

Planning Report

**Development Assessment Pursuant to Section 4.15
Environmental Planning & Assessment Act 1979**



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DEVELOPMENT APPLICATION ASSESSMENT

1 PRELIMINARY SCOPING

1.1 Application Details

DA No.	DA 11/2021
Lot/DP	Lot 2 in DP1107124
Street Address	1170 Coolah Creek Road, Coolah
Lot Area	Lot 2 in DP 1107124 – 780 ha
Applicant	Minnamurra Pastoral Company Pty Ltd, C/O - Premise
Land Owner(s)	Minnamurra Rural Pty Ltd, ATF Minnamurra Rural Trust
Detailed Description of Development	Operation of a cattle feedlot with capacity of up to 1000 head.
Land Use Definition (LEP Definition)	<p>Agriculture – intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—</p> <p>(a) dairies (restricted),</p> <p>(b) feedlots,</p> <p>(c) pig farms,</p> <p>(d) poultry farms,</p> <p>but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.</p>
Date	29/9/2021
Officer	Donna Ausling – Consultant Town Planner

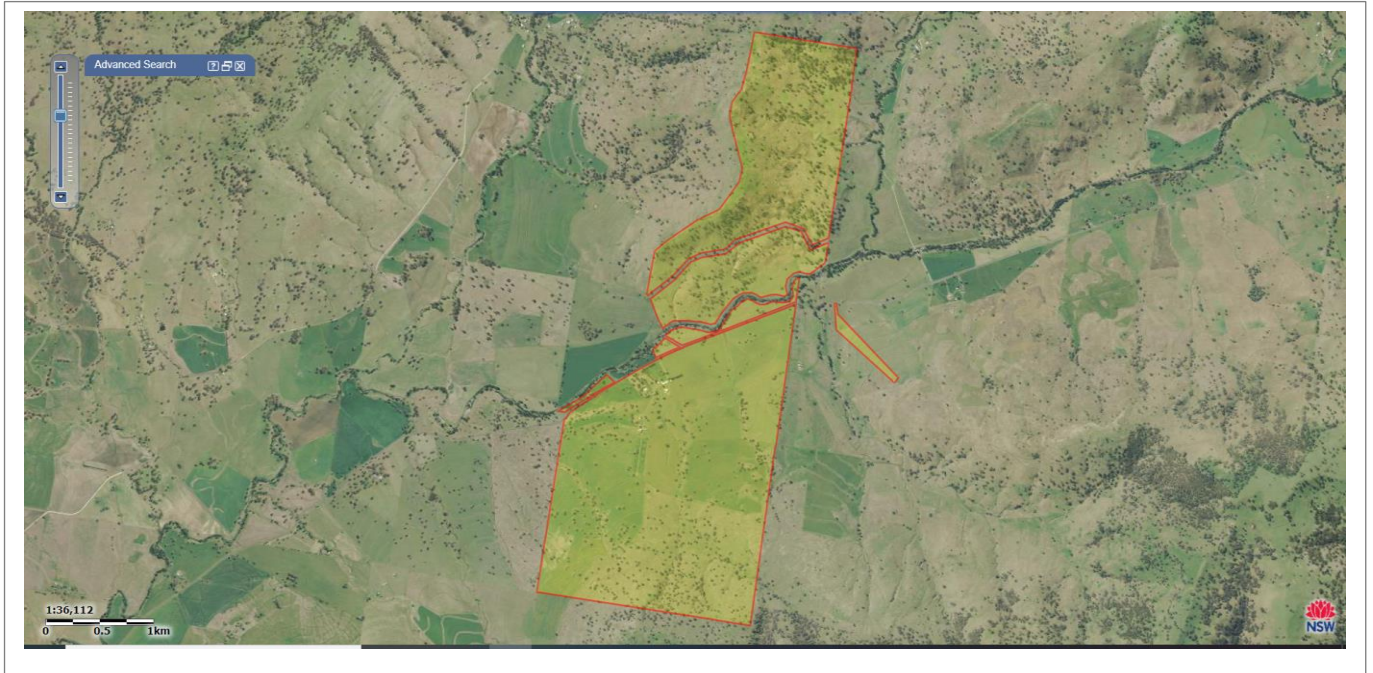


Figure 1: Site Location Plan (Source: SixMaps)



