procurement of Bitumen and Aggregate Services - 2020/2021 - Bitumen Resealing Program