



**NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

**Issued under the *Environmental Planning & Assessment Act, 1979* Section 4.18 (1) (a)**

TO: **Rabremo Pty Ltd Atf Ostwald Rural Trust**  
OF: **Lot 6 Winton Street**  
**Dalby QLD 4405**

being the applicant in respect of **Application No DA-96/2019**

Notice is hereby given of the determination by Council of **Application No. DA-96/2019** relating to the land described as follows:

**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  
"Paisley" and "Goondarin", 1804-2033 Tarwoona Road, CAMP CREEK 4385**

The development proposal is: **Cattle Feedlot**

The Determination is **consent granted subject to conditions described below** made on **23 September 2020**.

This consent expires five (5) years from the date on which it commences to operate in accordance with Section 4.20 of the *Environmental Planning and Assessment Act 1979* unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:

**General Conditions**

- 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:

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

**Reasons for Conditions:**

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

**Reasons for Approval**

1. 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.
2. 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.

3. 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*.
4. 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).
5. 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.
6. There is sufficient separation distance between the main feedlot complex and the nearest sensitive receptor (dwelling), which is sufficient distance to mitigate odour impacts.
7. 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.
8. 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.
9. 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).
10. Temporary construction noise (e.g. bulk earthworks) and operational noise (e.g. machinery and livestock) will be mitigated through separation distance to the nearest receptors.
11. A Road Traffic Noise Assessment has also been completed that has predicted that the average noise increase in noise level of 0.2 dB(A), which is considered to be indiscernible to most occupants and complies with the NSW Road Noise Policy.
12. 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.

### **Community Consultation**

As a result of public exhibition of DA-96/2019, three (3) submissions were received. The matters raised by the submission makers were considered in a report to Civil and Environmental Services Committee on 9 September 2020.

If the applicant or an objector is dissatisfied with this decision, Division 8.3 of the *Environmental Planning and Assessment Act 1979* gives a right of appeal to the Land and Environment Court subject to the limitations contained in that Division.

You are also advised that Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that an applicant may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council



**CHRIS FALEY**  
**DEVELOPMENT SERVICES COORDINATOR**  
**DATE : 23 September 2020**

## Annexure

### Prescribed Conditions Summary

As per condition 2 of this consent, the following matters prescribed under Division 8A of the *Environmental Planning & Assessment Regulation 2000* must be complied with, where relevant:

1. All work must be carried out in accordance with the requirements of the *Building Code of Australia*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. Prior to commencement of building work, subdivision work or demolition work a sign must be erected in a prominent position on the site. The sign must:
  - show the name, address and telephone number of the principal certifying authority for the work;
  - show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - state that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

4. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - in the case of work for which a principal contractor is required to be appointed:
    - the name and licence number of the principal contractor; and
    - the name of the insurer by which the work is insured under Part 6 of that Act; and
  - in the case of work to be done by an owner-builder:
    - the name of the owner-builder; and
    - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified as required above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

5. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this consent, must at the person's own expense:
  - protect and support the building, structure or work from possible damage from the excavation; and
  - where necessary, underpin the building, structure or work to prevent any such damage.