Figure 2: Site Aerial Photograph (Source: SixMaps)

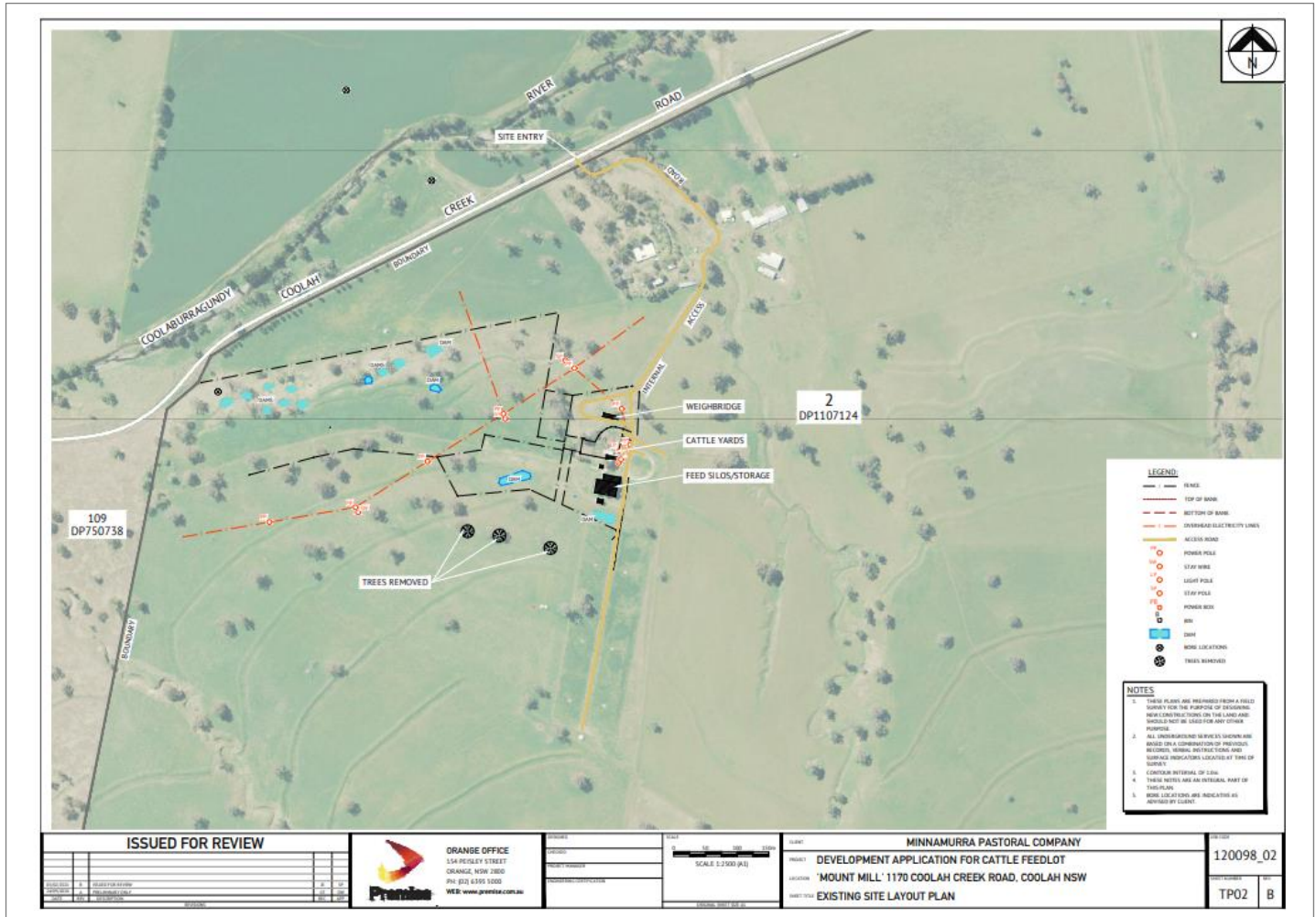


Figure 3: Site Plan

1.2 Development Description

In accordance with the submitted site plan, as detailed in Figure 4 overleaf, the proposal entails the development of a cattle feedlot with a capacity of up to 1000 head with the existing emergency feeding pens to be repurposed for permanent use as a cattle feedlot. The development entails the following works:

- Pens
- Handling yards
- Drains, diversion channels, irrigation area and ponds
- Manure stockpile and composting pads

A maximum throughput of 3,476 head per year is proposed.

