



# **BUSINESS PAPER**

**Civil and Environmental Services  
Committee Meeting  
Wednesday, 11 May 2022**

**INVERELL SHIRE COUNCIL****NOTICE OF CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING**

6 May, 2022

A Civil and Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 11 May, 2022, 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 recorded. The 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**

<b>1</b>	<b>Apologies .....</b>	<b>5</b>
<b>2</b>	<b>Confirmation of Minutes.....</b>	<b>5</b>
<b>3</b>	<b>Disclosure Of Conflict Of Interests/Pecuniary And Non-Pecuniary Interests .....</b>	<b>9</b>
<b>4</b>	<b>Public Forum.....</b>	<b>9</b>
<b>5</b>	<b>Destination Reports.....</b>	<b>10</b>
5.1	DA-103/2021 - Expansion of the existing 470 head cattle feedlot to a capacity of 2000 head - 698 Woodstock Road, Woodstock.....	10
5.2	IPART Draft Report on Water NSW Bulk Water Charges 2022/23 .....	62
5.3	Smoke Free Environment - Inverell CBD .....	81
5.4	referral of confidential matters .....	83
5.5	Flood Preparation - Advice to Property Owners.....	85
<b>6</b>	<b>Information Reports.....</b>	<b>89</b>
6.1	Works Update .....	89
<b>7</b>	<b>Confidential Matters (Committee-of-the-Whole) .....</b>	<b>99</b>
7.1	Tender - S29.5.6 Inverell Sewage Treatment PLant IDEA Tanks 1 & 2 Aeration System Upgrade and Additional Works .....	99
7.2	Award Tender for Supply and Installation of Water Main at Intersection of Gwydir Highway and Bundarra Road .....	99

## 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 – conflicts 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 practicable 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 [Declaration Form](#)

## 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 13 April, 2022, 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, 13 APRIL 2022 AT 9:00AM**

**PRESENT:** Cr Stewart Berryman (Chairperson), Cr Paul Harmon (Mayor), Cr Di Baker, Cr Jacko Ross and Cr Wendy Wilks.

**IN ATTENDANCE:** Cr Nicky Lavender, Cr Paul King OAM and Cr Kate Dight.

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

**1 APOLOGIES**

Nil

**2 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Di Baker

Seconded: Cr Jacko Ross

*That the Minutes of the Civil and Environmental Services Committee Meeting held on 9 March, 2022, 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**

The Public Forum session deferred until later in the meeting.

**5 DESTINATION REPORTS**

**5.1 REQUEST TO NAME CROWN LANE WITHIN VILLAGE OF WANDERA S28.13.2**

**COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon

Seconded: Cr Di Baker

*That the Committee recommend to Council that:*

1. *The lane, between Broad Street and Campbell Street, within the village of Wandera be named "Sanctuary Lane"; and*

2. *The appropriate steps to formally name "Sanctuary Lane" be completed once the lane has been upgraded in accordance with DA-195/2005.*

**CARRIED**

## 5.2 RESIDENTIAL LAND REVIEW S18.6.51

### COMMITTEE RESOLUTION

Moved: Cr Di Baker

Seconded: Cr Jacko Ross

*That the Committee recommend to Council that staff continue to monitor and report annually on residential land supply and demand in Inverell.*

**CARRIED**

## 6 INFORMATION REPORTS

### COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Di Baker

*That the information report be received and noted.*

**CARRIED**

## 6.1 WORKS UPDATE S28.21.1/15

### SUSPENSION OF STANDING ORDERS

#### COMMITTEE RESOLUTION

Moved: Cr Jacko Ross

Seconded: Cr Paul Harmon

*At 9.15am standing orders were suspended to allow Caroline Downer (Executive Director) and Sandy McNaughton (Director), Arts North West to present to the Committee.*

**CARRIED**

## PUBLIC FORUM

Caroline Downer (Executive Director) and Sandy McNaughton (Director), Arts North West, provided an overview of Arts North West activities over the past 12 months. Caroline also provided an overview of activities scheduled in the Inverell LGA over the coming 12 months.

**RESUMPTION OF STANDING ORDERS****COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon

Seconded: Cr Jacko Ross

*At 9.47am standing orders resumed.*

**CARRIED****6 INFORMATION REPORTS CONT.****COMMITTEE RESOLUTION**

Moved: Cr Di Baker

Seconded: Cr Jacko Ross

*That the information report be received and noted.*

**CARRIED****6.2 BITUMEN RESURFACING PROGRAM OUTCOMES - 2021/2022 S28.21.1/15****COMMITTEE RESOLUTION**

Moved: Cr Di Baker

Seconded: Cr Jacko Ross

*That the information report be received and noted.*

**CARRIED****6.3 COMPANION ANIMALS AMENDMENT (REHOMING ANIMALS) ACT 2022 S11.1.1**

**The Meeting closed at 9.52am.**

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

## 5 DESTINATION REPORTS

### 5.1 DA-103/2021 - EXPANSION OF THE EXISTING 470 HEAD CATTLE FEEDLOT TO A CAPACITY OF 2000 HEAD - 698 WOODSTOCK ROAD, WOODSTOCK

**File Number:** DA-103/2021 / 22/13255

**Author:** Chris Faley, Development Services Coordinator

#### SUMMARY:

An application (DA-103/2021) has been received for the expansion of an existing 470 head cattle feedlot to 2,000 head at 698 Woodstock Road, Woodstock.

DA-103/2021 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 environment;
- Have no significant social and economic impacts;
- Be a suitable development for the site; and
- Not be prejudicial to the public interest.

Two (2) submissions have been received in response to the exhibition of DA-103/2021. The matters raised by the submission makers have been discussed in this report and on balance it is considered that the matters raised are not sufficient to preclude issuing of development consent.

#### RECOMMENDATION:

*The Committee recommend to Council that Development Application 103/2021 be approved subject to the following conditions of consent:*

#### **DEFERRED COMMENCEMENT CONDITIONS**

1. *This application has been approved on the basis of ‘Deferred Commencement’ in accordance with Section 4.16 (3) of the Environmental Planning and Assessment Act 1979. Pursuant to clause 76 of the Environmental Planning and Assessment Regulation 2021 the applicant has **60 months** from the date of this notice (that is by **22 May 2027**) to furnish Council with the evidence sufficient enough to satisfy Council as to the following:*
  - *The Crown Roads adjacent to the eastern and western boundaries of Lot 63 DP 753316 and Lot 83 DP 753316 have been closed and purchased by the owner of Lot 63 DP 753316;*
  - *The Crown Road adjacent to the northern boundary of Lot 83 DP 753316 has been closed and purchased by the owner of Lot 63 DP 753316;*
  - *The Crown Road adjacent to the western boundary, and within, Lot 4 DP 1253229 has been closed and purchased by the owner of Lot 63 DP 753316;*
  - *The Crown Road adjacent to the northern boundary of Lot 19 DP 753316 and Lot 4 DP 1253229 has been closed and purchased by the owner of Lot 63 DP 753316;*
  - *The Crown Road within Lot 20 DP 753316 has been closed and purchased by the owner of Lot 63 DP 753316;*

- The Crown Road adjacent to the western boundary of Lot 64 DP 753316 has been closed and purchased by the owner of Lot 63 DP 753316; and
- The Crown Roads adjacent to the northern and western boundaries of Lot 96 DP 753316 have been closed and purchased by the owner of Lot 63 DP 753316.

### **GENERAL CONDITIONS**

2. 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 the expansion of an existing 470 head cattle feedlot to 2,000 head at 698 Woodstock Road, Woodstock.

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>			
Rivendell Feedlot	July 2021	19-306	1
<b>Additional Information</b>			
SMK Consultants Letter – re: Request for Further Information – DA-103/2021 – 698 Woodstock Road, Woodstock – Expansion of Rivendell Feedlot	16 November 2021	-	-
SMK Consultants Letter – Re: Rivendell Feedlot DA103 – 2021	20 January 2022	-	-
SMK Consultants Letter – Re: DA-103/2021 – Expansion of Cattle Feedlot – 698 Woodstock Road	7 April 2022	-	-

Any deviation will require the consent of Council.

3. Subject to the staging of the development in accordance with the conditions of this consent, the maximum head of cattle permitted within the cattle feedlot at any one point in time is 2,000.
4. The development is to be undertaken in the following stages:
- Stage 1:
    - Construction of all pens, drainage, ponds and infrastructure, to a Class 1 feedlot standard. Note: This is essentially an environmental improvement to the existing facilities; and
    - Operation of the feedlot at a maximum 470 head capacity (i.e. no increase on the approval under D-69/1998);
  - Stage 2:
    - Upgrade the intersection of Woodstock Road and Gwydir Highway; and
    - Increase the operation of the feedlot to a maximum 2,000 head capacity.
5. 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.
6. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the Environmental Planning & Assessment Regulation 2000.

### **STAGE 1 CONDITIONS**

**Prior to Commencement – Stage 1**

7. *Prior to the commencement of any works (including earthworks) 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.*
8. *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.*
9. *Prior to issue of a Construction Certificate, a landscaping plan is to be submitted to and approved by Council detailing the eight (8) rows of native landscaping proposed within the Environmental Impact Statement.*

**During Construction – Stage 1**

10. *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.*
11. *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.*
12. *Should any aboriginal artefacts or places be discovered during excavation/construction, all works are to cease immediately. Heritage NSW is to be contacted immediately and any direction or requirements complied with.*

**Prior to Occupation / Commencement of Use – Stage 1**

13. *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.*
14. *Prior to occupation of the site and commencement of the feedlot use, all landscaping is to be completed in accordance with the approved landscaping plan.*
15. *Prior to occupation of the site and commencement of the feedlot use, shade must be constructed over the hospital pen.*
16. *Prior to issue of an Occupation Certificate, documentary evidence must be provided to*



*Council demonstrating compliance with the General Terms of Approval issued by the NSW Environment Protection Authority.*

**Ongoing Use – Stage 1**

17. *The maximum head of cattle permitted within the cattle feedlot at any one point in time is 470.*
18. *A Sec. 7.11 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 \$1.225 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 470 head of cattle for that financial quarter.*

19. *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.*
20. *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.*
21. *The operation of the feedlot, including all associated traffic, must comply with the approved Heavy Vehicle Code of Conduct.*
22. *All landscaping is to be maintained in a reasonable manner, in perpetuity.*
23. *A ten (10) metre asset protection zone must be maintained around feedlot pens and infrastructure in accordance with Planning for Bush Fire Protection 2019.*

**STAGE 2 CONDITIONS**

**Prior to Increase of Cattle beyond 470 Head – Stage 2**

24. *Prior to the number of cattle within the feedlot increasing beyond 470 head, the intersection of Woodstock Road and Gwydir Highway must be upgraded at the developer's expense, with basic-left-turn (BAL) and basic-right-turn (BAR) treatments based on a minimum Safe Intersection Sight Distance of 2.5 seconds and 100km/h speed environment.*

*Prior to commencing the intersection of upgrade:*

- *Detailed engineering survey and design of the intersection upgrade works are to be submitted to and approved by Council and Transport for NSW; and*
- *The developer will be required to enter into a Works Authorisation Deed (WAD) from Transport for NSW or obtain other suitable approval under the Roads Act 1993.*

**Ongoing Use – Stage 2**

25. *The maximum head of cattle permitted within the cattle feedlot at any one point in time is 2,000.*
26. *A Sec. 7.11 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 \$1.225 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 2,000 head of cattle for that financial quarter.*

27. *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.*
28. *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.*
29. *The operation of the feedlot, including all associated traffic, must comply with the approved Heavy Vehicle Code of Conduct.*
30. *Within five (5) years of completion of the upgrade to the intersection of Woodstock Road and Gwydir Highway, the applicant must complete the construction of shade structures over all feedlot pens.*
31. *All landscaping is to be maintained in a reasonable manner, in perpetuity.*
32. *A ten (10) metre asset protection zone must be maintained around feedlot pens and infrastructure in accordance with Planning for Bush Fire Protection 2019.*

#### **ADVICE ONLY – STAGE 1 & 2**

33. *Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*

*Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*

*Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*

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

**COMMENTARY:****EXECUTIVE SUMMARY**

An application (DA-103/2021) has been received for the expansion of an existing 470 head cattle feedlot to 2,000 head at 698 Woodstock Road, Woodstock.

698 Woodstock Road (the site) is known as “Rivendell”, which has a total area of 1311.904 hectares. It is located in the south-east of the Inverell Shire, approximately 24 kilometres east of Inverell and approximately 57 kilometres west of Glen Innes. A locality plan is provided in **Figure 1** and an aerial image of the site is provided in **Figure 2**.

The existing 470 head feedlot is located on Lot 63 DP 753316 and was approved on 13 November 1998 under D-69/1998. The approved feedlot consists of:

- Four (4) feedlot pens;
- Sediment and holding ponds within a total capacity of 1600m<sup>3</sup>; and
- Ancillary roads and infrastructure (i.e. feed mill, storage).

In addition to the approved feedlot, an additional nine (9) “temporary holding pens” have been constructed on the site. The existing feedlot and temporary holding pens are shown in **Figure 3**.

The proposed expansion of the cattle feedlot comprises the following components:

- Reconstruction of the approved pens (D-69/1998) and temporary holdings pens into thirteen (13) production pens;
- One (1) hospital pen;
- Cattle induction yards;
- Expansion of the existing sedimentation pond;
- Construction of an effluent pond;
- Manure stockpile area;
- Feed production and storage (feed mill, grain silos, silage pit and hay sheds); and
- A twelve (12) hectare effluent irrigation area.

The site layout submitted for the proposed feedlot is provided as **Figure 4** and **Figure 5**. The location of the twelve (12) hectare effluent area is shown in **Figure 6**.

The nearest non-associated dwellings to the feedlot site are approximately 2 kilometres to the north-west and approximately 3 kilometres to the south-west (**Figure 2**).

DA-103/2021 is ‘Designated Development’ in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. The applicant has submitted an Environmental Impact Statement, which has been prepared in accordance with Secretary Environmental Assessment Requirements issued by the NSW Department of Planning, Industry and Environment.

DA-103/2021 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 under Schedule 1 of the *Protection of the Environment Operations Act 1997*. General Terms of Approval were issued by the NSW Environment Protection Authority on 24 August 2021.

DA-103/2021 was also referred to the following agencies for comment. The comments have been incorporated and considered in this assessment:

- Transport for NSW;
- NSW Crown Lands;
- Essential Energy;

- Department of Primary Industry – Agriculture;
- Rural Fire Service; and
- Anaiwan Local Aboriginal Land Council.



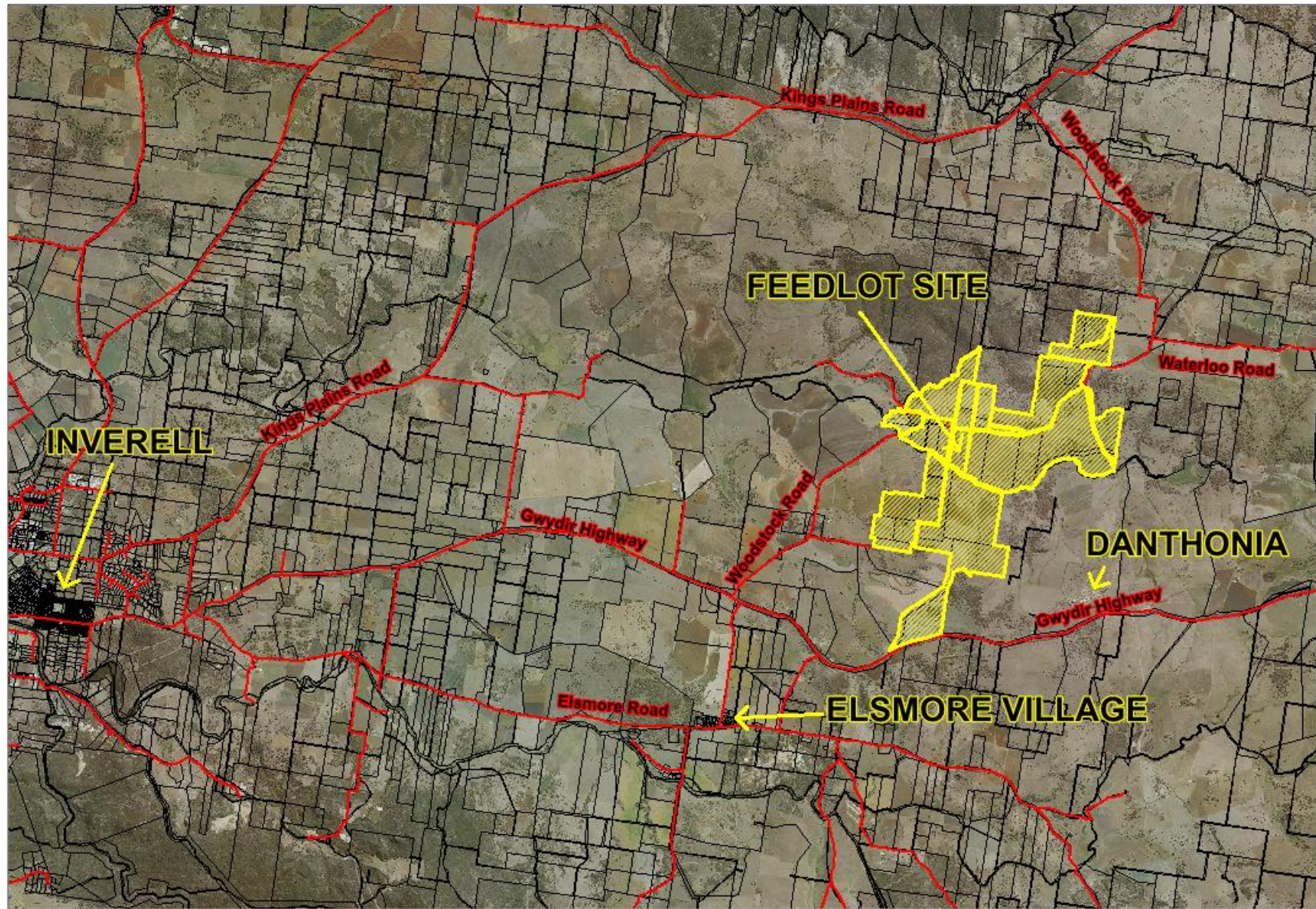


Figure 1 – Locality Plan



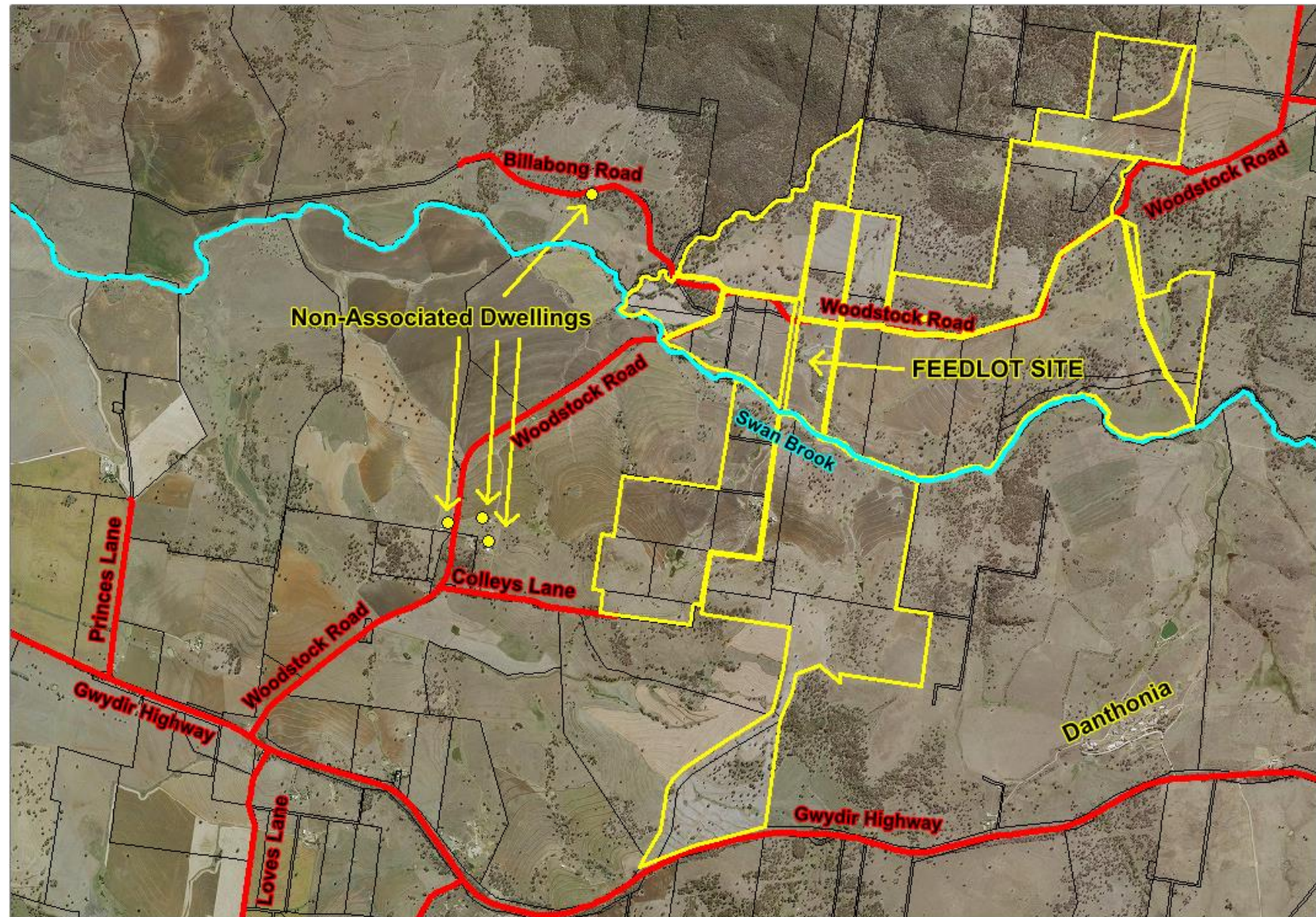


Figure 2 – Aerial Image of Property and Surrounding Area





Figure 3 – Aerial Image of Existing Feedlot Infrastructure and Temporary Holding Pens

