

## NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

*Issued under Clause 118 of the Environmental Planning and Assessment Regulation 2021.*

<b>Application No.</b>	<b>DA-15/2016/A</b>
<b>Applicant</b>	Paraway Pastoral Company Limited
<b>Land to be developed</b>	Lots 2, 10, 16, 17 and 18 DP 750112 1633 Nullamanna Road, NULLAMANNA 2360
<b>Approved development</b>	Nullamanna Feedlot Expansion (3500 head) and Installation of Shade Cloth Over Each of the Existing 20 Feedlot Pens.
<b>Building Code of Australia Classification</b>	Class 10b
<b>Determination</b>	The determination is amended in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.
<b>Original date of determination</b>	27 July 2016
<b>Modification determination date</b>	15 September 2022
<b>Consent will lapse on</b>	27 July 2021  Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of Environmental Planning and Assessment Act 1979.

### CONDITIONS OF CONSENT

#### *Preliminary*

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the expansion of Nullamanna Feedlot, including:

- An additional 2,000 head, (~~total operating capacity 3,000 head~~);
- Construction of 10 additional feedlot pens;
- Construction of sedimentation basin and holding pond for wastewater treatment;
- Construction of additional cattle, truck and turning lanes;
- Expansion of 65ML gully dam for freshwater storage; and
- Construction of small catchment dams below the silage pit and south-western truck lane.

Modified consent (DA-15/2016/A) is granted for:

- an additional 500 head (total operating capacity of 3,500 head); and
- install shade cloth over each of the existing 20 feedlot pens.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the:

- Statement of Environmental Effects titled Nullamanna Feedlot Expansion, prepared by EnviroAg Australia, report number 23876.81916, dated 3 February 2016;
- Briefing Note titled Nullamanna Feedlot Information Request Response, prepared by EnviroAg Australia, reference number 23876.83876, dated 3 June 2016; and
- Statement of Environmental Effects, titled Nullamanna Feedlot Application to Modify a Development Consent, prepared by SMK Consultants, report number 21-158, dated June 2021; and
- Nullamanna Feedlot Odour Assessment, prepared by Astute Environmental Consulting, Job Number 21-185, dated 8 July 2022.

Any deviation will require the consent of Council.

2. 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.
3. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the Environmental Planning & Assessment Regulation 2000 (as detailed at the end of this consent).

#### ***Prior to Construction***

4. Prior to the commencement of any works (including earthworks) on the site a Construction Certificate must be issued in accordance with Section 109C (1)(b) and 81A (2) of 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.
5. Prior to issue of a Construction Certificate, a traffic management plan outlining operational measures to reduce conflict between School Buses and trucks associated with Nullamanna Station, is to be prepared by the applicant and approved by Council.
6. Prior to construction / earthworks associated with the expansion of the 65ML gully dam, plans indicating detailed design and volume calculations must be submitted to Council. The detailed plans and volume calculations must be accompanied by documentary evidence from NSW Office of Water that the proposed expansion is in accordance with their requirements and within the Maximum Harvestable Right (MHR) for the property.

#### ***During Construction***

7. 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.
8. Should any aboriginal artefacts or places be discovered during construction, all works are to cease immediately. The NSW Office of Environment and Heritage are to be contacted immediately and any direction or requirements complied with.
9. Prior to issue of an Occupation Certificate a buffer of native trees and shrubs must be planted along the west and south-west of the manure stock-piles. A plan including the numbers and types of species must be submitted to and approved by Council prior to undertaking any planting.

#### ***Ongoing Use***

10. A Section 94 Contribution will be required per head. The current rate is \$1.093 per head

per year, plus the CPI increase in December of each year. A contribution will be required to be paid quarterly. This contribution is towards the ongoing maintenance of Nullamanna Road.

11. All trucks associated with the operation of the Nullamanna Feedlot are to comply with the approved traffic management plan.
12. 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.
13. The EPA may require the licensee to develop and implement an odour monitoring program in response to any odour complaint made to the EPA or the licensee.

Any odour monitoring program must be prepared and carried out by a suitably qualified and experienced person.

The odour monitoring program and the suitably qualified person must be approved in writing by the EPA.

The odour monitoring program must target times that present an increased risk of odour emissions that might impact surrounding sensitive receptors and conditions that are most likely to transport odour emissions towards receptor locations.

The results of any odour monitoring program, must be submitted to the EPA within 2 weeks of the carrying out of each odour monitoring program.

*NOTE: Should the monitoring program reveal that offensive odour is impacting surrounding sensitive receptors during normal operation conditions, the EPA may require the proponent to implement odour measures to address odour impacts.*

## REASONS FOR CONDITIONS

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

## RIGHT OF APPEAL

If you are dissatisfied with this decision, Division 8.3 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice. You are also advised that Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council

  
**ANTHONY ALLISTON**  
**MANAGER DEVELOPMENT SERVICES**