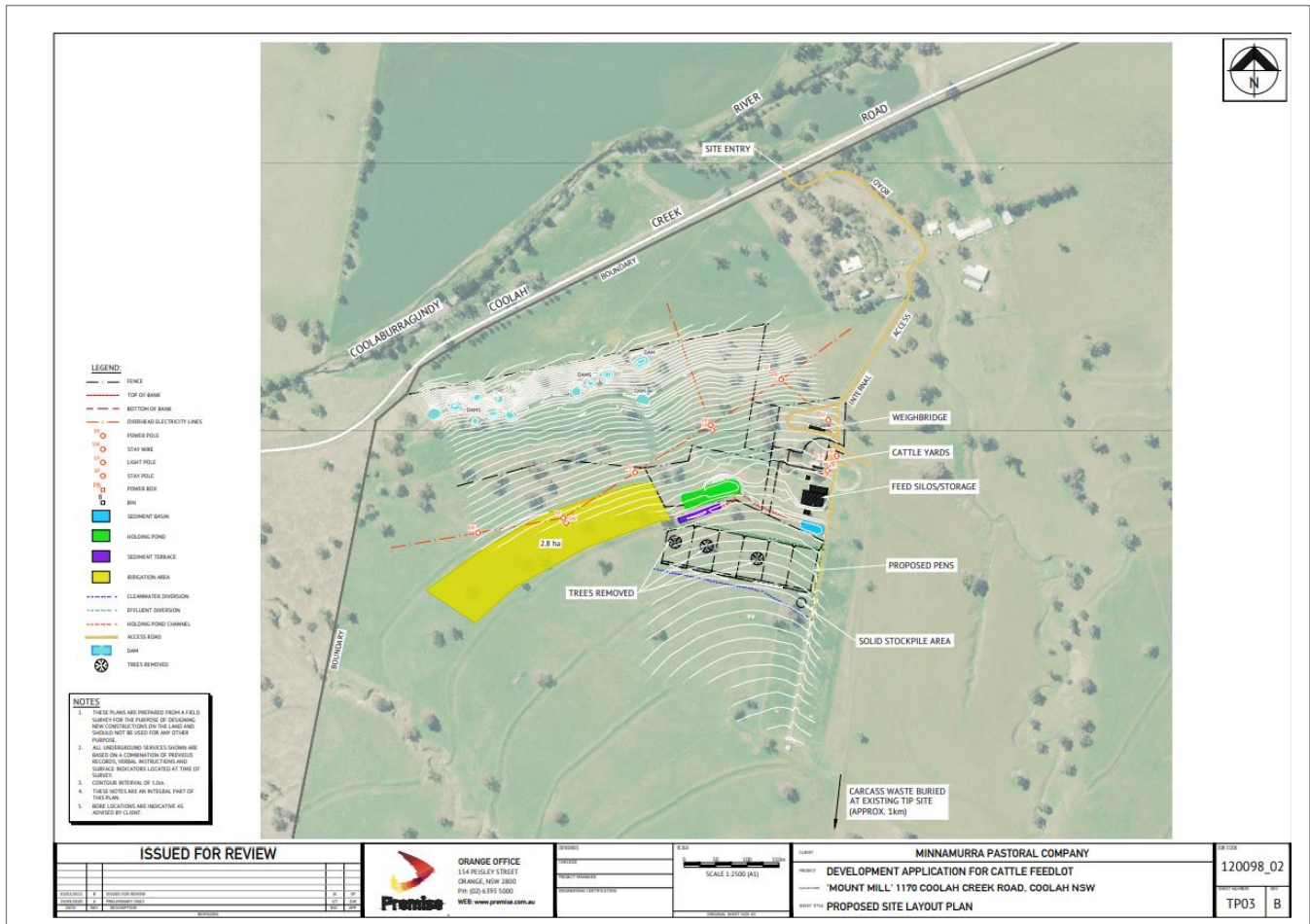


Figure 4: Site Layout Plan

1.2.1 Use

In accordance with the provisions of the *Warrumbungle Shire Local Environmental Plan (LEP) 2013*

Agriculture –

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Feedlots are defined under the WLEP 2013 as follows:

feedlot 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.