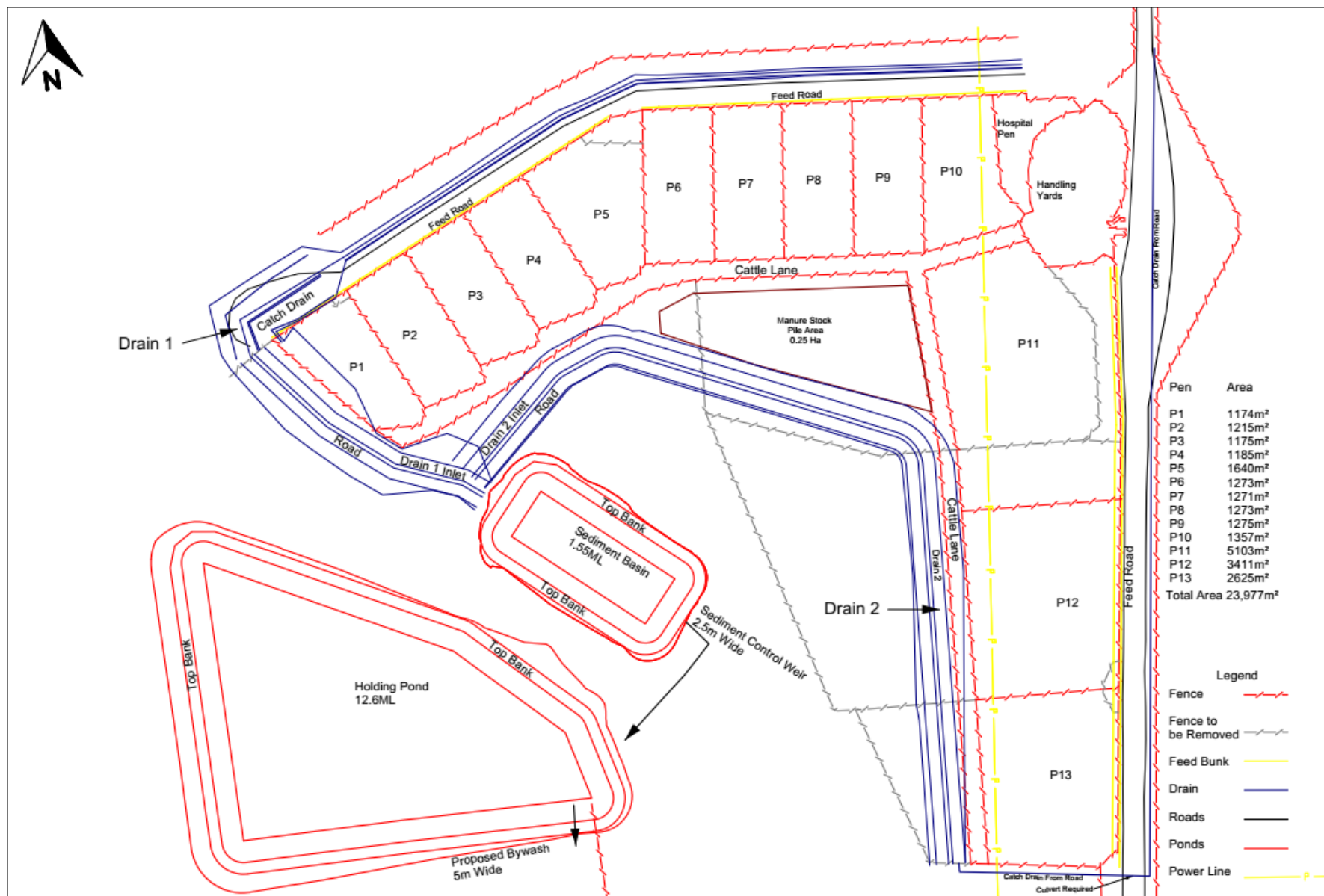


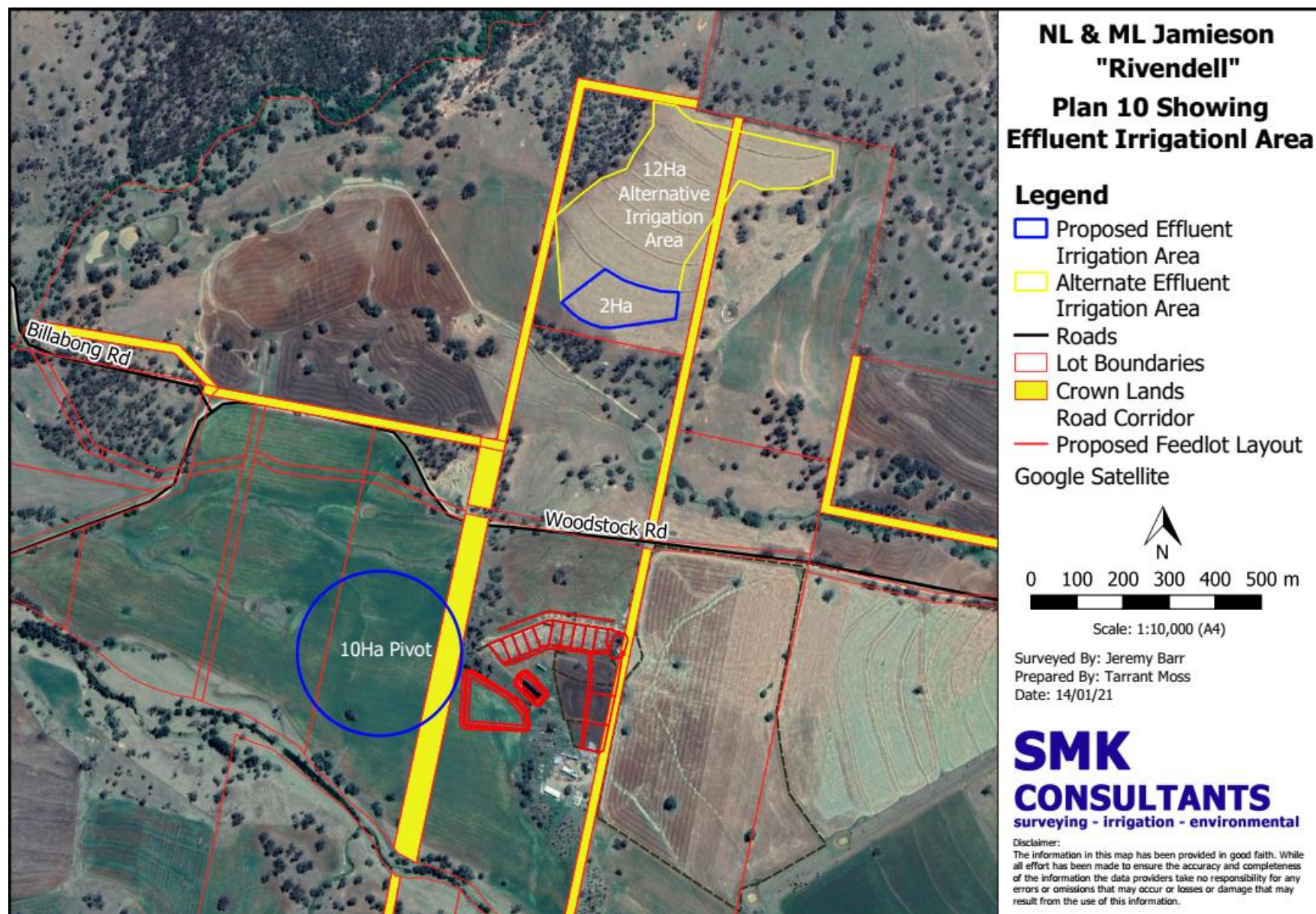
Figure 4 – Proposed Feedlot Controlled Drainage Area





Figure 5 – Proposed Feedlot Layout imposed over aerial image





**Figure 6 – Proposed Feedlot – Location of Twelve (12) Hectare Effluent Irrigation Area**

### Environmental Considerations

The primary environmental considerations relating to this development are:

- Traffic

The principal haulage route associated with the proposed cattle feedlot would be Woodstock Road onto the Gwydir Highway. Woodstock Road and Gwydir Highway are approved B-Double routes. On average, the expansion of the feedlot from 470 head to 2,000 head will result in approximately one (1) additional B-Double movement per day on the road network.

In accordance with the Secretary's Environmental Assessment Requirements issued by the NSW Department of Planning, Industry and Environment:

- The applicant prepared a Traffic Impact Assessment, which was subsequently updated 16 November 2021; and
- DA-103/2021, including original and updated Traffic Impact Assessments, were referred to Transport for NSW for review and comment.

On 21 March 2022, Transport for NSW provided the following comments:

*"The updated TIA is not considered to be a robust, reliable and complete assessment of the road safety impacts arising from the proposed increase in total heavy vehicle movements. The supporting strategic drawings confirm that the Gwydir Highway and Woodstock Road intersection does not meet the minimum Austroads basic left-turn (BAL) and basic right-turn (BAR) treatments.*

*The review confirms that minimum Safe Intersection Sight Distance is not met to the East of the intersection for the 100km/h speed environment with a reaction time of 2.5 seconds. The review also confirms that heavy vehicles have insufficient pavement to turn from the highway without crossing the centreline of the road. The Safe Systems Assessment is not considered to adequately justify a departure from minimum design requirements.*

*The Austroads BAL and BAR treatments are the minimum intersection treatments applicable to the Gwydir Highway. TfNSW recommends that the Consent Authority be satisfied that minimum design requirements are met prior to approval on an ongoing increase in heavy vehicle movements".*

It is acknowledged that Woodstock Road is already an approved B-Double route and the existing intersection does not satisfy minimum design requirements. However, as the Traffic Impact Assessment is not considered to be "a robust, reliable and complete assessment of the road safety impacts", Transport for NSW and Council cannot accurately predict the impact of increased heavy vehicles at this intersection as a result of the feedlot expansion. Therefore, it is considered that Council should adopt a precautionary approach and require the intersection of Woodstock Road and Gwydir Highway to be upgraded, at the developer's expense, as part of this development.

In response to the identification that the intersection of Woodstock Road and Gwydir Highway should be upgraded as part of the feedlot expansion, on 7 April 2022 the applicant requested Council consent to undertake the feedlot expansion in the following stages:

- Stage 1:
  - Construction of all pens, drainage, ponds and infrastructure, to a Class 1 feedlot standard. Note: This is essentially an environmental improvement to the existing facilities; and
  - Operation of the feedlot at a maximum 470 head capacity (i.e. no increase on the approval under D-69/1998);
- Stage 2:
  - Upgrade the intersection of Woodstock Road and Gwydir Highway; and

- Increase the operation of the feedlot to a maximum 2,000 head capacity.

The applicant's request is not unreasonable with the Stage 1 limit of 470 head being able to be managed through conditions of consent limiting the number of head and requiring the operator to submit quarterly returns. In addition, Council staff would undertake periodic, random inspections of the feedlot to ensure that the feedlot numbers do not exceed 470 head until such time the intersection is upgraded.

Excluding the intersection with Gwydir Highway. Council's engineering assessment has not identified any issues with the increased traffic along the Woodstock Road subject to:

- A code of conduct being prepared for haulage operators; and
- Contributions under Section 7.11 (formerly Section 94) of the *Environmental Planning and Assessment Act 1979* being levied quarterly on the development for road maintenance.
- Location of Feedlot Infrastructure over Crown Roads

The existing feedlot and proposed expansion are located over Crown roads. Additionally, there are a number of Crown roads within the property that are subject to cultivation and will be used to supply feed to the feedlot.

DA-103/2012 was referred to NSW Crown Roads who have advised that the owner of 698 Woodstock Road will need to close and purchase these Crown roads. If the necessary application(s) to close and purchase the Crown roads is not successful for some reason (e.g. objections, required for future public access), a licence from NSW Crown Lands will need to remain in place for the lifespan of the project.

A map showing the location of Crown Roads through "Rivendell", 698 Woodstock Road, Woodstock is included as **Figure 7**.

Whilst NSW Crown Lands notes that a licence is able to be issued over these Crown Roads as an interim measure, this is not a viable long-term solution. In the event that roads are not closed and the licence is terminated, the feedlot would not be able to operate.

The *Environmental Planning and Assessment Act 1979* provides that a consent may be granted subject to a condition that the consent is not operate until the applicant satisfies the consent authority (i.e. Council) of a particular matter. This is known as a "Deferred Commencement" consent.

It is recommended that Council address the Crown Road closure matter through the imposition of a "Deferred Commencement" condition that states that DA-103/2021 does not operate until such time that the applicant has closed the Crown Roads within 698 Woodstock Road, Woodstock. Given the potential administrative delays associated with closure of Crown Roads, it is proposed that applicant being given five (5) years to satisfy the "Deferred Commencement" condition.

- Odour

The Environmental Impact Statement submitted with DA-103/2021 includes a Level 1 Odour Assessment 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 782 metres (0.782 kilometres) from a dwelling not associated with the development.

The distance between the feedlot site and the closest sensitive receptor (dwelling) is 2.16 kilometres, which exceeds the minimum separation distance required to mitigate odour impacts associated with the proposed feedlot.

- Groundwater and Surface Water Impacts

The design of the feedlot 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 application rates, and therefore will not result in excessive leaching of nutrients.

- Water Supply

Based on a capacity of 2,000 head of cattle, the feedlot will require approximately 48 megalitres of water per year. Water for the proposed feedlot will be sourced primarily from “harvestable rights” water collected in existing farm dams within Lot 123 DP 753315 and Lot 10 DP 579850 (**Figure 8**) that already have pipe connections to the existing feedlot. As a secondary and back-up source of water, the applicant has a 15 megalitre groundwater licence. At this point in time it is considered that the development has sufficient water supply for the proposed feedlot (Stage 1 and Stage 2).

#### Public Exhibition

Being both ‘Designated Development’ and ‘Integrated Development’, DA-103/201 was notified for a period of 28 days from 29 July, 2021 to 27 August, 2021. This exhibition involved:

- Notice in the Inverell Times;
- Installation of a notice board on Woodstock 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, on:
  - The ‘Advertised Development Applications’ section of Council’s website; and
  - The NSW Planning Portal.

As a result of the exhibition period, two (2) submissions were received. The primary issues raised in the submissions were:

- Water supply;
- Effluent run-off;
- Additional traffic on Woodstock Road;
- Climate change;
- Air quality; and
- Animal welfare.

The matters raised by the submission makers (objectors) have been discussed in this report and it is considered that the matters raised are not sufficient to preclude issuing of development consent. 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-103/2021) for the expansion of the existing 470 head cattle feedlot to 2,000 head at 698 Woodstock Road, Woodstock be approved by Council subject to the conditions contained in the recommendation.



