

**MINUTES OF INVERELL SHIRE COUNCIL
CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 9 SEPTEMBER 2020 AT 9.00AM**

PRESENT: Cr Di Baker (Chair), Cr Paul Harmon (Mayor), Cr Stewart Berryman, and Cr Neil McCosker via Zoom.

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

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

1 APOLOGIES

COMMITTEE RESOLUTION

Moved: Cr Neil McCosker

Seconded: Cr Paul Harmon

That the apology received from Cr Peters be accepted and leave of absence for personal reasons be granted.

CARRIED

Nil

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Paul Harmon

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.

CARRIED

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

Nil

4 PUBLIC FORUM

Nil

5 DESTINATION REPORTS

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

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Paul Harmon

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			
<i>Development Application and Environmental Impact Statement – Proposed Beef Cattle Feedlot, Tarwoona Road, Camp Creek</i>	<i>15/08/2019</i>	<i>RU01Z000</i>	<i>V02R02</i>
Additional Information			
<i>Local Government Engineering Services - Traffic Impact Assessment</i>	<i>28/05/2020</i>	<i>IV2481</i>	<i>Rev C</i>
<i>AREA Environmental Consultants & Communication – Biodiversity Development Assessment Report</i>	<i>17/01/2020</i>	<i>QU-0042</i>	<i>V3.4</i>
<i>Chance Find Procedure – Cultural heritage items</i>	<i>-</i>	<i>-</i>	<i>-</i>
<i>Matrix Acoustics - Road Traffic Noise Assessment</i>	<i>21/04/2020</i>	<i>-</i>	<i>-</i>

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 buffer 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 Dumaesq 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 Dumaesq River;*
 - *Widening and resurfacing of the Cunningham Weir Road including Dumaesq 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.*

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

S375A Record of Voting on Planning Matters

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

Against: Nil

CARRIED 4/0

5.2 PROCUREMENT OF BITUMEN AND AGGREGATE SERVICES - 2020/2021 - BITUMEN RESEALING PROGRAM S28.28.2/12

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Stewart Berryman

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.

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 S28.21.1/13

6.2 INLAND RAIL - NORTH STAR TO NSW/QLD BORDER (SSI - 9371) - NOTICE OF EXHIBITION S18.6.69

6.3 BITUMEN RESURFACING PROGRAM OUTCOMES - 2019/2020 S28.21.1/13

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

At 9.27am, the Chairperson noted that no members of the public or press were in attendance at the meeting therefore the Committee proceeded to consider the motion to close the meeting to the press and public.

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Paul Harmon

That the Committee proceeds into Closed Committee to discuss the matters referred to it, for the reasons stated in the motions of referral.

CARRIED

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Stewart Berryman

That the Committee proceeds out of Closed Committee into Open Committee.

CARRIED

Upon resuming Open Committee at 9.31am, the Chairperson verbally reported that the Committee had met in Closed Committee, with the Press and Public excluded, and had resolved to recommend to Council the following:

7.1 PROCUREMENT OF BITUMEN AND AGGREGATE SERVICES - 2020/2021 - BITUMEN RESEALING PROGRAM S28.28.2/12

The Committee recommend to Council that the tender from NSW Spray Seal under a full service contract for the 2020/2021 Resealing Program for the tender price of \$1,851,568 (plus GST) be accepted.

ADOPTION OF RECOMMENDATIONS

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Stewart Berryman

That the recommendations of Closed Committee be adopted.

CARRIED

The Meeting closed at 9.34am.

The minutes of this meeting were confirmed at the Civil and Environmental Services Committee held on 14 October 2020.

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CHAIRPERSON