1.2.2 Days/Hours of Operation

By virtue of this type of activity, the feedlot will operate on a 7 day per week basis. Standard construction hours are proposed (7am to 6pm Monday to Friday and 8am to 1pm Saturday and at no time on public holidays). Standard conditions of consent may be imposed in this regard to ensure operational compliance.

1.2.3 Employees

The Mount Mill property currently has five (5) existing full-time employees who will contribute to the operation of the proposed feedlot. The submitted Statement of Environmental Effects (SoEE) identifies that an additional one full time equivalent (FTE) or two (2) casual employees may be required as a result of the future operation.

1.2.4 Access

The development site is accessible via Coolah Creek Road. The available access is considered adequate for the activity as proposed.

1.2.5 Traffic Generation

For the purposes of *State Environmental Planning Policy (Infrastructure) 2007*, clause 104 traffic-generating development, the proposed development is not considered Traffic Generating.

Importation of feed is expected to be minimal for this proposal as the operation intends to source all of such supplies from the three (3) properties constituting the Minnamurra Pastoral Company. These three properties are located within the Warrumbungle Shire and adjoining Liverpool Plains local government area (LGA). The SoEE outlines that feed deliveries will be undertaken on a seasonal basis with a preference for post winter harvest via semi-trailer via Coolah and then east along Coolah Road. Feed will be stored on site in existing sheds and silos on the Mount Mill property with 18 semi-trailer trips anticipated annually, comprising twelve (12) trips within October to December, and six (6) deliveries on an intermittent basis throughout the year.

A detailed analysis of potential traffic movements was prepared by Premise and submitted in support of the response to submissions on 27 May 2021. The "Premise Agriculture Feedlot Feed, Manure and Traffic Estimator" has been developed in accordance with the National Guidelines for Beef Cattle Feedlots in Australia (MLA 2012). The completed estimation predicts two (2) heavy vehicle movements per week.

Given the minor increase in movements, the existing road network is considered capable of accommodating the development as proposed. Road infrastructure upgrades are not considered justifiable in this instance.

1.2.6 Signage

No advertising signage is proposed under the current application.

1.3 History

The site has been historically used for the purpose of agriculture for a considerable period of time. The site contains a number of agricultural improvements. The location of the existing improvements is detailed in Figure 4 on the preceding page.

1.4 Site Constraints

Issue	Yes	No	Issue	Yes	No
Bushfire Prone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Heritage (State Heritage Register)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flood Planning Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Heritage (LEP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flora & Fauna (BioNet search)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Indigenous Heritage (AHIMS Search)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Biodiversity Values Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any easements other applicable restrictions on use etc? <i>Need to get a copy of the certificate of title.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Clearing Native Vegetation (PCT Map)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mine Subsidence Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Contamination	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

1.5 Applicable Environmental Planning Instruments

1.5.1 Local Environmental Plan (LEP)

LEP Name:	Warrumbungle Local Environmental Plan 2013				
Zoning:	RU1 Primary Production				
Proposed Land Use/Development	<p>Agriculture – intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—</p> <p>(a) dairies (restricted), (b) feedlots, (c) pig farms, (d) poultry farms,</p> <p>but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.</p>				
Minimum Lot Size	600ha (not applicable to this development)				
LEP Issue	Yes	No	Issue	Yes	No
LEP Heritage Conservation Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Obstacle Limitation Surface	<input type="checkbox"/>	<input checked="" type="checkbox"/>
LEP Heritage Item	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Siding Springs Observatory – Maintaining Dark Sky	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Flood Planning Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Land Reservation Acquisition	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Other relevant LEP clauses:	2.3 Zone Objectives & Land Use Table Land use table				