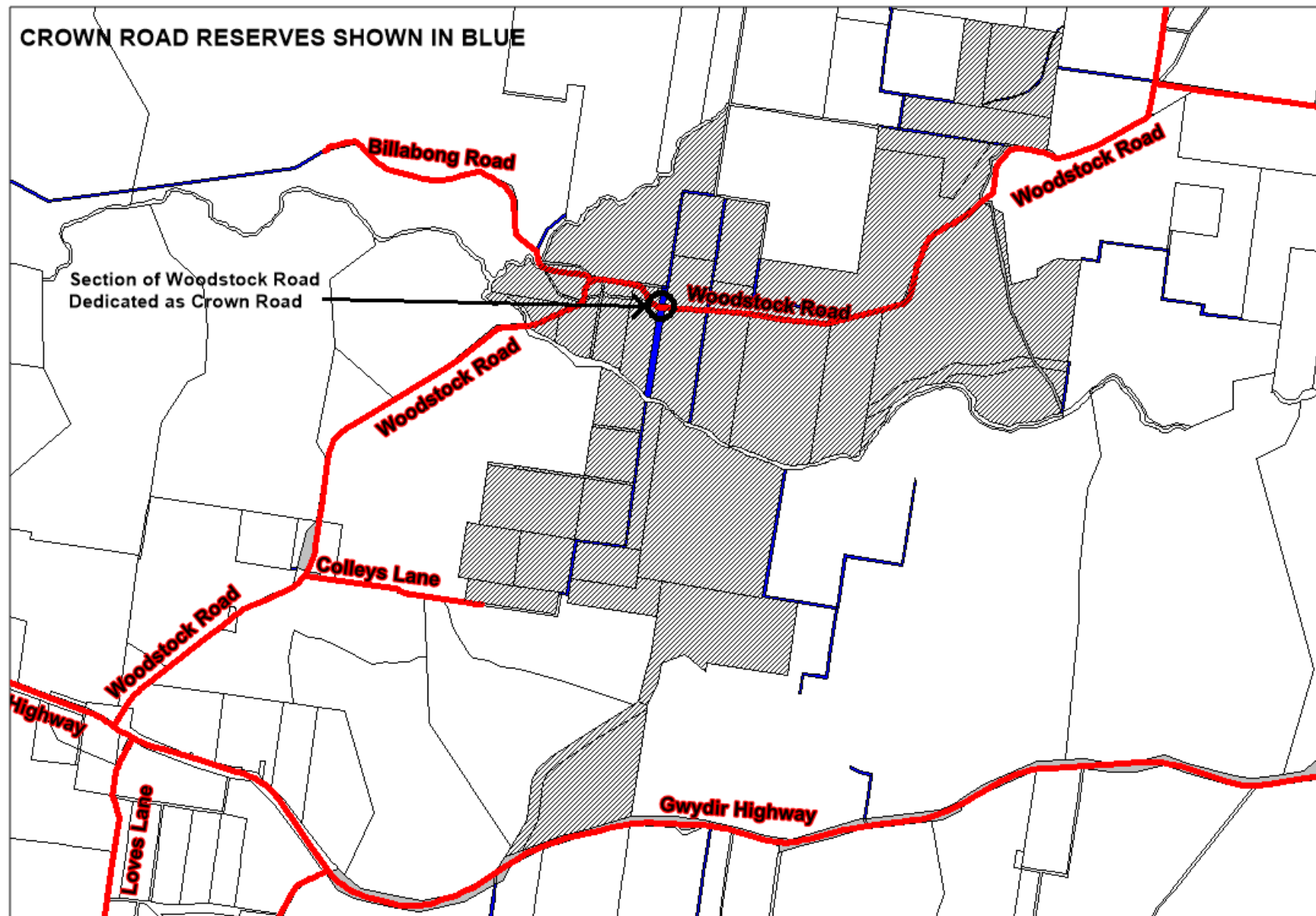


Figure 7 – Map showing crown roads



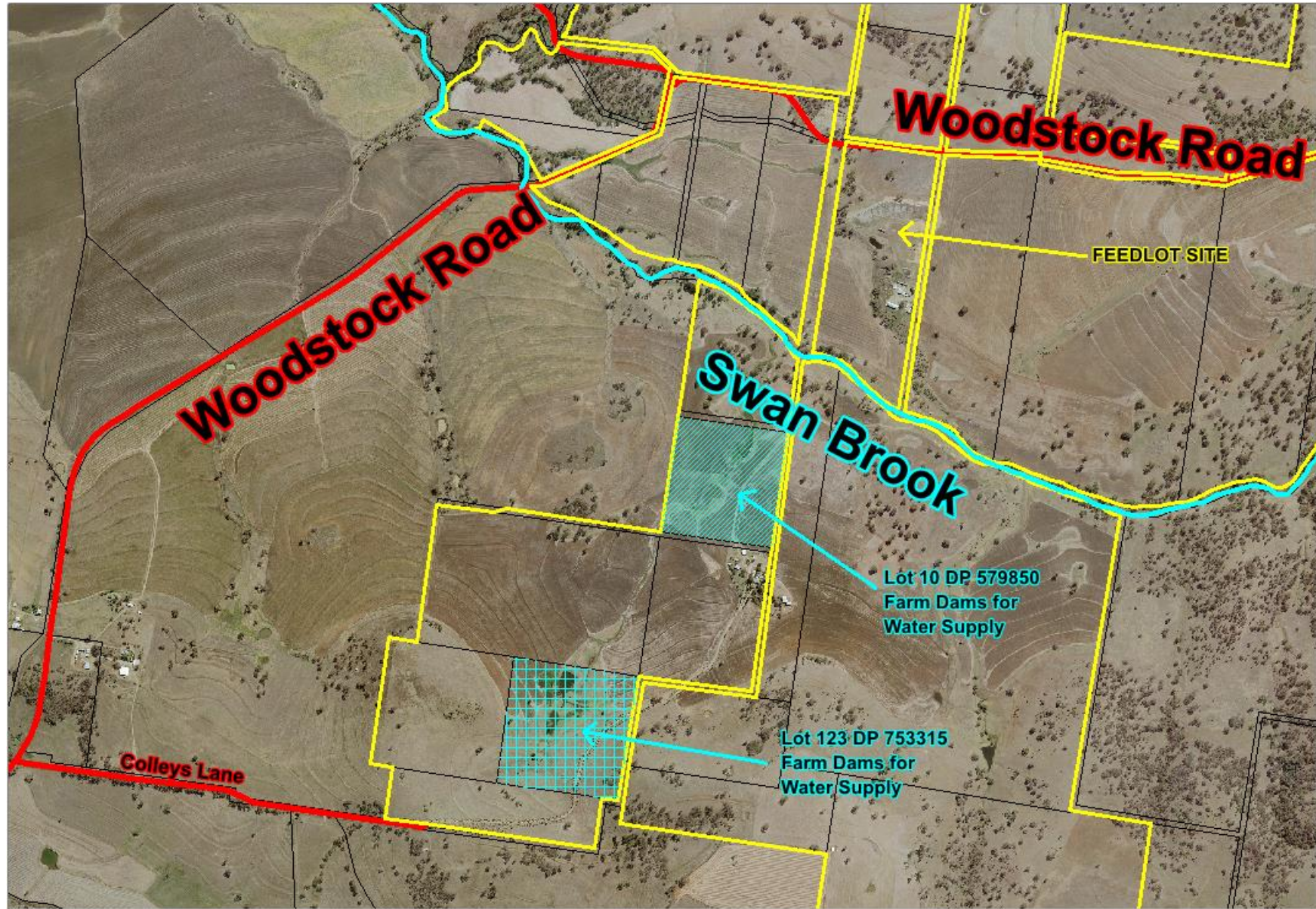


Figure 8 – Location of Existing “Harvestable Rights” Dams Servicing the Feedlot

**PLANS & DOCUMENTATION**

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

<b><u>Document submitted with DA-103/2021</u></b>	<b><u>Attachment No. to this Report</u></b>
Main body	<b>Attachment 1</b>
Appendix 1 – Site Plans	<b>Attachment 2</b>
Appendix 2 – Secretary's Environmental Assessment Requirements	<b>Attachment 3</b>
Appendix 3 – Level 1 Odour Impact Assessment	<b>Attachment 4</b>
Appendix 4 – Controlled Drainage Area Design Calculations	<b>Attachment 5</b>
Appendix 5 – Aboriginal Heritage Information Management System Search Results	<b>Attachment 6</b>
Appendix 6 – Traffic Impact Assessment	<b>Attachment 7</b>
Appendix 7 – Land Use Conflict Risk Assessment	<b>Attachment 8</b>
Appendix 8 – Solid and Liquid Waste Management Plan	<b>Attachment 9</b>
Appendix 9 – Matters of National Environmental Significance	<b>Attachment 10</b>
Appendix 10 – Test of Significance	<b>Attachment 11</b>
Appendix 11 – Biosecurity Response Plan	<b>Attachment 12</b>
Appendix 12 – Pollution Incident Response Management Plan	<b>Attachment 13</b>
Appendix 13 – Accumulated Heat Load Unit Risk Level	<b>Attachment 14</b>
Appendix 14 – Emergency Animal Disease Action Plan	<b>Attachment 15</b>
Appendix 15 – NFAS Audit	<b>Attachment 16</b>
Appendix 16 – Soil Test Results	<b>Attachment 17</b>
Cost Estimate Report	<b>Attachment 18</b>
Following the assessment by Inverell Shire Council and other Government agencies, the following additional information was provided:	
Letter dated 16 November 2021 addressing: <ul style="list-style-type: none"> <li>• Traffic Impact Assessment;</li> <li>• Water Availability for the feedlot; and</li> <li>• Shade and Cattle Mortalities.</li> </ul>	<b>Attachment 19</b>
Letter dated 20 January 2022 addressing: <ul style="list-style-type: none"> <li>• Traffic assessment to date; and</li> <li>• Essential Energy Requirements relating to proximity of the feedlot to electricity infrastructure.</li> </ul>	<b>Attachment 20</b>
Letter dated 7 April 2022 requesting the staging of the feedlot expansion.	<b>Attachment 21</b>

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



**APPLICATION DETAILS**

<b>Applicant:</b>	Mr Peter Taylor
<b>Owner:</b>	Mr Noel Allan Jamieson and Mrs Michelle Leanne Jamieson
<b>Application No:</b>	DA-103/2021
<b>Address:</b>	698 Woodstock Road, WOODSTOCK 2360
<b>Title Particulars:</b>	Main Feedlot Infrastructure (pens, drainage, etc.) – Lot 63 DP 753316 Remaining Property – Lot 3 DP 1253229, Lot 4 DP 1253229, Lot 3 DP 753315, Lot 4 DP 753315, Lot 90 DP 753315, Lot 97 DP 753315, Lot 107 DP 753315, Lot 120 DP 753315, Lot 121 DP 753315, Lot 123 DP 753315, Lot 131 DP 753315, Lot 134 DP 753315, Lot 136 DP 753315, Lot 256 DP 753315, Part Lot 11 DP 753316, Lot 19 DP 753316, Part Lot 20 DP 753316, Lot 60 DP 753316, Lot 61 DP 753316, Lot 62 DP 753316, Lot 64 DP 753316, Lot 83 DP 753316, Lot 85 DP 753316, Lot 96 DP 753316, Lot 97 DP 753316, Lot 101 DP 753316, Lot 112 DP 753316, Lot 113 DP 753316, Lot 114 DP 753316, Lot 1 DP 42054, Lot 2 DP 42054, Lot 1 DP 63613, Lot 1 DP 113693, Lot 2 DP 113693, Lot 3 DP 113693, Lot 4 DP 113693, Lot 1 DP 113967, Lot 2 DP 113967, Lot 3 DP 113967, Lot 1 DP 135051, Lot 2 DP 135051, Lot 9 DP 579850, Lot 10 DP 579850
<b>Lodgement Date:</b>	19 July 2021
<b>Proposed Development:</b>	Expansion of the existing 470 head cattle feedlot to a capacity of 2000 head including: <ul style="list-style-type: none"> <li>• Changes to internal fencing;</li> <li>• Re-arrangement of existing cattle pen layouts; and</li> <li>• Upgrade of the existing effluent capture and management system.</li> </ul>
<b>Estimated Cost of Development:</b>	\$808,000.00
<b>Site Area:</b>	1311.904 Hectares
<b>Zoning:</b>	RU1 Primary Production

**DA-103/2021 - APPLICATION HISTORY**

<u>Date</u>	<u>Comment</u>
19 July 2021	Application lodged.
27 July 2021	DA-103/2021 referred to: <ul style="list-style-type: none"> <li>• NSW Environment Protection Authority;</li> <li>• Transport for NSW;</li> <li>• Department of Primary Industry – Agriculture;</li> <li>• Essential Energy; and</li> <li>• Rural Fire Service.</li> </ul>
29 July 2021	Public exhibition commences.
30 July 2021	DA-103/2021 referred to: <ul style="list-style-type: none"> <li>• Anaiwan Local Aboriginal Land Council – no response received; and</li> </ul>

- NSW Crown Lands.
- 13 August 2021 Request for further information from Essential Energy.
- 17 August 2021 Comments received from Transport for NSW. Amongst other matters, Transport for NSW advised that the “*TIA is not considered to provide a robust, reliable and complete assessment of the road safety risk arising from the proposed increase in heavy vehicle movements*”.
- 23 August 2021 Comments received from NSW Crown Lands.
- 24 August 2021 General Terms of Approval issued by NSW Environment Protection Authority.
- 27 August 2021 Public exhibition concludes. Two (2) submissions received.
- 30 August 2021 Comments received from Department of Primary Industry – Agriculture
- 31 August 2021 Copy of submissions forwarded to state agencies.
- 1 September 2021 Advice received from NSW Environment Protection Authority that concerns raised in submissions have been addressed in the General Terms of Approval issued 24 August 2021.
- 7 September 2021 Applicant response to Essential Energy’s request for further information
- 13 September 2021 Comments received from NSW Rural Fire Service.
- 16 September 2021 Council request for further information made in relation to:
- Traffic Impact Assessment;
  - Water Availability for the Feedlot; and
  - Department of Primary Industry – Agriculture comments in relation to heat stress and cattle mortality.
- 17 September 2021 Second request for further information received from Essential Energy.
- 16 November 2021 Additional information received from the applicant in relation to:
- Traffic Impact Assessment;
  - Water Availability for the feedlot; and
  - Shade and Cattle Mortalities.
- 30 December 2021 Council letter to applicant advising that:
- Council has completed its review of the updated Traffic Impact Assessment and has identified a number of concerns in relation to traffic. The updated Traffic Impact Assessment has been referred to Transport for NSW for further advice; and
  - The additional information for Essential Energy (as per request 17 September 2021) remains outstanding.
- 22 January 2022 Letter dated 20 January 2022 received addressing:
- Traffic assessment to date; and
  - Essential Energy Requirements relating to proximity of the feedlot to electricity infrastructure.
- 8 March 2022 Final comments received from Essential Energy.
- 21 March 2022 Final comments received from Transport for NSW. Amongst other matters, Transport for NSW advised:
- *The updated TIA is not considered to be a robust, reliable and*

*complete assessment of the road safety impacts arising from the proposed increase in total heavy vehicle movements; and*

- *TfNSW recommends that the Consent Authority be satisfied that minimum design requirements are met prior to approval on an ongoing increase in heavy vehicle movements.*

31 March 2022

Council letter to applicant advising that Council's Development Assessment Team:

- Concurs with the comments received on 21 March 2022 from Transport for NSW;
- Would recommended that the intersection of Woodstock Road and Gwydir Highway be upgraded, at the developer's expense, as part of the feedlot development.

Council's requested the applicant to confirm whether they would like:

- To provide a further Traffic Impact Assessment that provides a more robust assessment of road safety; or
- Council's Development Assessment Team to refer DA-103/2021 to the Civil and Environmental Services Committee based on the information currently on hand.

7 April 2021

In response to Council's letter on 31 March 2022, a letter was received from applicant requesting that the feedlot expansion be staged.

## SUBJECT SITE AND LOCALITY

The development site is known as 698 Woodstock Road, Woodstock, which is comprised of forty-four (44) lots with a total combined area of 1311.904 hectares. The specific title particulars have been provided earlier in the "Application Details" section of this report. The site is located in the south-east of the Inverell Shire, approximately 24 kilometres east of Inverell and approximately 57 kilometres west of Glen Innes (refer previous **Figure 1**).

The land contains an existing 470 head feedlot on Lot 63 DP 753316 that was approved on 13 November 1998 under D-69/1998. The approved feedlot consists of:

- Four (4) feedlot pens;
- Sediment and holding ponds within a total capacity of 1600m<sup>3</sup>; and
- Ancillary roads and infrastructure (i.e. feed mill, storage).

In addition to the approved feedlot, an additional nine (9) "temporary holding pens" have been constructed on the site. The existing feedlot and temporary holding pens are shown in the previous **Figure 3**. A photo of the existing feedlot pens has been included as **Photo 1** and **Photo 2**. An indicative photo of the remaining property is included as **Photo 3**. In addition to the feedlot, the site contains support infrastructure including two dwellings, sheds and silos.

The surrounding area is predominantly agriculture used for a mixture of grazing and dryland cultivation. The nearest non-associated dwellings to the feedlot site are approximately 2 kilometres to the north-west and approximately 3 kilometres to the south-west (refer previous **Figure 2**).

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

- Bitumen sealed from the Gwydir Highway for a distance of 3 kilometres (**Photos 4 to 6**); and
- Gravel from the end of the bitumen seal to the Kings Plain Road (**Photo 7**).

This feedlot access (**Photo 8**) is located approximately 3.7 kilometres from the end of the bitumen seal.

A number of minor watercourses (1<sup>st</sup> and 2<sup>nd</sup> order streams) traverse the property, with a major watercourse being the Swan Brook running in a general east-west direction through the centre of the property (**Figure 2**). The main feedlot (i.e. pens, drainage) is located approximately 450 metres north of the Swan Brook.

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



**Photo 1 – Existing Feedlot Infrastructure looking south from the internal access road**



**Photo 2 – Existing Feedlot Infrastructure looking west from the internal access road**





**Photo 3 – View of Property from the intersection of Woodstock Road and Billabong Road**



**Photo 4 – Intersection of Woodstock Road and Gwydir Highway (looking north)**





**Photo 5 – Intersection of Woodstock Road and Gwydir Highway (looking east)**



**Photo 6 – Intersection of Woodstock Road and Gwydir Highway (looking west)**





**Photo 7 – Woodstock Road at the Feedlot Access Point**



**Photo 8 – Feedlot Access off Woodstock Road**



## PROPOSED DEVELOPMENT

The proposed development is for the expansion of the existing 470 head feedlot, approved under D-69/1998, to 2,000 head. Specifically, the development would comprise the following facilities, to be contained within a “Controlled Drainage Area”:

- Remodelling of thirteen (13) pens, each of varying sizes, with a total pen area of 2.3977 hectares. The average stocking density of the pens will be 12m<sup>2</sup> per head. The base of the pens will consist of an impermeable layer of gravelly clay covered with a manure pad up to 50mm in depth;
- 1.55 mega-litre sedimentation basin;
- 12.6 mega-litre effluent pond;
- Manure storage and composting areas;
- Cattle yards and hospital/sick pen – The primary cattle yards and the sick pen are located in the north-western corner of the feedlot site. The main “Controlled Drainage Areas” of feedlot development are shown in the previous **Figure 4** and **Figure 5**.

The total footprint of the main feedlot complex within the “Controlled Drainage Area” is approximately 6.5 hectares.

Additionally, the development will include the following facilities that will be located outside of the main “Controlled Drainage Areas”:

- Effluent Irrigation Area (**Figure 6**) and Manure Disposal Area – Consisting of existing dryland cultivation fields that are presently utilised for production of a range of crops;
- Mass Carcass Composting Area – The mass composting area is to be located within clay-based soil in Lot 62 DP753316, east of the proposal. The specific dimensions of the area would be determined when a mass mortality event occurs. The site would have an upslope clean water diversion bank and a separate controlled drainage area would be formed around it to prevent the pollution of local surface waters. Once the process is completed, the area would be returned to cultivation and crop production;
- Feed mill and Ration Storage Areas;
- Effluent Delivery Pipeline; and
- Associated Infrastructure.

The existing site has grains silos, grain bunkers and hay sheds to store cattle feed for consumption at the feedlot. The proposal involves the construction of one new hay shed with a capacity of approximately 3,360 cubic metres, and the upgrade of two small, decommissioned silage pits to form a single larger pit with a capacity of 1,500 tonnes.

Water for the proposed feedlot will be sourced primarily from “harvestable rights” water collected in existing farm dams located on Lot 123 DP 753315 and Lot 10 DP 579850 (**Figure 8**) that already have pipe connections to the existing feedlot. As a secondary and back-up source of water, the applicant has a fifteen (15) megalitre groundwater licence.

The existing feedlot employs two (2) full-time equivalent staff for servicing and maintenance work. The proposed expansion may require two (2) additional full-time equivalent staff. Additional contractors would be employed as required for work such as cattle health, trucking of grain and cattle and general site maintenance.

The applicant proposes to plant eight (8) rows of native trees to reduce the visibility of the feedlot and associated farm buildings. A specific plan of this landscaping has not been provided and it is recommended that a condition of consent of any subsequent approval be imposed requiring a landscaping plan be submitted to and approved by Council.

The hours of operation of the feedlot will generally be 6am to 6pm, Monday to Friday with any weekend operations limited to cattle feeding. Deliveries (i.e. cattle, grain) would generally be limited to 7am to 5pm, Monday to Friday with minor exceptions during local harvest times.