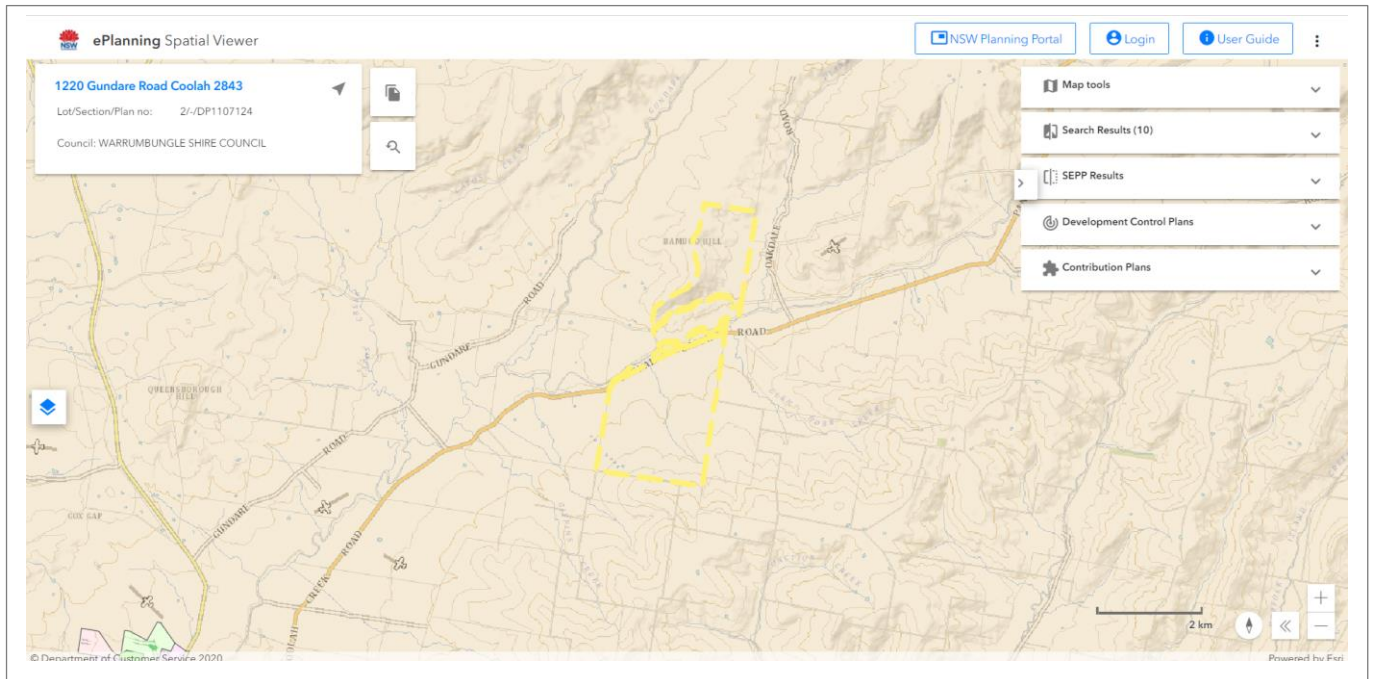


Figure 5 – LEP Zoning Map (Source: ePlanning Spatial Viewer)

1.5.2 State Environmental Planning Policies (SEPPs)

The following outlines the SEPPs that are applicable to the development.

SEPP	Yes	No	SEPP	Yes	No
SEPP 21 – Caravan Parks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP 33 – Hazardous & Offensive Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP 36 – Manufactured Home Estates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP 50 – Canal Estate Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP 55 – Remediation of Land <i>Applies to all DAs</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEPP 64 – Advertising & Signage	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP 65 – Design Quality of Residential Apartment Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP 70 – Affordable Housing (Revised Schemes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP Aboriginal Land 2019	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP Affordable Rental Housing 2009	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP BASIX 2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP Concurrences 2018	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP Educational Establishments & CC Facilities 2017	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP Exempt & Complying Development Codes 2008	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP Housing for Seniors & People with a Disability 2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEPP Infrastructure 2007 <i>Note: Council is satisfied that the development is NOT traffic generating development.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP Koala Habitat Protection 2019 <i>Applies to all DAs in WSC LGA</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEPP Mining, Petroleum Production & Extractive Industries 2007	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP Primary Production & Rural Development 2019	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEPP State & Regional Development 2011	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP Vegetation in Non-Rural Areas 2017	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

1.6 Integrated Development

The following outlines which other approvals are required which would constitute “integrated development” for the purpose of section 4.46 of the EP&A Act.