### Staging of Development

In response to the identification that the intersection of Woodstock Road and Gwydir Highway should be upgraded as part of the feedlot expansion (discussed below), on 7 April 2022 the applicant requested Council consent to undertake the feedlot expansion in the following stages:

- Stage 1:
  - Construction of all pens, drainage, ponds and infrastructure, to a Class 1 feedlot standard. Note: This is essentially an environmental improvement to the existing facilities; and
  - Operation of the feedlot at a maximum 470 head capacity (i.e. no increase on the approval under D-69/1998);
- Stage 2:
  - Upgrade the intersection of Woodstock Road and Gwydir Highway; and
  - Increase the operation of the feedlot to a maximum 2,000 head capacity.

It is considered that the staging request from the applicant is not unreasonable given the likely significant expense associated with the upgrade of the intersection of Woodstock Road and Gwydir Highway. It is recommended, that the staging of the feedlot be enforced in the conditions of any subsequent consent, including a condition that cattle numbers must not exceed 470 head until such time that the highway intersection is upgraded.

It should be noted that there is no evidence to suggest, and it is not appropriate for Council to assume, a potential non-compliance will occur with the proposed staging of the feedlot (i.e. cattle numbers increased beyond 470 prior to intersection upgrade). Despite this it is not unreasonable for Council to adopt a monitoring procedure to ensure ongoing compliance of the feedlot. Subject to consent, it is intended that the cattle numbers of the feedlot would be monitored as follows:

1. A condition of consent will be imposed requiring the applicant to submit quarterly returns for the payment of Section 7.11 (formerly Section 94) contributions for road maintenance. These quarterly returns must include details of the cattle processed through the feedlot during the financial quarter. Council staff will then review these numbers;
2. In addition to the above, it is intended that Council staff will undertake periodic, random inspections of the feedlot to determine the number of cattle present. These inspections would generally be undertaken at three (3) month intervals (minimum) and would not represent a significant burden on Council resources.

## **REFERRALS UNDERTAKEN AND 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 24 August 2021. The General Terms of Approval contain conditions relating to:

- Design of pens and controlled drainage area;
- Surface water quality monitoring;
- Soil quality monitoring;
- Effluent quality monitoring;

- Manure quality monitoring;
- Rainfall monitoring;
- Odour prevention;
- Operational 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.

In addition to the General Terms of Approval, a copy of the submissions received in relation to DA-103/2021 were provided to the NSW Environment Protection Authority for review. On 1 September 2021, the NSW Environment Protection Authority advised:

*"The EPA has reviewed the two public submissions uploaded to the Planning Portal for DA103/2021 - Proposed Cattle Feedlot - 'Rivendell' - 698 Woodstock Road, Woodstock.*

*The concerns raised in these submissions relate to water supply and effluent runoff. The EPA has addressed these issues in our GTAs via conditions to ensure tailwater dams for irrigation areas are constructed, adding buffer zones, and ensuring upstream and downstream monitoring of Swan Brook.*

*The EPA does not intend to amend the GTAs provided on 24 August 2021".*

### **External Referrals - Other**

#### Transport for NSW (TfNSW)

In response to the updated Traffic Impact Assessment information submitted on 16 November 2021, Transport for NSW provided the following final comments on 21 March 2022:

*"I refer to Council's additional referral from the NSW Concurrence and Referrals Portal of 30 December 2021 requesting comment from Transport for NSW (TfNSW) in relation to the abovementioned development application. TfNSW response of 17 August 2021 provided comment on the development application and supporting technical assessments, including the roles and responsibilities with respect to public roads.*

*TfNSW notes that the Applicant has submitted additional information of relevance to TfNSW comment and that Council's covering letter of 30 December 2021 identifies concerns with the assessment contained in the submission and requests further comment from TfNSW.*

*TfNSW has reviewed the Applicant's submission dated 16 November 2021 with respect to the Traffic Assessment Review (updated TIA) and provides the following comments to assist the Consent Authority in making a determination;*

1. *The updated TIA is not considered to be a robust, reliable and complete assessment of the road safety impacts arising from the proposed increase in total heavy vehicle movements. The supporting strategic drawings confirm that the Gwydir Highway and Woodstock Road intersection does not meet the minimum Austroads basic left-turn (BAL) and basic right-turn (BAR) treatments.*

*The review confirms that minimum Safe Intersection Sight Distance is not met to the East of the intersection for the 100km/h speed environment with a reaction time of 2.5 seconds. The review also confirms that heavy vehicles have insufficient pavement to turn from the highway without crossing the centreline of the road. The Safe Systems Assessment is not considered to adequately justify a departure from minimum design requirements.*

*The Austroads BAL and BAR treatments are the minimum intersection treatments applicable to the Gwydir Highway. TfNSW recommends that the Consent Authority be satisfied that minimum design requirements are met prior to approval on an ongoing increase in heavy vehicle movements.”*

Comment: Council’s Manager Civil Engineering has reviewed the Traffic Impact Assessment and concurs with the comments provided by Transport for NSW (refer ‘Internal Referrals’ section of this report below). In response to the above comments provided by Transport for NSW, on 7 April 2022 the applicant proposed the staging of the feedlot expansion and upgrade of the highway intersection (refer ‘Development Description’ section of this report). This staging proposal is considered acceptable and addresses the concerns raised by Transport for NSW.

2. *“TfNSW recognises that any intersection upgrade is likely to require a significant upfront cost. At this time, TfNSW has no planned program of works or funding available to assist an upgrade of the subject location.*

*Council may wish to consider the availability of funding under relevant funding programs, including eligibility under the Australian Government’s Heavy Vehicle Safety Productivity Program (HVSPF)”.*

Comment: It is considered that the availability of grant funding is not a consideration under this Development Application. Rather Council must determine DA-103/2021 based on the information available and in consideration of potential impacts. After the determination of DA-103/2021, Council can separately investigate and consider grant funding (if desired) and/or any cost sharing agreement that may be proposed by the developer.

#### NSW Crown Lands

*The Department of Planning, Industry and Environment – Crown Lands (hereafter Crown Lands) response to SEAR 1490 response remains, with the following information for Council:*

- *“Crown Lands notes that the existing and proposed expansion footprint of Rivendell Feedlot potentially affects Crown road (infrastructure) and currently involves unauthorised cultivation of additional Crown roads.*
- *For Crown roads affected by the proposal (unauthorised infrastructure) the applicant (land owner) will need to apply to close and purchase the roads. Crown Lands will be able to licence activities as an interim measure once closing application has been submitted until such time as closing and purchase occurs. If application to close and purchase the Crown roads is not successful for some reason (e.g. objections, required for future public access), the licence will need to remain in place for the lifespan of the project.*
- *Additional Crown roads are located throughout the property ‘Rivendell’ outside of the feedlot footprint, in areas used to supply feed to the feedlot. A number of these Crown roads appear to be cultivated (based on available aerial imagery). The land owner will need to apply to close and purchase the roads. Crown Lands will be able to licence cultivation as an interim measure once closing application has been submitted until such time as closing and purchase occurs. If application to close and purchase the Crown roads is not successful for some reason (e.g. objections, required for future public access), the licence will need to remain in place for the lifespan of the project. Note that one licence will be adequate to cover both cultivation and existing/proposed infrastructure associated with the project.*
- *Parts of Woodstock Road (formed public access road that will be affected by increased traffic) remain as Crown roads. These will need to be transferred to Inverell Council to maintain as public road.*

*The response to the SEAR from the applicant has taken these issues into account. An application for road closing and purchase has been lodged by the applicant (reference W625747).*

*The applicant has applied for a Licence for ‘cultivation’ and ‘structures’ which if issued will authorise existing activities on the Crown roads and allow proposed works to occur (reference*

*Licence 625748 file 21/01018). The applicant was contacted on 17 February 2021 for additional information which has not yet been supplied.*

*Regarding the section of Woodstock Road remaining as Crown road, this is the Crown road west of Lot 63 DP 753316 and south of Lot 134 DP 753315 (image attached, relevant section of Crown road in red). This section of Crown road should be transferred to Inverell Council, for although the formed road does not align exactly, the section of Crown road is required to maintain road corridor continuity for Council management of Woodstock Road. Inverell Council and Crown Lands can discuss this further as required.*

*In summary, once Licence 625748 for purpose of cultivation and structures is issued to the applicant, Crown Lands has no objection to the proposed development proceeding. Condition of development is that the applicant be required to hold all necessary DPIE – Crown Land licences until such time if and when the Crown roads are closed”.*

A map showing the location of Crown Roads through “Rivendell”, 698 Woodstock Road, Woodstock is included as the previous **Figure 5**.

Whilst NSW Crown Lands notes that a licence is able to be issued over these Crown Roads as an interim measure, this is not a viable long-term solution. In the event that roads are not closed and the licence is terminated, the feedlot would not be able to operate.

The *Environmental Planning and Assessment Act 1979* provides that a consent may be granted subject to a condition that the consent is not operate until the applicant satisfies the consent authority (i.e. Council) of a particular matter. This is known as a “Deferred Commencement” consent.

It is recommended that Council address the Crown Road closure matter through the imposition of a “Deferred Commencement” condition that states that DA-103/2021 does not operate until such time that the applicant has closed through the Crown Roads within 698 Woodstock Road, Woodstock. Given the potential administrative delays associated with closure of Crown Roads, it is proposed that applicant being given five (5) years to satisfy the “Deferred Commencement” condition.

In relation to the section of Woodstock Road that remains Crown Road (highlighted on previous **Figure 5**), there do not appear to be any issues precluding the transfer of this road to Council. It is considered that this transfer is a separate administrative matter for Council and is not a matter that needs to be resolved as part of the feedlot expansion.

#### Department of Primary Industry – Agriculture

Whilst Department of Primary Industry – Agriculture do not have any regulatory involvement in the feedlot, they were a contributing agency to the Secretary’s Environmental Assessment Requirements.

Department of Primary Industry – Agriculture reviewed the Environmental Impact Assessment submitted for DA-103/2021 and provided the following comments:

- *“The environmental assessment is overall adequate and address many of the requirements issued in July 2020;*
- *Having reviewed the proposal, we wish to draw your attention particular matters including:*
  - *That shade should be considered as a heat stress management and animal welfare consideration;*
  - *That the cattle mortality disposal needs further investigation considering the production rate of the feedlot and the capacity to undertake safe disposal.*

As per the letter from the applicant dated 16 November 2021:

- *The applicant has committed to the staged implementation of shade over the thirteen pens within a five (5) year period. The first stage would be installation of shade over the hospital pen during the initial construction of the feedlot;*

- *Both the rate of mortality and overall cattle numbers from which predicted annual mortalities are calculated have been revised in response to NSW DPI's request for further information. The annual mass and nutrient content of carcasses produced at the proposed Rivendell Feedlot would remain unchanged. Similarly, their management and disposal, described in Section 4.7.9.3 of the EIS, would remain unchanged".*

It is considered that the applicant has adequately addressed the requirements of the Department of Primary Industry – Agriculture.

#### Essential Energy

As per the 'DA-103/2021 – Application History' provided earlier in this report, DA-103/2021:

- Was referred twice to Essential Energy for comment, who requested further information multiple times; and
- The applicant has submitted updated additional information on 22 January 2022 to address issues identified by Essential Energy.

The final response from Essential Energy states:

*"Strictly based on the documents submitted, Essential Energy makes the following comments as to potential safety risks arising from the proposed development:*

1. *As per the response provided by SMK Consultants dated 20 January 2022, if all issues (pole protection, pole clearances, conductor clearances, possible conductive fencing, electric fencing, access by Essential Energy) are addressed via the activities proposed, this would be satisfactory.*

*Essential Energy also makes the following general comments:*

1. *If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
2. *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.*
3. *In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*
4. *Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
5. *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets".*

#### Rural Fire Service

The following comments were received from the NSW Rural Fire Service:

*"The proposal is for the expansion of existing cattle feedlot - designated development - EIS exhibition.*

*The EIS states*

- *A minimum APZ of 10m*
- *As the feedlot development provides for large truck movements, there is adequate access*

- *Utility services such as water supply exist in the form of several sediment dams and water storage tanks*

*The recommendations of the EIS bush fire assessment are accepted and should be included in any consent granted”.*

### **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 expansion proposal. The following comments were received:

#### *Intersection of Woodstock Road and Gwydir Highway*

- *“As per the comments by Transport for NSW, the updated Traffic Impact Assessment is not considered to be a robust, reliable and complete assessment of the road safety impacts;*
- *Whist the feedlot expansion only results in one (1) additional B-Double movement per day on the road network, given Council cannot be satisfied of road safety impacts at the highway intersection it is recommended that a precautionary approach be adopted. Therefore, it is recommended that Council require the intersection of Woodstock Road and Gwydir Highway be upgraded, at the developer’s expense, as part of the feedlot development;*
- *There are no engineering objections to the applicant’s staging request on 7 April 2022, noting that this staging can be enforced through the conditions of consent and by monitored by Development Services staff.*

#### *Woodstock Road*

- *Woodstock Road is an approved B-Double route.*
- *One (1) additional B-Double movement per day on Woodstock Road (on average) is not considered to be significant. Woodstock Road is considered suitable for this minimal traffic increase. An extension to the bitumen seal is not considered warranted based on the minimal increase in traffic.*
- *It is recommended that Council impose Section 7.11 (formerly Section 94) contributions for road maintenance on DA-103/2021, consistent with other feedlot developments;*
- *It is recommended that a Heavy Vehicle Code of Conduct for traffic associated with the feedlot be required. The code of conduct must address at minimum:*
  - *A map of the primary haulage route;*
  - *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 routes”.*

### **ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 – SCHEDULE 3 – DESIGNATED DEVELOPMENT**

*Note: The Environmental Planning and Assessment Regulation 2000 was replaced on 1 March 2022 with the Environmental Planning and Assessment Regulation 2021. As DA-103/2021 was lodged on 19 July it has been assessed against the Regulation relevant at the time of lodgement.*

#### **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 2,000 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-103/2021 has been accompanied by an Environmental Impact Statement prepared in accordance with Secretary Environmental Assessment Requirements issued by the NSW Department of Planning, Industry and Environment;
- DA-103/2021 has been subject to a 28-day public exhibition period; and
- Consultation has been undertaken with relevant state agencies.

### **BIODIVERSITY CONSERVATION ACT 2016**

In accordance with the Biodiversity Conservation Act 2016, the applicant has undertaken a 'Test of Significance' (**Attachment 11**) to determine whether the development is "*likely to significantly affect threatened species*". This assessment has identified that the following threatened species have potential to occur on the site:

- Spotted Harrier;
- Little Eagle;
- Square-tailed Kite;
- Black Falcon;
- Little Lorikeet
- Barking Owl;
- Masked Owl;
- Koala;
- Yellow-bellied Sheath tail-bat;
- Hawkweed; and
- Bluegrass.

The works associated with the feedlot expansion are predominantly located on land previously cleared for agricultural development. The Test of Significance for the above species concludes that due to this past disturbance, this land has limited potential as habitat for threatened species. There are number of remnant woodlands/habitats in the locality which will not be impacted by the development. Overall, it is considered that no viable local population of any threatened species will be placed at risk of extinction as a result of the proposed development.

### **PLANNING FOR BUSH FIRE PROTECTION 2019**

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 defensible 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.*



The site has sufficient access and water for fire-fighting. The applicant also proposes to maintain a ten (10) metre asset protection zone around feedlot infrastructure, which can be reinforced as a condition of any subsequent consent.

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**

*Note: On 1 March 2022, the Department of Planning, Industry and Environment repealed the majority of the historic state environmental planning policies, with these being replaced by newer, consolidated policies. As DA-103/2021 was lodged on 19 July 2021, the assessment below has been undertaken against the policies applicable at the date of lodgement.*

<i>State Environmental Planning Policy No 33—Hazardous and Offensive Development</i>	<p>The feedlot involves the use of diesel fuel (Class 1 combustible liquid) and small volumes of hydrocarbons such as lubricating oils and greases (Class 2 liquid). As the diesel fuel and lubricating oils/grease will not be stored adjacent to any other hazardous substances, the proposed development is not considered a 'hazardous' or 'potentially hazardous development'.</p> <p>The feedlot expansion is not considered to be an 'offensive' or 'potentially offensive development' as per the Level 1 Odour Assessment completed for the development (<b>Attachment 4</b>).</p>
<i>State Environmental Planning Policy (Koala Habitat Protection) 2019 / 2020</i>	<p>It is considered highly unlikely that the subject site would constitute important habitat for Koala, due to the following factors:</p> <ul style="list-style-type: none"> <li>• The small size of the development footprint;</li> <li>• The lack of mature trees and low conservation value of habitat within the site footprint; and</li> <li>• The proximity of this area to existing areas of development and regular human activity on site.</li> </ul>
<i>State Environmental Planning Policy No. 55 – Remediation of Land</i>	<p>The development site has historically been used for agriculture, being for dry land cultivation and 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.</p>
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	<p>No specific provision of this policy applies to feedlots; however, Council must have consideration for other infrastructure agencies. In this regard:</p> <ul style="list-style-type: none"> <li>• Council has sought comment from Essential Energy in accordance with Clause 45 of this state policy. This has been addressed in the 'External Referrals – Other' earlier in this report; and</li> <li>• The development is not 'Traffic Generating Development' and the site does not have direct frontage to a Classified Road.</li> </ul> <p>Overall, DA-103/2021 is considered to be consistent with the aims of this State policy.</p>

<i>State Environmental Planning Policy (State and Regional Development) 2011</i>	The capital investment value of the proposed development is \$808,000.00. The proposed development is not State Significant Development or Regionally Significant Development under this State policy.
<i>State Environmental Planning Policy (Primary Production and Rural Development) 2019</i>	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 5.18 of the <i>Inverell Local Environmental Plan 2012</i> , which has been assessed further in this report. Overall, DA-103/2021 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	<p><i>The particular aims of this Plan are as follows:</i></p> <ul style="list-style-type: none"> <li><i>a) To encourage sustainable economic growth and development,</i></li> <li><i>b) To protect and retain productive agricultural land,</i></li> <li><i>c) To protect, conserve and enhance natural assets,</i></li> <li><i>d) To protect built and cultural heritage assets,</i></li> <li><i>e) To provide opportunities for growth.</i></li> </ul> <p>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.</p>
2.1	Land use zones	<p>The site is zoned RU1 Primary Production. The development is characterised as 'feedlot', being a type of 'intensive livestock agriculture'.</p> <p><b><i>intensive livestock agriculture</i></b> means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—</p> <ul style="list-style-type: none"> <li>• <i>dairies (restricted),</i></li> <li>• <i>feedlots,</i></li> <li>• <i>pig farms,</i></li> <li>• <i>poultry farms,</i></li> </ul> <p><i>but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.</i></p> <p><b><i>feedlot</i></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.</p> <p>A 'feedlot' is permissible within the RU1 Primary Production zone with consent.</p> <p>The objectives of the RU1 Primary Production zone are:</p> <ul style="list-style-type: none"> <li>• <i>To encourage sustainable primary industry production</i></li> </ul>

		<p><i>by maintaining and enhancing the natural resource base.</i></p> <ul style="list-style-type: none"> <li><i>• To encourage diversity in primary industry enterprises and systems appropriate for the area.</i></li> <li><i>• To minimise the fragmentation and alienation of resource lands.</i></li> <li><i>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></li> </ul> <p>698 Woodstock Road has sufficient land to cater for the proposed feedlot and the required waste utilisation areas. The surrounding area is predominantly zoned rural, with the nearest non-associated dwellings to the feedlot site are approximately 2 kilometres to the north-west and approximately 3 kilometres to the south-west (refer previous <b>Figure 2</b>). The development is not considered to result in significant land use conflict.</p> <p>The development is considered to be consistent with the objectives of the zone.</p>
5.10	Heritage Conservation	<p>The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> <li><i>(a) to conserve the environmental heritage of Inverell,</i></li> <li><i>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></li> <li><i>(c) to conserve archaeological sites,</i></li> <li><i>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</i></li> </ul> <p><u>Aboriginal Cultural Heritage</u></p> <p>Section 6.10.2 of the main Environmental Impact Assessment (<b>Attachment 1</b>) includes a due diligence assessment for the feedlot development. This assessment includes a search of the Aboriginal Heritage Information Management System (result included as <b>Attachment 6</b>).</p> <p>No aboriginal items or places of significance have been identified on the development site. The proposed feedlot works are contained to pre-existing disturbed areas and the likelihood of aboriginal artefacts being discovered is low.</p> <p>It is considered that the development may proceed with caution. Should any aboriginal objects be discovered during constructions works must cease and Heritage NSW be notified. This can be enforced as a condition of any subsequent consent.</p> <p><u>Non-Aboriginal Heritage</u></p> <p>The site is not identified as a heritage item under the <i>Inverell Local Environmental Plan 2012</i>. It is highly unlikely for non-aboriginal heritage significance (e.g. artefacts) to be present on the site.</p>
5.18	Intensive livestock agriculture	<p><i>The objectives of this clause are—</i></p> <ul style="list-style-type: none"> <li><i>(a) to ensure appropriate environmental assessment of</i></li> </ul>



		<p><i>development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and</i></p> <p><i>(b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.</i></p> <p><i>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—</i></p> <p><i>(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,</i></p> <p>The Environmental Impact Statement submitted with DA-103/2021 has been prepared in accordance with the Secretary's Environmental Assessment Requirements (<b>Attachment 3</b>) issued by the NSW Department of Planning, Industry and Environment and in consultation with local and state agencies.</p> <p>The Environmental Impact Statement submitted with DA-103/2021 is considered to contain adequate information to enable a merit-based assessment of Development Application.</p> <p><i>(b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,</i></p> <p>The nearest non-associated dwellings to the feedlot site are approximately 2 kilometres to the north-west and approximately 3 kilometres to the south-west (refer previous <b>Figure 2</b>).</p> <p>The Environmental Impact Statement submitted with DA-103/2021 includes a Level 1 Odour Assessment undertaken in accordance with NSW technical requirements and the National Feedlot Guidelines (<b>Attachment 4</b>). This assessment has modelled the relevant factors and determined that the minimum required separation distance to mitigate odour associated with the feedlot is 782 metres (0.782 kilometres) from a dwelling not associated with the development.</p> <p>It is considered that there is sufficient separation distance to mitigate potential odour impacts on the surrounding area.</p> <p>The NSW Environment Protection Authority has also assessed DA-103/2021, including odour impacts. The NSW EPA has issued General Terms of Approval, which include the consideration of odour.</p> <p><i>(c) the potential for the pollution of surface water and ground water,</i></p> <p>The potential for pollution of surface and ground water would</p>
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		<p>be from:</p> <ul style="list-style-type: none"> <li>• Runoff from the feedlot complex;</li> <li>• Leaching into soil from the feedlot complex; and</li> <li>• Waste utilisation area.</li> </ul> <p><u>Surface Runoff from the Feedlot Complex</u></p> <p>Uncontaminated (clean) water from areas upslope of the feedlot area will be prevented from entering the feedlot facility by upslope “clean” water diversion.</p> <p>Contaminated water from inside the feedlot complex will be captured within the feedlot ‘Controlled Drainage Area” and be discharged into a sedimentation basin and ultimately the holding pond.</p> <p><u>Leaching from the Feedlot Complex</u></p> <p>To prevent leaching into the soil, the design of the feedlot includes impermeable pens, impermeable solid storage areas and impermeable holding ponds. These standards are enforced within the General Terms of Approval issued by the NSW Environment Protection Authority.</p> <p>It is considered that there is unlikely to be any significant risk to groundwater from leaching in the feedlot complex.</p> <p><u>Waste Utilisation Areas</u></p> <p>The Environmental Impact Statement submitted with DA-103/2021 includes an assessment of solid (e.g. manure, compost) and liquid (effluent) re-use. This assessment concludes that:</p> <ul style="list-style-type: none"> <li>• A total of twelve (12) hectares is required for effluent re-use; and</li> <li>• Approximately 818 hectares of cultivated land is available within the property for application of solid waste.</li> </ul> <p>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 potential for pollution of groundwater is considered minimal.</p> <p>In relation to potential pollution of surface water from waste utilisation areas (runoff), the General Terms of Approval issued by the NSW Environmental Protection Authority have imposed the following buffers for the application of effluent and/or solid wastes:</p> <ul style="list-style-type: none"> <li>• 50 metres of Swan Brook;</li> <li>• 25 metres of any internal drainage line serviced by terminal ponds;</li> <li>• 50 metres of any internal drainage line that do not have terminal ponds;</li> <li>• 50 metres of any public roads; and</li> <li>• 50 metres of any public space.</li> </ul>
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		<p>In addition to the above buffers, NSW Environmental Protection Authority have also imposed requirements in relation to water quality monitoring.</p> <p><u>Conclusion</u></p> <p>It is considered that the design of the feedlot expansion is unlikely to significantly pollute surface water or ground water.</p> <p><i>(d) the potential for the degradation of soils,</i></p> <p>The feedlot (pens, drains, etc.) have been designed (e.g. clay lining, etc.) to prevent leaching and degradation of the soil. The General Terms of Approval issued by the NSW EPA include requirements for soil quality monitoring and reporting.</p> <p>Overall, the proposed feedlot is not considered to result in a significant risk to the degradation of soils.</p> <p><i>(e) the measures proposed to mitigate any potential adverse impacts,</i></p> <p>It is considered that the mitigation measures proposed within the Environmental Impact Statement, in conjunction with the General Terms of Approval issued by the NSW Environmental Protection Authority and other conditions of consent imposed by Council, are sufficient to mitigate any adverse impacts associated with the feedlot development.</p> <p><i>(f) the suitability of the site in the circumstances,</i></p> <p>The suitability of the site has been addressed in the 'S.4.15 (1) (c) EP&amp;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.</p> <p><i>(g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,</i></p> <p>The feedlot has been designed in consideration of the <i>National Guidelines for Beef Cattle Feedlots in Australia</i>.</p> <p><i>(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.</i></p> <p>The proposal is consistent with the <i>National Guidelines for Beef Cattle Feedlots in Australia</i> and <i>Planning Guidelines Intensive Livestock Agriculture Development</i> published by the NSW Department of Planning and Environment in 2019.</p>
6.1	Earthworks	<p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p><i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the</i></p>



		<p><i>development,</i></p> <p>The development will not adversely impact drainage patterns as the feedlot design 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 698 Woodstock Road, Woodstock.</p> <p><i>(b) the effect of the development on the likely future use or redevelopment of the land,</i></p> <p>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.</p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p>The development site has historically been used for agriculture and there is no evidence to suggest that the quality of the soil is comprised.</p> <p><i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p>The earthworks are not in close proximity to any adjoining properties. Other impacts affecting amenity (odour, etc.) have been considered elsewhere in the report.</p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p>No issues have been identified with the source of fill and/or destination of excavated material.</p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p>The likelihood of disturbing relics has been discussed in Clause 5.10 of the <i>Inverell Local Environmental Plan 2012</i> above.</p> <p><i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p>Impacts on surface water and ground water have been considered under Clause 5.18 of the <i>Inverell Local Environmental Plan 2012</i> above.</p> <p><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>The Environmental Impact Statement contains mitigation measures, including soil and erosion control.</p>
6.6	Essential Services	<p><i>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:</i></p> <p><i>(a) the supply of water,</i></p> <p>Based on a capacity of 2,000 head of cattle, the feedlot will</p>

		<p>require approximately 48 megalitres of water per year. Water for the proposed feedlot will be sourced primarily from “harvestable right” water collected in existing farm dams that already have pipe connections to the existing feedlot (<b>Figure 8</b>). As a secondary and back-up source of water, the applicant has a 15 megalitre groundwater licence.</p> <p>In relation to long term water security, the following comments are provided:</p> <ul style="list-style-type: none"> <li>• Council’s consideration is generally limited to the information submitted with and available at the time of determination of a development application;</li> <li>• 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; and</li> <li>• It is not Council’s role to assess the economic viability of a particular development.</li> </ul> <p>At this point in time and for the purpose of assessing DA-103/2021, the applicant has adequately demonstrated sufficient existing water supply for the proposed feedlot.</p> <p><i>(b) the supply of electricity,</i></p> <p>The property has an electricity supply, which services the existing farm infrastructure. Any upgrades/changes of this electricity will need to be completed to Essential Energy’s requirements at the applicant’s expense. As per ‘External Referrals – Other’ section of this report, Essential Energy has not identified any concerns with the final design of the feedlot.</p> <p><i>(c) the disposal and management of sewage,</i></p> <p>Controlled drainage and waste utilisation areas are proposed for feedlot effluent, which has been discussed further against Clause 5.18 of the <i>Inverell Local Environmental Plan 2012</i> above.</p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p>The proposed controlled drainage area, including pen drains, sedimentation basin and holding pond are considered satisfactory as assessed against Clause 5.18 of the <i>Inverell Local Environmental Plan 2012</i> above.</p> <p><i>(e) suitable vehicular access.</i></p> <p>The site has existing legal and practical access to Woodstock Road. Subject to the recommendations of Council’s Manager Civil Engineering (refer ‘Internal Referrals’ section earlier in this report), which can be imposed as conditions of consent, it is considered that the feedlot development has suitable vehicular access.</p>
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**S.4.15 (1) (a) (iii) EP&A Act 1979 - Development Control Plans****Inverell Development Control Plan 2013 – Chapter 5 Parking & Traffic**

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. 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.

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

Matters	Consideration
Context & Setting	<p>The surrounding area is characterised as a rural agricultural locality, predominantly used for beef cattle and dryland cultivation. A cattle feedlot is a permissible and accepted land use within a rural agricultural locality. It is considered that the development will not result in any adverse land use conflict with surrounding agricultural uses.</p> <p>The closest sensitive receptor to the development site is approximately 2 kilometres north-west of the feedlot pens. This separation distance is considered sufficient to minimise amenity impacts with the feedlot (discussed throughout this report).</p> <p>In relation to potential visual impacts, the feedlot (e.g. pens) is setback 185 metres from Woodstock Road, with the view of feedlot is obscured by topography and existing vegetation in the area. The applicant proposes to plant 8 rows of native trees to further reduce the visibility of the feedlot and associated farm buildings.</p> <p>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.</p>
Access, Transport & Traffic	<p>As per the comments by Council's Manager Civil Engineering:</p> <ul style="list-style-type: none"> <li>It is recommended that Council require the upgrade of intersection of Woodstock Road and Gwydir Highway as part of this development, subject to the staging proposed by the applicant;</li> <li>Woodstock Road proper is considered suitable for one (1) additional B-Double movement per day (on average) generated by the feedlot development; and</li> <li>A Heavy Vehicle Code of Conduct for traffic associated with the feedlot is to be prepared for the development.</li> </ul> <p><u>Section 7.11 Contributions (formerly Section 94)</u></p>

	<p>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 '<i>Intensive Keeping of Livestock</i>' as a type of development which incurs contributions.</p> <p>Consistent with previous feedlot approvals, with the most recent being the 25,055 Head Feedlot under DA-96/2019, it is recommended that Council impose a contribution for the ongoing maintenance of the local road network every quarter.</p> <p>The current contribution rate is \$1.225 per head and is subject to CPI adjustment each financial quarter.</p>
Utilities	<p>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).</p> <p>The development is not considered to impact utility infrastructure or impact the availability of utilities for further development in the area.</p>
Heritage	<p>Both Aboriginal and Non-Aboriginal Heritage have been considered in detail under Clause 5.10 of the <i>Inverell Local Environmental Plan 2012</i>.</p> <p>Overall, it is considered that the proposed development will not have a significant adverse impact on heritage matters.</p>
Other Land Resources	<p>The overall development site has a total area of 1311.904 hectares, with the main feedlot complex having a footprint of approximately 6.5 hectares (approximately 0.5% of the site). It is considered the feedlot will not significantly impact the availability of agricultural land.</p> <p>Overall, it is considered that the proposed development will not have a significant adverse impact on land resources.</p>
Water	<p>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).</p> <p>Overall, it is considered that the proposed development will not have a significant adverse impact on water.</p>
Soils	<p>Soil degradation and earthworks have been considered in accordance with Clause 5.18 of the <i>Inverell Local Environmental Plan 2012</i> (refer above).</p> <p>Overall, it is considered that the proposed development will not have a significant adverse impact on soils.</p>
Air Quality	<p>Pollutants likely to impact air quality are odour and dust.</p> <p>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).</p> <p>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 Environmental Impact Assessment also proposes a number of active mitigation measures to minimise dust; for example, pen cleaning, reduced speed on internal property roads, covered loads, reduced operations during high wind periods, etc.</p> <p>The General Terms of Approval issued by the NSW EPA include conditions relating to dust and odour control.</p> <p>It is considered that the proposed development will not result in significant</p>



	adverse impacts on air quality.
Flora & Fauna	Flora and fauna have been assessed under the <i>Biodiversity Conservation Act 2016</i> earlier in this report. It is considered that the development is unlikely to significantly impact threatened species and a detailed Biodiversity Assessment Report is not required for the feedlot expansion.
Waste	<p>Wastewater management has been assessed and complies with Clause 5.18 of the <i>Inverell Local Environmental Plan 2012</i>.</p> <p>Solid waste harvested from the pens and sedimentation basin will be stockpiled and composted on-site prior to being sustainably applied to cultivated areas contained within 698 Woodstock Road, Woodstock.</p> <p>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.</p> <p>Overall, it is considered that the proposed development will not have a significant adverse waste impact.</p>
Energy	The development site has existing power supply. Any necessary upgrades will be the responsibility of the applicant. Essential Energy have not identified any safety concerns with the final design of the development.
Noise & Vibration	<p><u>Construction Noise</u></p> <p>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 (2.16 kilometres) to mitigate this temporary noise impact.</p> <p><u>Operational Noise</u></p> <p>Noise generated from the operation of the feedlot would be from the use of machinery and equipment on the site and from animal noise.</p> <p>The hours of operation of the feedlot will generally be 6am to 6pm, Monday to Friday with any weekend operations limited to cattle feeding. Deliveries (i.e. cattle, grain) would generally be limited to 7am to 5pm, Monday to Friday with minor exceptions during local harvest times.</p> <p>Based on the proposed hours of operation and the separation distance to the nearest receptor (2.16 kilometres), it is considered that the feedlot expansion will not have a significant adverse noise impact. It should be noted that the NSW Environment Protection Authority will be responsible for monitoring noise.</p> <p><u>Vibration</u></p> <p>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.</p>
Natural Hazards	<p>In relation natural hazards:</p> <ul style="list-style-type: none"> <li>• Bush fire protection has been considered under <i>Planning for Bush Fire Protection 2019</i> – The development is considered to be consistent with the aims of this document;</li> <li>• Council has no record of the site being impacted by flooding. It is noted that the site is setback 450 metres and elevated above Swan Brook; and</li> <li>• There is no evidence to suggest the feedlot site is subject to any other</li> </ul>

	natural hazards, landslip, etc.
Safety, Security & Crime Prevention	The development is not considered to impact safety, security or crime prevention in the area.
Social Impacts in the Locality	<p>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.</p> <p>When considering social impacts as part of a Development Application, the Land and Environment Court in <u>New Century Development Pty limited v Baulkham Hills Shire Council [2003] NSWLEC 154</u> has held that:</p> <p><i>"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])."</i></p> <p><i>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.</i></p> <p><i>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&amp;A Act"</i></p> <p>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. These matters have been assessed by Council technical staff and the NSW Environment Protection Authority 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 not constitute evidence of a negative social impact as a result of the proposed development.</p>
Economic Impact in the Locality	<p>The proposed feedlot development will have a positive economic impact on the region with provision of:</p> <ul style="list-style-type: none"> <li>• Local employment and income for contractors during the construction of the feedlot;</li> <li>• Creation of employment of approximately 2 full-time equivalent personnel for the operation of the feedlot;</li> <li>• Upgrade of the intersection of Woodstock Road and Gwydir Highway prior to increase the number of cattle within the feedlot beyond 470 head.</li> </ul>
Site Design & Internal Design	The feedlot expansion is contained to the footprint of the existing approved feedlot and temporary holding pens. 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

Impacts	development (waste, odour, water, etc.) by Council's technical staff and expert Government agencies. No significant adverse impacts have been identified for the proposed feedlot and overall, the cumulative impact is not considered significant.
Climate Change	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?*

6978 Woodstock Road already contains an existing 470 head feedlot approved under D-69/1988. 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 0.5%) 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 Woodstock Road and subject to the proposed upgrade of the intersection of Woodstock Road and Gwydir Highway prior to the number of cattle within the feedlot exceeding 470 head, the road network is considered appropriate for the proposed development.

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-103/2021 was exhibited for a period of 28 days from 29 July, 2021 to 27 August, 2021. This exhibition involved:

- Notice in the Inverell Times;
- Installation of a notice board on Woodstock 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, on:
  - The 'Advertised Development Applications' section of Council's website; and
  - The NSW Planning Portal.

As a result of the exhibition period, two (2) submissions were received. The submissions have been circulated separately to Committee members with the Business Paper and the issues raised by submission makers are discussed below.