Approval	Yes	No	Approval	Yes	No
Coal Mine Subsidence Compensation Act 2017			Petroleum (Onshore) Act 1991		
<ul style="list-style-type: none"> s 22 approval to alter or erect improvements, or to subdivide land, within a mine subsidence district 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> s 16 grant of production lease 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fisheries Management Act 1994			POEO Act 1997		
<ul style="list-style-type: none"> s 144 aquaculture permit 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ss 43(a), 47 and 55 Environment protection licence to authorise carrying out of scheduled development work at any premises. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> s 201 permit to carry out dredging or reclamation work 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ss 43(b), 48 and 55 Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”). 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> s 205 permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ss 43(d), 55 and 122 Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> s 219 permit to— <ul style="list-style-type: none"> set a net, netting or other material, or construct or alter a dam, floodgate, causeway or weir, or otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat 	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Heritage Act 1977			Roads Act 1993		
<ul style="list-style-type: none"> s 58 approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> s 138 consent to— <ul style="list-style-type: none"> erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, or remove or interfere with a structure, work or tree on a public road, or pump water into a public road from any land adjoining the road, or connect a road (whether public or private) to a classified road 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mining Act 1992			Rural Fires Act 1997		
<ul style="list-style-type: none"> ss 63, 64 grant of mining lease 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> s 100B authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NPWS Act 1974			Water Management Act 2000		
<ul style="list-style-type: none"> s 90 grant of Aboriginal heritage impact permit 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ss 89, 90, 91 water use approval, water management work approval or activity approval under Part 3 of Chapter 3 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.7 Other Matters for consideration

1.7.1 Designated Development

The development is not Designated Development pursuant to schedule 3 of the EP&A Regulation.

1.7.2 Crown Development

The development is not classified as a Crown Development.

1.7.3 Concept DA

The development is not classified as a Concept Development.

1.7.4 Regional Development

The development is not designated as Regional Development.

1.7.5 State Significant Development

The development is not designated as State Significant Development (SSD).

1.8 Existing Use

The development does not trigger the existing use provisions pursuant to the *Environmental Planning and Assessment Act 1979*.

1.9 Permissibility

The development is *Permissible with Consent* pursuant to the provisions of the *Warrumbungle Local Environmental Plan 2013 (WLEP)* within the RU1 Primary Production zone as an Intensive Livestock Agriculture (Feedlot).

1.10 DA Documentation

The assessing officer is satisfied that sufficient information has been provided with the DA to enable assessment. Checklist contained in **Appendix A of this Assessment Report** addresses the relevant items contained in Schedule 1 Part 1 of EP&A Regulation.

1.11 Notification/Advertising

The proposed Development was placed on advertising and notification in accordance with appropriate legislative requirements and Council's adopted Community Consultation Plan from 31 March to 23 April 2021. During the notification period a total of five (5) submissions were received which are attached in redacted format under separate cover. The representations made, and associated summary of responses from the Applicant dated 27 May 2021, are summarised below:

Issue raised in the submission	Summary of Applicant Response	Planning Commentary
Site odours	<p>Odour impacts assessed in accordance with relevant industry standards which provides adequate separation distance to nearby receptors.</p> <p>Response to submissions also notes operation of facility during the recent drought without complaint or concern.</p>	<p>Odour management is addressed in section 2.1.6 of this planning report. It is considered that the level of assessment is appropriate having regard to the scale of this development. Appropriate conditions of consent may be imposed to ensure ongoing compliance.</p>
Impacts on Council assets and infrastructure	<p>Location already accommodates a broad range of agricultural land uses. Assessment provided demonstrates that yearly traffic volumes are not excessive.</p>	<p>The traffic generation arising from the development is consider minimal and will not create a detrimental impact on Council's road network or community assets. Council's Technical Services Department has raised no concerns to the proposal. Potential traffic impacts are further addressed in the body of this assessment report.</p>
Environmental impacts	<p>Submitted DA has demonstrated that the application can be accommodated without significant impacts to the environment. All anticipated values are within adopted ranges in the context of applicable guidelines and requirements.</p> <p>Clarifies that irrigation licence application referenced in the submission has been assessed and approved by WaterNSW.</p>	<p>Matters for consideration have been addressed throughout this planning assessment report.</p>
Reduction in real estate values	<p>Case law has established that impact on property values is not a material consideration in the assessment of development applications in NSW.</p>	<p>Not a planning matter for consideration.</p>
Noise and dust pollution	<p>Assessment provided with the application demonstrates that the application site is capable of accommodating the development without resulting in undue noise or dust pollution.</p>	<p>Addressed in a latter section of this planning assessment report. Potential noise and dust nuisance mitigation measures can be imposed as conditions of development consent.</p>