Submission Issue	Consideration
<b>Submission One</b>	
The submission raises concerns with the water supply for feedlot, in particular potential	The proposed feedlot expansion will obtain water from 'Harvestable Rights' dams ( <b>Figure</b>

downstream impacts on the Swan Brook.	<p><b>8)</b> and 15 megalitre groundwater licence.</p> <p>As these water sources are already existing, the feedlot expansion will not alter or increase established water entitlements associated with 698 Woodstock Road. The development site is considered to have sufficient existing water supply to service the proposed feedlot expansion.</p> <p>The existing farm dams supplying the feedlot are not located on Swan Brook (<b>Figure 8</b>) and there is no evidence to support the submissions makers belief that the feedlot was responsible for downstream impacts on Swan Brook.</p>
The submission raises concerns with run-off from feedlot effluent entering the surrounding water ways.	The main feedlot complex is within a “controlled drainage area” with mitigates potential run-off of effluent waste. The NSW Environment Protection Authority has also reviewed this matter and issued General Terms of Approval for the development.
The submission raises concerns with climate change and notes that <i>“expanding feedlots is not in keeping with sensible business and government planning when the world is screaming for highly sustainable food and care for the climate”</i> .	<p>Climate change is a broad global issue. Whilst Council should have consideration to climate change at a local level, this must also be balanced with other strategic goals for the area. In this regard, both the <i>Inverell Shire Local Strategic Planning Statement 2036</i> and <i>North West Regional Plan 2036</i> support the promotion of intensive agriculture.</p> <p>In the context of climate change on a global scale, a local 2,000 head feedlot is considered to have an insignificant influence on climate change factors.</p>
Other general comments have been included in the submission in relation to poor air quality to neighbors, poor animal welfare and the unsuitability of the Woodstock Rd to carry more Semi trailers and B-doubles.	<p>On average, the proposed feedlot expansion will result in one (1) additional B-Double movement per day on Woodstock Road.</p> <p>This minor increase in vehicle movement is not considered to have a significant impact on Woodstock Road, with the highway intersection to be upgraded by this development.</p>
<b>Submission Two</b>	
The submission raises concerns with the water supply for feedlot, in particular potential downstream impacts on the Swan Brook.	This has been discussed under Submission One above.
The submission raises concerns with run-off from feedlot effluent entering the surrounding water ways.	This has been discussed under Submission One above.
The submission raises concerns with damage and maintenance responsibility for Woodstock	On average, the feedlot expansion will result in One (1) additional B-Double movement on



<p>Road. The submission also questions whether Council will upgrade and/or bitumen seal Woodstock Road.</p>	<p>Woodstock, which is not considered significant.</p> <p>As per the comments from Council's Manager Civil Engineering, Woodstock Road is considered suitable for this minimal traffic increase. The existing dwellings located on Woodstock Road, between Gwydir Highway and the feedlot access, all front the bitumen sealed section of Woodstock Road. Therefore, road dust is not considered an issue for these dwellings. The existing dwelling off Billabong Road is considered sufficient distance from Woodstock Road to be significantly impacted by dust associated with traffic. An extension to the bitumen seal is not considered warranted based on the minimal increase in traffic.</p> <p>In relation to damage and maintenance it is recommended that Council impose quarterly Section 7.11 contributions for road maintenance consistent with other feedlot approvals.</p>
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#### **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 Shire Local Strategic Planning Statement 2036

The vision of the *Inverell Shire Local Strategic Planning Statement 2036* is “A Community for Everyone”. One of the Themes to achieve this vision is a strong local economy. It is considered that the proposed feedlot expansion will support the vision of the *Inverell Shire Local Strategic Planning Statement 2036*, and is consistent with the following action:

- *Action 1.4 - Proactively review and implement planning provisions (such as the LEP) that encourage and accommodate the changing needs of agriculture, including the development of intensive agriculture, agri-businesses and associated value-adding manufacturing activities. This may include such things as having ‘open’ zones that will allow for a wider variety of land uses to be considered.*

##### 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-103/2021 has been lodged for the expansion of an existing 470 head cattle feedlot to 2,000 head at 698 Woodstock Road, Woodstock. The feedlot expansion 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-103/2021, which has been prepared in accordance with Secretary Environmental Assessment Requirements issued by the NSW Department of Planning, Industry and Environment.

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 Policies, *Inverell Local Environmental Plan 2012* and *Inverell Development Control Plan 2013*.

DA-103/2021 is 'Integrated Development' pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* with concurrence required and received from the NSW Environment Protection Authority. Comments have also been sought from other New South Wales agencies, which have been considered in this assessment report.

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

- The intersection of Woodstock Road and Gwydir Highway must be upgraded prior to any increase in heavy vehicle movements at this intersection. The applicant proposes to upgrade this intersection prior to increasing the number of cattle within the feedlot past 470 head. This is considered acceptable;
- On average, the feedlot expansion will result in one (1) additional B-Double movement per day on Woodstock Road which is not considered excessive. Woodstock is suitable for this minimal increase in traffic and an extension of the bitumen seal is not warranted for this development;
- A lease/licence arrangement over the Crown roads is not considered acceptable as these can be terminated at any time in the future and prevent the operation of the feedlot. Therefore, it is recommended that DA-103/2021 be determined subject to "Deferred Commencement Provisions" requiring the upfront closure of the Crown roads;
- 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;
- There is sufficient separation distance (minimum 2.16 kilometres) between the feedlots' Controlled Drainage Area" (i.e. pens, ponds) and the nearest sensitive receptor (dwelling), which is sufficient distance to mitigate odour impacts; and
- The site has existing "harvestable water rights" and a groundwater licence, which have sufficient capacity to service the feedlot.

As a result of public exhibition of DA-103/2021, two (2) submissions were received. The matters raised by the submission makers (objectors) 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-103/2021.

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-103/2021 be approved subject to conditions.

**ATTACHMENTS:**

**Nil**

**5.2 IPART DRAFT REPORT ON WATER NSW BULK WATER CHARGES 2022/23****File Number:** S32.9.1 / 22/13719**Author:** Michael Bryant, Manager Environmental Engineering**SUMMARY:**

On 22 April, 2022, the Independent Pricing and Regulatory Tribunal released a Draft Report on its annual review of WaterNSW rural bulk water charges for 2022/23, and is seeking comment from water users. Submissions will be accepted up until 13 May, 2022.

**RECOMMENDATION:**

*That the Committee recommend to Council that:*

- i) Council make a submission to IPART highlighting the disparity in the proposed 2022/23 price increases for the Gwydir Valley and Border Rivers compared with the IPART forecast; and*
- ii) that in view of the very high price increases already applied to both valleys effective 1 October, 2021, no increase be applied to both valleys during 2022/23.*

**COMMENTARY:**

The Independent Pricing and Regulatory Tribunal (IPART) is responsible for determining prices which the NSW Government owned monopoly WaterNSW may charge bulk water users. Prices are reviewed on an annual basis and apply for the fiscal year. On 22 April, 2022 IPART released a Draft Report on its annual review of WaterNSW rural bulk water charges for 2022/23, and is seeking comment, submissions will be accepted up until 13 May, 2022.

The pricing relates to High Security bulk water Council sources from Copeton Dam and Pindari Dam for town water supply purposes. General Security water is primarily used for agricultural pursuits including irrigation.

The IPART draft decision is to accept the WaterNSW annual pricing application to maintain the charges set under the 2021 Determination proposing that bulk water charges will only increase by inflation (estimated to be 3.2%) from 1 July, 2022 to 30 June, 2023. The draft decision is only for the areas of western NSW located within the Murray Darling Basin. For the information of the Committee members a copy of the draft report is attached.

It should be noted that the recently announced (27 April, 2022) CPI increase for the past twelve months was 5.1% which indicates the IPART forecast of 3.25% is much lower than what will be applied in the final determination once the June 2022 CPI figures are announced.

Table 1 below shows the 2021/22 bulk water charges, plus the proposed 2022/23 charges for the Gwydir Valley and Border Rivers predicted by IPART in April 2022.

Town water supply is classed as High Security and attracts higher access (fixed) charges than General Security. Ashford town water supply is sourced from the Border Rivers and Copeton scheme from the Gwydir Valley.

Summary Water NSW Proposed Draft Regulated River Price Increases Effective 2022/23									
Valley/River	High Security Access			General Security Access			Usage		
	2021/22 \$/ML	2022/23 \$/ML	Increase %	2021/22 \$/ML	2022/23 \$/ML	Increase %	2021/22 \$/ML	2022/23 \$/ML	Increase %



Border Riv.	6.58	7.16	8.8	2.41	2.48	2.9	7.03	7.59	8.0
Gwydir	17.40	18.72	7.6	4.04	4.15	2.7	17.19	18.68	8.7

The IPART approved maximum prices will be increased annually by the Consumer Price Index up to 30 June 2025.

The proposed price increases are significant and not in line with the 3.25% indicated by IPART, which is misleading.

- Gwydir Valley High Security access charge will increase by 7.6% and Border Rivers by 8.8%.
- Gwydir Valley General Security access charge will increase by 2.7% and Border Rivers by 2.9%.
- Usage charges in the Gwydir Valley will increase by 8.7% and Border Rivers by 8%.

The Access charge is based on the water licence volume and applies in full, irrespective of the volume of water actually used during the water year.

From the above it is clear that bulk water charges in the Gwydir Valley and Border Rivers will be well above what IPART has predicted, except usage charges. However, with a higher than expected April 2022 CPI increase of 5.1% the usage charges would also increase above the 3.25% predicted by IPART.

Table 2 below shows the large price increases determined by IPART effective 1 October, 2021.

Summary Water NSW Regulated River Price Increases Effective 1 October 2021									
Valley/River	High Security Access			General Security Access			Usage		
	2020/21 \$/ML	2021/22 \$/ML	Increase %	2020/21 \$/ML	2021/22 \$/ML	Increase %	2020/21 \$/ML	2021/22 \$/ML	Increase %
Border Riv.	5.74	6.58	20.0	2.13	2.41	13.1	5.86	7.03	20.0
Gwydir	11.93	17.40	45.9	3.75	4.04	7.7	12.79	17.19	34.4

The IPART approved maximum prices will be increased annually by the Consumer Price Index up to 30 June 2025.

These combined price increases applied over a nine (9) month period are a big impost on water users going forward. In the Gwydir Valley High Security access prices will increase by at least 54% and usage by 43%.

### Financial Impact on Council Town Water Supplies

In 2020/21 Council expended \$87K on bulk water purchase.

Subject to actual water usage the projected 2022/23 Council expenditure on water purchase will be in the order of \$122K, and should the Draft increases projected by IPART of around 9% be applied, would rise to \$132K.

### Conclusion

It is recommended that Council make a submission to IPART advising of the disparity in the proposed 2022/23 price increases for the Gwydir Valley and Border Rivers compared with the IPART forecast. Also, that in view of the significant price increases already applied to both valleys effective October 2021, no increases be applied to both valleys for 2022/23.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

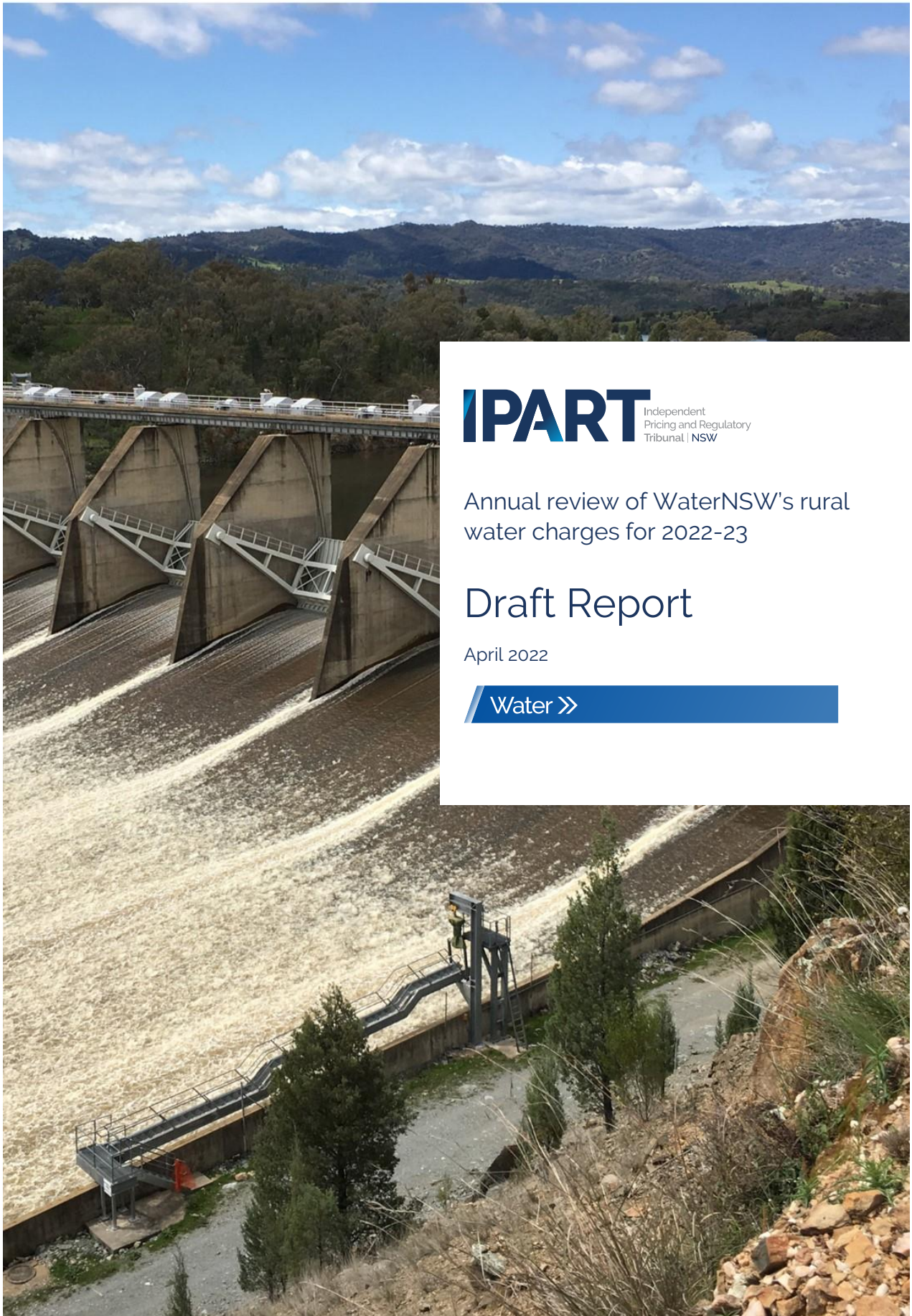
Council draft 2022/2023 budget allocates \$100K for bulk water purchases. Pending the final price increase adopted by IPART, Council can access its Water – Revenue Equalisation Externally Restricted Reserve which provides financial security for movements in water sales and water purchase in again given year to fund any shortfall.

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. Draft Report - Annual Review of WaterNSW Rural Bulk Water Charges for 2022/23 [↓](#)



**IPART** Independent  
Pricing and Regulatory  
Tribunal | NSW

Annual review of WaterNSW's rural  
water charges for 2022-23

## Draft Report

April 2022

Water »

## Tribunal Members

The Tribunal members for this review are:

Carmel Donnelly, Chair  
Deborah Cope  
Sandra Gamble

Enquiries regarding this document should be directed to a staff member:

Matthew Mansell (02) 9113 7770  
Maricar Horbino (02) 9290 8409  
Adrian Thomas (02) 9019 1921

## Invitation for submissions

IPART invites comment on this document and encourages all interested parties to provide submissions addressing the matters discussed.

## Submissions are due by Friday, 13 May 2022

We prefer to receive them electronically via our [online submission form](#).

You can also send comments by mail to:

Annual Review of rural water charges 2022  
Independent Pricing and Regulatory Tribunal  
PO Box K35  
Haymarket Post Shop, Sydney NSW 1240

If you require assistance to make a submission (for example, if you would like to make a verbal submission) please contact one of the staff members listed above.

Late submissions may not be accepted at the discretion of the Tribunal. Our normal practice is to make submissions publicly available on our [website](#) as soon as possible after the closing date for submissions. If you wish to view copies of submissions but do not have access to the website, you can make alternative arrangements by telephoning one of the staff members listed above.

We may decide not to publish a submission, for example, if we consider it contains offensive or potentially defamatory information. We generally do not publish sensitive information. If your submission contains information that you do not wish to be publicly disclosed, please let us know when you make the submission. However, it could be disclosed under the *Government Information (Public Access) Act 2009* (NSW) or the *Independent Pricing and Regulatory Tribunal Act 1992* (NSW), or where otherwise required by law.

If you would like further information on making a submission, IPART's [submission policy](#) is available on our website.

## The Independent Pricing and Regulatory Tribunal (IPART)

Further information on IPART can be obtained from [IPART's website](#).

## Acknowledgment of Country

IPART acknowledges the Traditional Custodians of the lands where we work and live. We pay respect to Elders, past, present and emerging.

We recognise the unique cultural and spiritual relationship and celebrate the contributions of First Nations peoples.



## Contents

### **Executive summary**

Regulated charges would increase by inflation only	4
We seek feedback on our draft decision	5

### **Context and our approach**

The annual review framework is set by WCR	6
The annual review only applies to MDB valleys and Fish River	6
Our assessment follows a 2-step approach	8

### **Our assessment of rural charges for 2022-23**

WaterNSW proposed increasing charges by inflation only	9
We do not see evidence of a sustained shift in water sales	9
WaterNSW proposed a formula-driven assessment process	12
We see merit in applying discretion to updating charges at each annual review	12

### **Charges to apply in 2022-23**

#### **A Additional information on how we update charges**

## Executive summary

IPART currently undertakes annual reviews of WaterNSW's regulated charges for rural bulk water services in the Murray-Darling Basin (MDB)<sup>a</sup> and the Fish River Water Supply Scheme (Fish River). This is required under Part 6 of the *Water Charge Rules 2010 (Cth)* (WCR).<sup>b</sup>

In September 2021, we published our [Final Report for the review of WaterNSW's rural bulk water charges](#) from 1 October 2021 to 30 June 2025 (the 2021 Determination). This is the first annual review for the 2021 Determination and provides an opportunity for us to consider whether we should update the charges to apply from 1 July 2022 to 30 June 2023 (2022-23).

Under the WCR, we may only vary the charges to the extent that it is "reasonably necessary" to do so, having regard to changes in demand or consumption forecasts for the regulated bulk water services, price stability and consistency with the WCR. We measure changes in demand or consumption by changes in water allocations, entitlements and sales. The scope of this annual review does not include reviewing other elements of our 2021 Determination, such as the efficient costs of providing these services or the price structures.

This report sets out our draft decisions on WaterNSW's regulated charges for 2022-23 and explains how we have reached these draft decisions. While this report focuses on water entitlement and water usage charges, our draft decisions apply to all charges set under the WCR in the 9 MDB valleys and Fish River, including miscellaneous and metering charges. Other supporting information, including WaterNSW's pricing application, is available on our [website](#).

## Regulated charges would increase by inflation only

WaterNSW requested that IPART approve charges for 2022-23 in line with the 2021 Determination and adjust those charges by inflation only. While in principle WaterNSW would support us updating charges, it proposed to keep charges unchanged before inflation to limit the impact on customers who have been and are continuing to experience the impacts of flooding across NSW.

Our draft decision is to accept WaterNSW's pricing application to maintain the regulated charges as set under the 2021 Determination. This means charges would only increase by inflation (currently estimated to be 3.2%) from 1 July 2022.

After considering the latest changes in water sales, we have decided that it is not reasonably necessary to vary the charges set under the 2021 Determination. We have found no evidence of a sustained shift in water sales. Therefore, we do not consider it necessary to update charges.

In its pricing application, WaterNSW also proposed to introduce a more formula-driven price adjustment for future annual reviews. WaterNSW said this was to secure sufficient revenue streams for its business and promote price stability for customers.

<sup>a</sup> This includes nine valleys: Border, Gwydir, Namoi, Peel, Lachlan, Macquarie, Murray, Murrumbidgee and Lowbidgee.

<sup>b</sup> This annual review does not apply to the charges set under the IPART Act. It does not apply to the charges for rural customers in the North Coast, South Coast and Hunter Valleys or to urban customers in Fish River

Our draft decision is to maintain discretion when considering whether to update charges. We consider our approach remains appropriate for future annual reviews and is in line with the requirements of the WCR. Our approach is to only change charges if there is evidence of a sustained shift in water sales. Under WaterNSW's proposal, charges would change each year in response to year to year fluctuations in water sales. We consider our approach supports price stability by allowing charges to gradually adjust in response to a sustained shift in water sales while not introducing price volatility in response to year-on-year fluctuations in water sales. Further, we set a revenue volatility allowance in our 2021 Determination to enable WaterNSW to manage the risk of actual water sales being higher or lower than forecast.

## We seek feedback on our draft decision

We seek feedback on our draft decision from all interested parties by 13 May 2022. We will consider all submissions before we make our final decisions and release our Final Report and Approval in June 2022.



### Have your say

Your input is critical to our review process.

[Make a submission »](#)

You can get involved by making a submission or submitting feedback on our website.

We are seeking feedback by 13 May 2022 on our draft decisions and the issues we have identified.

## Context and our approach

### The annual review framework is set by WCR

Under Part 6 of the WCR, we are accredited by the Australian Competition and Consumer Commission (ACCC) to determine WaterNSW's bulk water charges for rural customers in the MDB valleys and the Fish River.