Issue raised in the submission	Summary of Applicant Response	Planning Commentary
Proximity to water course	Application has been designed to ensure that detrimental impacts to waterways are acceptable. Works are greater than 40m to the waterway. Notes irrigation arrangement and alternate locations.	A controlled activity approval under the Water Management Act 2000 is not required in this instance given the available separation distances.
Biosecurity	Modelling of the proposed irrigation system demonstrates that there is limited likelihood of overflows entering the waterway. Slope of land away from the waterway which will limit potential for flows. Additional controls including surface diversion can be implemented as a further control measure.	Applicant's response in relation to biosecurity considerations is not considered relevant. As recommended by NSW Department of Primary Industries (DPI), a condition of development consent should be imposed requiring the preparation and submission of a Biosecurity Management Plan.
Consultation	Consultation has occurred via the DA process.	Noted.
Truck movements and Traffic	Detailed analysis and breakdown of anticipated traffic generation has been supplied. Estimates two (2) heavy vehicle movements per week. Considered very low in the context and unlikely to lead to unacceptable impacts.	The traffic generation arising from the development is considered minimal and will not create a detrimental impact on Council's road network or community assets. Council's Technical Services Department has raised no concerns to the proposal. Potential traffic impacts are further addressed in the body of this assessment report.
Noise	Assessment of noise and separation provided demonstrates adequate separation is available.	Addressed in a latter section of this planning assessment report. Potential noise nuisance mitigation measures can be imposed as conditions of development consent.
Effluent Management and Irrigation	<p>Detailed assessment of effluent pond sizing provided with the SEE and consistent with applicable criteria and guidelines. Rainfall event referenced in the submission drained flows from the property via the waterway to the east of the site, rather than the waterway to the west referenced by the submitted. Existing pond system was able to accommodate flows without overtopping or spilling.</p> <p>Notes that the extent of the siltation noted in the submission occurred during serious drought. Destocking during drought events and feeding via the feedlot arrangements enables land to rest and groundcover to be retained in the event of future drought.</p>	Matters for consideration in respect of effluent management and irrigation have been addressed throughout this planning assessment report.
Waste Management	Solid waste will be collected from pens, stored on site and applied across the property to improve soil characteristics. Application would not occur within 100 metres of mapped waterways or within 50 metres of paddock trees.	Matters for consideration in respect of waste management have been addressed throughout this planning assessment report.