The WCR requires us to follow a 2-stage price review process for determining or approving these regulated charges:

1. Determine the rural bulk water charges for a set determination period<sup>1</sup>
2. Conduct an annual review of the rural bulk water charges for the second year of the period, and for each subsequent year within the determination period.<sup>2</sup>

For the annual reviews, the WCR requires that we determine the regulated charges for the relevant year.<sup>3</sup> They also state that we must not vary the charges from those set out in the prevailing price determination, except to the extent that it is reasonably necessary, having regard to 3 matters only:

1. the "changes in the demand or consumption forecasts" set out in WaterNSW's application for an annual review
2. "price stability"<sup>4</sup>
3. the consistency of the charges with the requirements in other provisions of the WCR.

We completed the first stage of this price review in September 2021, when we set the charges for rural bulk water services for the 2021 determination period.

We are now undertaking the first annual review of WaterNSW's rural bulk water charges for the 2021 determination period. Our report focuses on charges that are influenced by water entitlements, allocations and water sales. However, our draft decisions apply to all charges for rural customers in the 9 MDB valleys and Fish River, including miscellaneous and metering charges.

We have also considered whether the charges we set in 2021 remain consistent with the WCR. This annual review requires us to consider the WCR as amended on 1 July 2020, whereas we applied the preceding version of the WCR in determining the charges in 2021. We have carefully compared the two versions of the WCR and are satisfied that our charges remain compliant.

### The annual review only applies to MDB valleys and Fish River

Only the regulated charges that are set under WCR are within the scope of this annual review. Therefore, the review applies to rural customers in the nine MDB valleys and Fish River (Figure 1). It does not apply to the charges for rural customers in the North Coast, South Coast, urban customers in Fish River and Hunter Valleys. These charges were set under the *Independent Pricing and Regulatory Tribunal Act 1992 (NSW)* (IPART Act) and are not subject to WCR.



Figure 1 Valleys in and out of the scope of this annual review



Note: This map is not to scale and is for illustrative purposes only. This annual review excludes urban customers in Fish River.

The annual review applies to WaterNSW, Murray-Darling Basin Authority (MDBA) and Barwon-Dumaresq Border Rivers Commission (BRC) charges. The price structure for these charges comprises of:

- Usage charges (\$ per megalitre (ML) of water used) in both the MDB valleys and Fish River. In reviewing these charges, we consider the latest data on usage volumes based on a 20-year rolling average of historical water sales volumes.
- Fixed entitlement charges (\$ per ML of licensed entitlement per year) in the MDB valleys or fixed Minimum Annual Quantity (MAQ) charges (\$ per ML of MAQ per year) in Fish River.

The scope of this annual review does not include reviewing other elements of our 2021 Determination, such as the efficient costs of providing these services or the price structures.

Although this annual review determines all WaterNSW charges, including charges for metering and telemetry services, this report focuses on charges that are impacted by changes in water entitlements and sales.

## Our assessment follows a 2-step approach

In assessing whether it is necessary to update WaterNSW's regulated charges, we work through the following process.

---

### Step 01 Update data and calculate updated charges

We update water entitlement and water sales data, calculate updated historical averages and calculate updated charges based on this updated data.

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### Step 02 Consider whether there is evidence of a sustained shift in demand or consumption and therefore whether or not to update charges

If there is evidence of a sustained shift in demand or consumption, we can be confident that updating charges to reflect this sustained shift will support price stability. That is, it will allow charges to begin transitioning towards levels that are likely to be determined at the next major price review.

---

## Our assessment of rural charges for 2022-23

We have made the draft decision to accept WaterNSW's application to maintain the rural water charges for 2022-23 set under the 2021 Determination. That is, charges will only be adjusted for inflation of 3.2% from 1 July 2022. This is consistent with our assessment that it is not reasonably necessary to vary charges because we have not found evidence of a sustained shift in water sales.

We also made the draft decision to maintain our current approach for future annual reviews. We consider our approach is consistent with the requirements under WCR.

This chapter sets out WaterNSW's pricing application and our assessment in response. We have separated WaterNSW's application into 2 sections: WaterNSW's proposal for charges to apply in 2022-23 and WaterNSW's proposal for a formula-driven approach for future annual reviews. Each section is followed by our respective response and assessment.

### WaterNSW proposed increasing charges by inflation only

WaterNSW submitted its pricing application for the annual review of rural water charges in MDB valleys and Fish River for 2022-23 to IPART on 4 April 2022. In its pricing application, WaterNSW requested that IPART approve regulated charges for 2022-23 in line with the 2021 Determination and adjust those charges by inflation only.

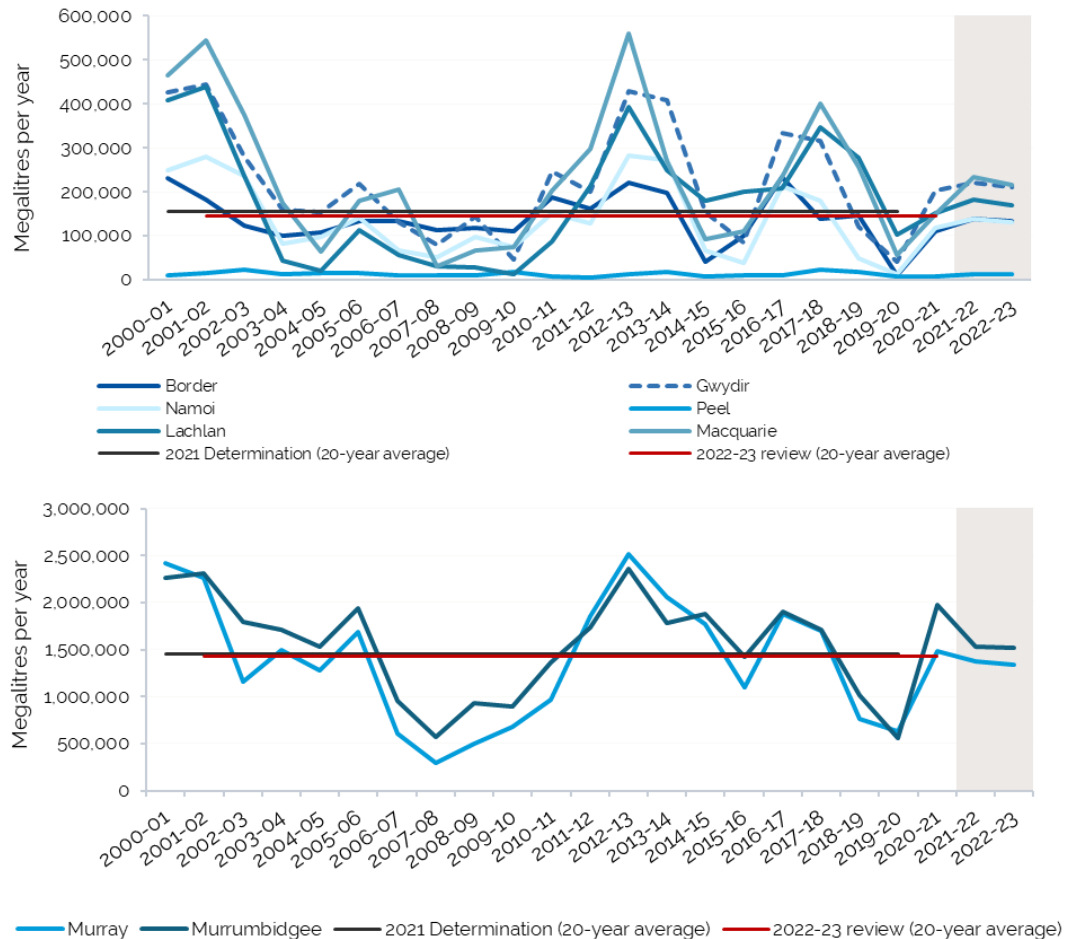
WaterNSW did not request to change charges for 2022-23 based on changes in water demand or consumption (i.e. using latest data on water entitlements, allocations and sales). It considered the need to provide price relief to customers as it recognised that rural regions are experiencing economic uncertainty caused by recent flooding.

### We do not see evidence of a sustained shift in water sales

We focused our assessment on changes in water sales. This is because we found water entitlements or minimum annual quantity have been relatively consistent with the levels we used to set charges in 2021.

For MDB valleys, the long-term averages for water sales volumes have remained relatively stable. In Figure 2, we observed annual volumes have been volatile over the last 20 years and significant increases or decreases in volumes year-on-year are not unusual. However, the updated 20-year rolling averages for sales volumes is only decreasing by around 3% from the levels we used to set charges in 2021 (represented by the black and red lines in Figure 2). The key driver for this marginal decline is the sales volumes captured within the 20-year averaging period. We did not observe a consistent change in recent years to suggest that there has been a sustained shift in sales volume. Therefore, we consider there is no evidence of sustained shift in sales based on historical data.

Figure 2 Historical and forecast water sales volumes in MDB valleys



Note: The 2000-01 to 2019-20 historical sales volumes are based on the data used in the 2021 Determination while the 2020-21 to 2022-23 actual and forecast sales volumes are from WaterNSW's 2022-23 pricing application to IPART.

Source: 2021 Determination model with data provided by WaterNSW.

In addition, we are not aware of information to suggest there would be a sustained shift in future sales volume. WaterNSW did not provide updated forecast water sales for 2021-22 and onwards.<sup>c</sup> It provided the sales volumes that were used to set charges in the 2021 Determination because WaterNSW is uncertain about the impact of the recent severe rainfall and flood events in NSW on water sales. We consider this signals that it is too early to know whether recent changes in sales represent a sustained shift.

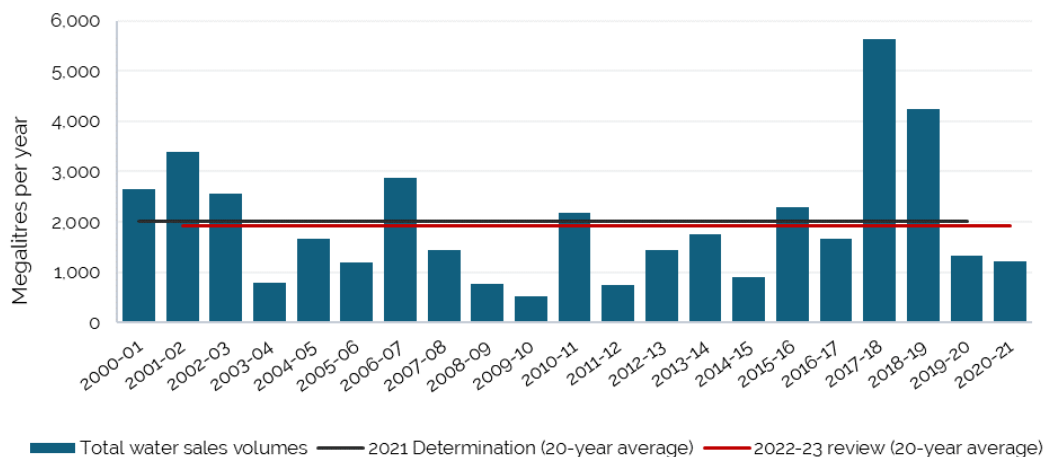
<sup>c</sup> We note that WaterNSW provided a forecast for 2022-23 using the 20-year rolling average approach used in the 2021 Determination. WaterNSW did not provide forward looking forecasts that considered recent rain and flooding events.



We understand there are a number of factors that influence water sales in each valley such as weather, availability of water, commodity charges and other economic conditions. The impact of these factors on water sales are complex. For example, the occurrence, severity and impact of weather events are difficult to predict. Recent rain events have increased dam storage levels across NSW to around 93% capacity<sup>5</sup> and would likely lead to greater water availability across the state. However, how this will impact water sales in the short and longer term, given all the other factors at play, is unclear at this stage.

For Fish River, we also did not find evidence of a sustained shift in water sales. Similar to MDB valleys, the annual volumes in Fish River are also volatile. However the updated 20-year rolling average for sales volumes is only decreasing by around 4% (represented by the black and red lines in Figure 3). The driver for this marginal decline is the sales volumes captured within the 20-year averaging period. Therefore, we consider this does not represent a sustained shift in sales. We are also not aware of information to suggest there would be a sustained shift in future sales volume in Fish River.

Figure 3 Total sales and rolling averages used to forecast FRWS sales



Source: WaterNSW submission to IPART annual price review (data input into IPART model), March 2022 and IPART analysis.

Overall, we do not consider there is evidence of a sustained shift in water sales. Therefore, we have decided to adjust charges by inflation only.

#### Our draft decision is



1. To maintain the regulated charges set under the 2021 Determination for 2022-23, adjusted for inflation only.

## WaterNSW proposed a formula-driven assessment process

In its pricing application, WaterNSW proposed IPART introduce a formula-driven price adjustment in the MDB valleys for future annual reviews that secures enough revenue for WaterNSW while maintaining price stability for its customers.<sup>6</sup>

WaterNSW suggested there would be several benefits from updating charges each year. For example, WaterNSW considered it could promote long term price stability because it could avoid price shocks at the next determination if water sales changed significantly. Another benefit WaterNSW noted is that using the latest water sales could lead to more accurate forecasting and charges.

WaterNSW also welcomed the preliminary findings of IPART's Economic Framework Review, in which IPART is exploring the benefits of implementing more flexible forms of price control. Similarly, it expressed eagerness to work with IPART to introduce potential flexible forms of price control at the next determination.

## We see merit in applying discretion to updating charges at each annual review

Our current approach involves examining the data and looking for evidence of a sustained shift in demand or consumption to inform our decision on whether it is reasonably necessary to update charges.

We consider WaterNSW's proposal for a formula-based approach could introduce price volatility. This is because charges would change in response to fluctuations and temporary changes in water sales.

We agree a formula-based approach would provide greater revenue certainty to WaterNSW. However, we explicitly acknowledged revenue volatility risk and set a revenue volatility allowance to compensate WaterNSW for carrying this risk as part of our 2021 Determination.

Our draft decision is to maintain our discretion-based approach to annual reviews of WaterNSW's charges. We consider our approach remains appropriate for future annual reviews and is in line with the requirements under WCR.

### Our draft decision is



2. To maintain our current discretion-based approach for future annual reviews when considering whether it is reasonably necessary to update charges.

## Charges to apply in 2022-23

We have calculated the charges that customers would pay in 2022-23 based on our draft decision to maintain regulated charges as set under the 2021 Determination. These charges are shown in Table 1, Table 2 and Table 3. Our draft decision also applies to other charges in the 9 MDB valleys and Fish River, including miscellaneous and metering charges.

For the Draft Report, we used an inflation rate of 3.2% to convert the charges to nominal dollars for the 2022-23 period. This inflation rate may change for the Final Report to be released in June 2022.

Table 1 WaterNSW rural bulk water charges for 2022-2023 (\$2022-23)

Valley	HS fixed charge (\$/ML)	GS fixed charge (\$/ML)	Usage charge (\$/ML)
Border	6.79	2.49	7.25
Gwydir	17.96	4.17	17.74
Namoi	29.86	10.42	31.87
Peel	63.32	6.01	25.29
Lachlan	25.90	3.83	32.17
Macquarie	20.83	4.07	22.33
Murray	2.33	1.02	3.02
Murrumbidgee	4.30	1.48	5.13
Lowbidgee	0.0	1.78	0.0

Source: IPART, *Prices for rural bulk water services from 1 October 2021 – Determination*, September 2021, pp 10-11, adjusted for inflation.

Table 2 MDBA and BRC rural bulk water charges for 2022-2023 (\$2022-23)

Valley	HS fixed charge (\$/ML)	GS fixed charge (\$/ML)	Usage charge (\$/ML)
Border	4.99	1.83	0.89
Murray	8.92	3.92	1.91
Murrumbidgee	1.92	0.66	0.38

Source: IPART, *Prices for rural bulk water services from 1 October 2021 – Determination*, September 2021, p 12, adjusted for inflation.

Table 3 Fish River rural bulk water charges for 2022-2023 (\$2022-23)

Valley	Access (or MAQ) charge (\$/kL)	Usage up to MAQ (\$/kL)	Usage in excess of MAQ (\$/ML)
Raw water – major customers	0.51	0.34	0.85
Raw water – minor customers	0.51	0.34	0.85
Filtered water – minor customers	0.89	0.55	1.43

Source: IPART, *Prices for rural bulk water services from 1 October 2021 – Determination*, September 2021, p 13, adjusted for inflation.

## A Additional information on how we update charges

Our draft decision is to increase charges in MDB and Fish River by inflation only. This means we are not updating charges based on changes in consumption.

For completeness, we present the following indicative charges for 2022-23 if we did decide to update charges to reflect the updated water data provided to us by WaterNSW. It is for information only. The formula we use to update charges are consistent with the approach detailed in [2020-21 Annual Review of WaterNSW's rural water charges](#). The full calculation and other information can be found in the accompanying spreadsheet model which is available in our [website](#).

Table A.1 Indicative WaterNSW rural charges based on latest data (\$2022-23)

Valley	HS fixed charge (\$/ML)	GS fixed charge (\$/ML)	Usage charge (\$/ML)
Border	7.16	2.48	7.59
Gwydir	18.72	4.12	18.68
Namoi	33.18	10.30	33.44
Peel	64.13	5.59	25.69
Lachlan	28.42	3.60	34.59
Macquarie	24.02	3.86	23.96
Murray	2.40	1.00	3.13
Murrumbidgee	4.41	1.46	5.18
Lowbidgee	0.00	1.78	0.00

Source: IPART analysis.

Table A.2 Indicative MDBA and BRC rural charges based on latest data (\$2022-23)

Valley	HS fixed charge (\$/ML)	GS fixed charge (\$/ML)	Usage charge (\$/ML)
Border	5.26	1.83	0.93
Murray	9.21	3.83	1.97
Murrumbidgee	1.97	0.65	0.38

Source: IPART analysis.

Table A.3 Indicative Fish River rural charges based on latest data (\$2022-23)

Valley	Access (or MAQ) charge (\$/kL)	Usage up to MAQ (\$/kL)	Usage in excess of MAQ (\$/ML)
Raw water – major customers	0.51	0.35	0.86
Raw water – minor customers	0.51	0.34	0.84
Filtered water – minor customers	0.89	0.59	1.47

Source: IPART analysis.



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<sup>1</sup> *Water Charge (Infrastructure) Rules 2010* Part 6 Division 2.

<sup>2</sup> *Water Charge (Infrastructure) Rules 2010* Part 6 Division 3.

<sup>3</sup> *Water Charge (Infrastructure) Rules 2010* Rule 29.

<sup>4</sup> *Water Charge (Infrastructure) Rules 2010* Sub-rule 37(2).

<sup>5</sup> WaterNSW, [Regional NSW Storage Levels](#), accessed 12 April 2022.

<sup>6</sup> WaterNSW, Application to IPART's 2022-23 Review of Regulated Charges, April 2022, p 2.

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**5.3 SMOKE FREE ENVIRONMENT - INVERELL CBD****File Number:** S13.5.3 / 22/13988**Author:** Brett McInnes, Director Civil and Environmental Services**SUMMARY:**

This report identifies a course of action available to Council should they wish to pursue a smoke free environment in the core Inverell CBD.

**RECOMMENDATION:**

*That the Committee recommend to Council that a draft Smoke-free Environment Policy be prepared covering outdoor public areas in the Inverell core CBD for further consideration.*

**COMMENTARY:**Introduction

In response to a Notice of Motion from Councillor King at the April 2022 meeting of Council seeking to prohibit smoking in designated seating areas within the core CBD, Council resolved the following:

*“That a report be brought back to the May round of Committee meetings for the Committee to consider fully, consulting with the Inverell Community with the view of imposing a Smoking Prohibition Policy for the core CBD”.*

Current Status

Smoking in public places in NSW is regulated under the *Smoke-free Environment Act 2000 (NSW)* and associated *Smoke-free Environment Regulation 2016 (NSW)*. This legislation is administered by NSW Health and Council carries no regulatory responsibility for such. The Smoke-free Environment Act bans smoking in ‘enclosed public places’ and was further amended in 2012 to ban smoking in various ‘outdoor public places’. These outdoor public places include:

- a) within 10 metres of children’s play equipment in outdoor public spaces
- b) at public swimming pool complexes
- c) in spectator areas at public sports grounds and other recreational areas
- d) at public transport stops and stations (bus stops and taxi ranks)
- e) within 4 metres of a pedestrian entrance/exit to a public building
- f) in commercial outdoor dining areas.

In May 2021, Council considered using its powers under the Local Government Act to extend a smoking ban to all outdoor public areas within the Inverell core CBD. It was subsequently resolved that no further action be taken.

Smoke-free Environment Policy

In recent years a number of NSW Councils have introduced policies to ban smoking in additional outdoor ‘public areas’ to those identified under the *Smoke-free Environment Act 2000 (NSW)*. Improved public health, amenity and reduced littering (cigarette butts) have been identified as the driving factors behind these policies.

Council has the power under section 632 of the *Local Government Act 1993* to erect notices prohibiting smoking in a public place. If a person fails to comply with the terms of such a notice they are guilty of an offence and can be issued with a penalty infringement notice (PIN).

A policy would clearly specify the outdoor location/s Council is seeking to prohibit smoking.

### Consultation

Developing a draft Smoke-free Environment Policy and placing this policy on public exhibition is the appropriate consultation mechanism should Council wish to proceed with this initiative.

A draft policy would clearly convey the following information to the community:

- The objectives and rationale for the policy.
- Scope (i.e. where the ban would apply).
- Legislative provisions relevant to implementation.
- Enforcement (how Council would seek to encourage compliance).
- Monitoring and review.

Upon completion of public exhibition and consideration of any submissions received, Council could then determine if it wished to proceed with the policy.

### Conclusion

Should Council wish to pursue a smoke-free environment within the outdoor areas of the core Inverell CBD this public health initiative should be enshrined in a Council policy. It would be appropriate to place a draft policy on public exhibition and consider any potential submission prior to proceeding with implementation.

A draft smoke-free Environment Policy could be presented to the May 2022 Council meeting if the Committee desires.

### **RISK ASSESSMENT:**

Nil

### **POLICY IMPLICATIONS:**

Council has the opportunity to develop a policy that would ban smoking in certain identified outdoor areas.

### **CHIEF FINANCIAL OFFICERS COMMENT:**

A previous estimate of \$9000 has been provided to cover procurement and erection of required signage to implement a smoking ban in the Inverell core CBD.

### **LEGAL IMPLICATIONS:**

Council has the power under section 632 of the *Local Government Act 1993* to erect notices in public places preventing the doing of anything in the place (such as smoking).

### **ATTACHMENTS:**

Nil

**5.4 REFERRAL OF CONFIDENTIAL MATTERS****File Number:** S28.28.16 / 22/14020**Author:** Nicole Riley, Administration Coordinator**SUMMARY:**

Confidential Matters - Closed Committee Meeting

**RECOMMENDATION:**

*That Council move into Closed (Public excluded) meeting of the Council and that the press and members of the public be asked to leave the chambers whilst Council considers the following items:*

**Item:** #7.1 Tender – S29.5.6 – Inverell Sewerage Treatment Plant IDEA Tanks 1 & 2 Aeration System Upgrade and Additional Works

**Authority:** Section 10A (2) (c) *Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.”. Local Government Act 1993*

**Item:** #7.2 Award Tender for Supply and Installation of Water Main at Intersection of Gwydir Highway and Bundarra Road

**Authority:** Section 10A (2) (c) *Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. Local Government Act 1993*

**COMMENTARY:**

In accordance with the provisions of Section 9 (2A) *Local Government Act 1993*, the General Manager is of the opinion that consideration of the following item(s) is likely to take place when the meeting is closed to the public.

**Item:** Tender – S29.5.6 – Inverell Sewerage Treatment Plant IDEA Tanks 1 & 2 Aeration System Upgrade and Additional Works

**Description:** The purpose of this report is for the Committee to consider tenders received and make a recommendation to Council on the refurbishment of Inverell Sewage Treatment Plant Aeration Tanks 1 & 2.

**Reason:** (s.10A(2)(c)) *“Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.” Local Government Act 1993)*

**Item:** Award Tender for Supply and Installation of Water Main at Intersection of Gwydir Highway and Bundarra Road

**Description:** The roundabout construction project at the intersection of Chester Street, Bundarra Road and Gwydir highway requires Council's water main to be relocated. A tender process has been undertaken and the most advantageous tender has been accepted by the General Manager under delegated authority. The Committee is requested to recommend to Council that the acceptance of tender be endorsed and the subsequent contract be duly executed.



**Reason:** (s.10A(2)(c) *“Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.” Local Government Act 1993*)

**5.5 FLOOD PREPARATION - ADVICE TO PROPERTY OWNERS****File Number:** S18.6.14 / 22/14038**Author:** Brett McInnes, Director Civil and Environmental Services**SUMMARY:**

Council has received a detailed response from the SES regarding their role in providing advice to property owners in preparation for flood events. Council has the opportunity to help facilitate community awareness and education initiatives delivered by the SES.

**RECOMMENDATION:**

*The Committee recommend to Council that:*

- 1) *The information provided by the SES be received and noted; and*
- 2) *Council seek to facilitate the delivery of flood awareness and education initiatives by the SES to Shire residents and businesses.*

**COMMENTARY:**

A question with notice regarding flood preparation and advice to property owners was presented to the April 2022 Council meeting by Councillor Wendy Wilks. The various parts of the question have been reproduced below:

*What information/documentation does the State Emergency Service (SES) have that can assist the community prepare for floods?*

*What activities do the SES undertake to disseminate the 'flood preparedness' message to the community?*

*What actions can Council undertake to assist the SES advise property owners in vulnerable areas for the need to plan and prepare for flood events?*

*Note: I acknowledge that the SES is the lead agency for the planning for flood events and the response to these events. I am keen to understand what role Council can play in assisting this agency with their tasks.*

Council has received a detailed response from the SES regarding the above matters. A copy of that response has been included as **Attachment 1** to this report.

Recent climatic conditions highlight the need for the community to be aware of flood impacts and appropriate response actions. Council has the opportunity to take a proactive approach and work with the SES to help facilitate this lead agency providing flood education and awareness information to this community. Examples of such would include liaising with the Chamber of Commerce and Industry to host a Business Breakfast where the SES could discuss flood risk and response within the CBD.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

NIL

**CHIEF FINANCIAL OFFICERS COMMENT:**

NIL

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. SES response [↓](#)

## **7. Questions with Notice**

### **7.1 Flood Preparation – Advice to Property Owners**

**File Number: S18.6.14 / 22 / 10331**

**Author: Paul Henry, General Manager**

#### **Question 1**

**What information/documentation does the State Emergency Service (SES) have that can assist the community prepare for floods?**

- The NSW State Emergency Service holds a number of Flood Studies etc. that relate to the flood problem in Inverell. These are listed below.
  - Inverell Flood Damage Study – February 1991 Flood.
  - Inverell Flood Study Report – May 1993.
  - Inverell Floodplain Management Plan – Adopted 23 October 1996.
  - Inverell Floodplain Management Study – Final Report – June 1994.
  - Lake Inverell Dam Safety Emergency Plan – April 2016.
- Inverell Shire Local Flood Plan – Volume 1 – February 2013.
- NSW State Flood Plan – December 2021.
- Local Emergency Management Plan (EMPLAN) for Inverell.

#### **Question 2**

**What activities do the SES undertake to disseminate the flood preparedness message to the community?**

- The NSW SES undertake community awareness and education to members of the community who live in flood prone areas and are at risk of flooding prior to, during and after flood events. This includes the owners of residential and commercial properties and the owners of critical infrastructure.
- Various methods are used including face to face for Open Days, Static Displays, Community Information Sessions etc. along with the use of local media including social media.
- A Business Breakfast can be organized for the owners of local business at risk of flooding through the local Chamber of Commerce.
- During flood events the NSW SES issues 'Flood Bulletins' by email within the community. These Flood Bulletins contain warning information on river heights and the impacts of flooding as well as important public safety information.
- Promotion of information on flooding on the NSW SES web site i.e., <https://www.ses.nsw.gov.au/disaster-tabs-header/flood/>

#### **Question 3**

**What actions can Council undertake to assist the SES advise property owners in vulnerable areas for the need to plan and prepare for flood events?**

- Ensure that the Inverell has a strong NSW SES Unit.
- Ensure that the NSW SES has up to date copies of any Flood Studies or Flood Plain Risk Management Studies and Plans that have been undertaken.
- Ensure that the NSW SES has up to date copies of any Dam Safety Emergency Plans or Dambreak Studies for any prescribed dams that Council own.

- Ensure that the NSW SES has a copy of any GIS data for flooding in Inverell and surrounding areas for flood mapping purposes.
- Ensure that the NSW SES is aware of any proposed development or development that has taken place on flood prone land.
- Establish a Floodplain Risk Management Committee for Inverell. Refer to the NSW Government's Floodplain Development Manual – April 2005.
- Assist and work with the NSW SES when it reviews and updates Local Flood Plans and conducts community awareness and or community education programs in the community in relation to flooding in Inverell and surrounding areas.

Prepared by

**Craig Ronan**

A/Deputy Zone Commander – New England Command  
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27 April 2022



## 6 INFORMATION REPORTS

### 6.1 WORKS UPDATE

**File Number:** S28.21.1/15 / 22/13248

**Author:** Justin Pay, Manager Civil Engineering

#### **SUMMARY:**

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

#### **COMMENTARY:**

##### **Fixing Country Roads Funding Grant**

Council has been successful in obtaining \$3.685M from the Fixing Country Roads Funding Grant to complete works on Yetman Road between Palaroo Lane and Oakwood.

An additional private contribution of \$20K from an industry beneficiary brings the total funding to \$3.705M. This grant will allow Council to upgrade this section of road to allow road train access. This will result in improved freight access and efficiency. Currently, road train access on Yetman Road terminates at the Inverell Regional Livestock Exchange however, once this project is complete, a further 12km along Yetman Road will have road train access.

This project includes the following works:

- Construction of a new two-lane bridge on a new and improved alignment crossing Rob Roy Creek to replace the old narrow bridge at Moseley Dene.
- Construction of 400m of approaches for the new bridge alignment.
- Full reconstruction and widening of 2km of road from Hunts Gully to approx. 300m past Stewarts Grain Trading.
- Widening and drainage works to 3.6km of road to bring the existing road up to standard for road train access.
- Drainage works for 1.2km to clean out and restore table drains.
- Replacement of 9 pipe sets between Palaroo Lane and Stewart's Grain Trading.

The new bridge at Moseley Dene has been designed and the review of the Environmental Factors and Aboriginal Cultural Heritage Study has been completed. A Fisheries Permit has also been obtained.

Works commenced in January 2022, which included the opening up of the existing table drains for the full reconstruction section from Hunts Gully to Stewart's Grain Trading. The pavement works for Hunts Gully to Stewart's Grain Trading full reconstruction are currently up to hauling in the final layer of material. After hauling in the material for the final layer there will be two (2) weeks of compacting and testing of this layer in preparation for bitumen sealing, which is planned for the end of May weather permitting.

The realignment works just north of Lochinvar Lane has now been completed with the bitumen seal applied late April. Line marking will occur in conjunction with other projects in the shire.

This project is currently on track and is required to be completed by the end of 2022.



MR187 Yetman Road – Bitumen Seal completed near Lochinvar Lane





MR187 Yetman Road – Hauling material for final pavement layer Hunt's Gully to Stewart's Grain

### **Fixing Local Roads Funding Grant**

Council has been successful in obtaining \$2.62M from the Fixing Local Roads Funding Grant to complete works on various roads throughout the shire. These roads include the following:

- SR050 Bukkulla Road
- SR035 Coolatai Road

- SR192 Copeton Dam Road
- SR246 Elsmore Road
- SR101 Gragin Road
- SR123 Mount Russell Road
- SR214 Old Bundarra Road
- SR048 Pindari Dam Road

Works commenced late October 2020, which included shoulder grading on each of the roads. Vegetation removal works along Elsmore Road have been completed, Mount Russell Road trimming works and removals have also been completed.

In the northern part of the Shire, Bukkulla Road, Coolatai Road and Pindari Dam Road vegetation control works and heavy patching works have been completed.

The only remaining works for this program is Gragin Road which is on hold due to the machinery being unavailable. Quotes and availabilities for contractors to complete these works are currently being sought.

These works will be completed as soon as resources become available.

### **Yetman Road-Taylor Avenue Intersection Upgrade**

Council secured funding from the Local Roads and Community Infrastructure Program for the upgrade of Yetman Road-Taylor Avenue Intersection.

The works will include pavement widening to accommodate a turning lane into Taylor Avenue and will also include a drainage upgrade at the location. Kerb and gutter will be constructed as well as a significant extension to underground drainage at the site.

Earthworks are mostly complete for the new underground drainage. The concrete pipes have now been installed and the concrete base slab for the box culverts has been poured. Most of the box culverts have been installed with only a few remaining at the time of writing this report.

This project has had some setbacks due to delays in other projects and minor wet weather. Therefore, this project will be completed by the end of the financial year in line with grant funding requirements.





Taylor Avenue Intersection Upgrade Project – Box Culvert road crossing completed





Taylor Avenue Intersection Upgrade Project – Box Culvert transition pit nearly complete

### **Roundabout Construction – Intersection of Gwydir Highway, Bundarra Road and Chester Street**

Project work has commenced on the construction of a roundabout at the intersection of Gwydir Highway, Bundarra Road and Chester Street. A construction budget of \$5,882,000 has been provided which includes contributions from the State Government of \$2.2M and the Federal Government of \$1.5M. The key budget components include:

- Design & Legal - \$660,000
- Works Authority Deed (TfNSW) - \$172,446
- Demolition/Rehabilitation - \$203,062
- Roundabout Construction - \$4,156,302
- Contingency - \$690,190

Council has entered into funding deeds with both the State and Federal Governments. These deeds require the completion of the roundabout construction by November 2022.

The project includes the following:

- Earthworks
- Vegetation clearing and grubbing
- Significant storm water drainage works
- Realignment of underground services including power, Telstra, NBN, water and sewer
- Realignment of the intersection
- Construction of a concrete pavement and roundabout
- Flexible pavement construction on roundabout approaches
- Kerb and gutter construction
- Footpath works
- Traffic management at multiple intersections in Inverell township

Staff are currently working on construction of storm water drainage in the Chester Street approach section of the new roundabout. These works will continue until the end of May. This section of the project was delayed when an underground storage tank was discovered during trenching to lay pipes. This tank was mostly in the road reserve and was unknown to the project team. The demolition contractors had demobilised from site and moved onto other works. Fortunately, Council were able to negotiate their return to site so that the tank could be safely removed. This work is now complete and drainage works are progressing.

Current traffic management at the site includes Chester Street being closed at the intersection of Gwydir Highway, with flow on the highway unimpeded. This traffic control arrangement will be in place until mid-May.



Underground drainage construction underway at Roundabout construction project





Recently constructed underground pipe culvert and drainage pits at Roundabout construction project

### **Moore Street Upgrade – Hospital Entrance**

Council has secured funding to complete upgrade works on Moore Street at the Inverell hospital entrance. The project cost is \$1,349,000 funded by the State Government's Fixing Local Roads Program (\$911,654), contribution from NSW Health Infrastructure (\$337,250) and Council contribution (\$100,096).

The recent redevelopment of the Inverell Hospital resulted in the 'main entrance' for this facility being moved to Moore Street. Council has received grant funding from the State Government to undertake upgrade works to Moore Street to meet subsequent demand.

The project includes works along a 1,000-metre section of Moore Street and includes pavement rehabilitation, widening, a turning lane into the hospital and drainage upgrade including construction of kerb and gutter. The key aim of the project is to improve sight distance impacting safe access to the new hospital.

In order to meet the milestones of the funding deed for the project, Council must begin site works no later than 1 May, 2022 and have construction completed and open to the traffic no later than 30 June, 2023.

Site preparation works have been undertaken to meet the project commencement milestone. The main body of works will be undertaken later in the calendar year and construction completed and open to the traffic in accordance with the completion milestone.

### **Flood Damage**

Council's road network received significant flood damage during 2021 from a number of severe storm and rainfall events. In particular there were three (3) events that were declared natural disasters within our LGA where Council were eligible to make application for repairs through the Disaster Recovery Funding Arrangements (DRFA).

NSW Storms and Flood - 10 March 2021 (AGRN #960)

NSW Storms and Floods - 16 July 2021 onwards (AGRN #975)

NSW Severe Weather and Flooding - 9 November 2021 onwards (AGRN #987)

Under these arrangements Council are able to make application for the Restoration of Essential Public Assets under the sub-categories; Emergency Works (EW), Immediate Restoration Works (IRW) and Essential Public Asset Reconstruction Works (EPAR). The Restoration of Essential Public Assets Program is administered by Transport for NSW (TfNSW).

Council have submitted applications for reimbursement for EW for all three (3) events and EPAR applications for AGRN #960 and AGRN #987.

A response from TfNSW on both EW reimbursement and EPAR application has not been received to date. It is envisaged that TfNSW will have a response by the end of this financial year.

### **Heavy Patching Gwydir Highway**

Council have been successful in obtaining funding through the RMCC arrangements with TfNSW to undertake heavy patching along various segments of the Gwydir Highway. \$192,490 has been allocated to the project with a work order having already been issued for this amount. Works are due to commence at the beginning of May and continue for two (2) weeks. This work is located in the vicinity of Delungra Bypass Road to the west of Inverell and adjacent to Mount Buckley to the east of Inverell.

### **Maintenance Grading**

The following maintenance grading works were undertaken during April 2022.

Works were completed by Council maintenance grading crews supplemented by contractor crews.

Road Number	Road Name	Length Graded (km)
SR119	Burts Lane	3.80 km
SR125	Mahers Lane	2.50 km
SR110	Rob Roy Road	12.70 km
SR103	Gragin Boundary Road	1.80 km
SR164	Haywood Road	10.35 km
SR56	Glenrock Road	4.80 km
SR29	Campbells Road	3.85 km

SR48	Pindari Dam Road	4.30 km
	<b>TOTAL</b>	<b>44.10 km</b>

**Reactive Spot Grading**

There were no reactive spot grading works undertaken during April 2022.

**Gravel Patching**

The following gravel patching works were undertaken during April 2022.

<b>Road Number</b>	<b>Road Name</b>	<b>Area Patched (m2)</b>
SR193	Wiltshire Road	700m2
SR162	Middletons Lane	500m2
SR58	Rocky Creek Road (Gore)	45,000m2
	<b>TOTAL</b>	<b>46,200 m<sup>2</sup></b>

**Gravel Re-sheeting**

There were no gravel re-sheeting works finalised during April 2022.

**Heavy Patching**

There were no heavy patching works undertaken during April 2022.

**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



**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 Tender - S29.5.6 Inverell Sewage Treatment PLant IDEA Tanks 1 & 2 Aeration System Upgrade and Additional Works**
- 7.2 Award Tender for Supply and Installation of Water Main at Intersection of Gwydir Highway and Bundarra Road**