Issue raised in the submission	Summary of Applicant Response	Planning Commentary
Flora and fauna	Clearing associated with the proposal is minor and land to be impacted is highly disturbed. Issue of potential for bird attraction was not encountered during recent drought feeding. Issue can be addressed through adoption of standard mitigation measures.	Potential impacts on flora and fauna have been addressed in detail throughout this planning assessment report.
Soil characteristics	Sizing of ponds confirms that there is adequate capacity to deal with modelled storm events.	Potential impact on soils has been addressed throughout this planning assessment report.
Climatic considerations	Application has been prepared with reference to adopted guidelines and appropriate assessment criteria. Application demonstrates that the development is unlikely to lead to unreasonable or significant impacts.	Addressed throughout this planning assessment report.
Water	Detailed water balance model has been prepared, including an irrigation reuse component based on soil moisture to calculate irrigation demand. Demonstrates that the proposed irrigation area is capable of accommodating modelled volume of effluent without risk to the environment.	Potential water management impacts have been addressed in detail throughout this planning assessment report.
Amenity	Site is located within the RU1 Primary Production zone and is not antipathetic to the objectives of the zone. Proposal entails a land use that is permissible within the zone and supports diversification of onsite activities. Proposal is consistent with and permissible under LEP.	Amenity considerations have been considered throughout this planning assessment report.
Designated development – Intensive Livestock Development	Proposal does not meet the triggers for the designated development and thus an EIS is not required. Level of information and assessment is considered sufficient.	The development has been correctly categorised as local, non-integrated development wherein Warrumbungle Shire Council is both the appropriate regulatory authority (ARA) and consent authority.
Heritage	An appropriate level of assessment has been completed, noting disturbed nature of the site. Unexpected finds protocol has been included.	Potential impacts on Aboriginal and Historic Heritage have been addressed throughout this planning assessment report.
Natural hazards	Proposal does not increase fuel loads at the property and is unlikely to lead to increased risk. Provision of additional onsite storage of water provides for enhanced protection of the site.	Natural hazards have been addressed in detail throughout this planning assessment report.
Social impacts	Site is located within a rural area and proposed land use is permitted with consent.	Social impact considerations have been addressed in the planning assessment report. Deleterious social impacts are not anticipated as a result of this development proposal.
Siting	Consideration of alternative options is not a material planning consideration.	The suitability of the site for the development has been addressed throughout this planning assessment report.
Increase intensive agriculture in tourist area	Site is within a rural area and development is permissible within the zone.	No negative impacts on tourism have been identified as a result of the proposal.

Issue raised in the submission	Summary of Applicant Response	Planning Commentary
Environmental contamination	Assessment demonstrates that the site is capable of accommodating the proposal without leading to unreasonable or significant impacts.	Issues pertaining to environmental management and land contamination have been addressed in the planning assessment report.
Loss of income and negative impacts on guest accommodation.	Impacts are acceptable and in line with guideline criteria. Potential for loss of income, whilst not a considered outcome, is not a material planning consideration.	Potential loss of income is not a material planning consideration.

1.12 Internal Referrals

1.12.1 Building

The development was not referred internally to Council's Building Surveyors as no significant construction works are proposed as a result of the development proposal.

1.12.2 Technical Services Department

The proposed development was referred internally to Council's Technical Services Department. No concerns were raised to the proposal.

There are no Council services located in this area and all stormwater runoff from the site will drain across the natural overland flow path towards a natural watercourse. All stormwater that will runoff from contaminated areas will be directed to a "controlled drainage area", which will include improvements to on-site sediment and effluent ponds.

Consequently, there are no engineering comments/conditions relating to Council utility services.

There does not appear to be any significant increase in traffic resultant from this DA which would cause an impact to the current volume of traffic to warrant any road upgrades as part of this development. It is noted that the property has an existing (pre-approved) vehicle access. Consequently, there are no Engineering comments/conditions relating to road and transport.

1.12.3 Environmental Health

The development was referred to Council's Environmental Health Officer, with the following issues and recommended conditions identified:

The Environmental Compliance Officer has reviewed the Development Application DA 11/2021 for a 1000 head feedlot and the Statement of Environmental Effects for the Coolah Feedlot located at 1170 Coolah Creek Road and has determined that the applicant must ensure that the feedlot under the prescribed conditions set out by the EPA. Of particular concern is the threat of groundwater and creek contamination, alongside long-term contamination of soil through the application of un-composted manure.

...

The applicant must implement all practicable measures to prevent and minimise any harm to the environment that may result from the operation of the development.

Conditions:

The proponent will comply with the requirements of the following:

1. *Works and activities at the premises must be carried out in accordance with the Statement of Environmental Effects – Minnamurra Pastoral Company Report number 120098_SEE rev002 2 February 2021 and Water and Waste Management Plan Report number 120089_WMP Rev:001A 6 November 2020 Appendix B.*
2. *The project must comply with Section 120 of the Protection of the Environment Operations Act 1997.*
3. *The project must not cause or permit the emission of offensive odour beyond the boundary of the premises.*
4. *All activities undertaken at the premises must be carried out in a competent manner including the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.*
5. *All activities undertaken at the premises must be carried out in a manner that will minimise dust.*
6. *The quantity of effluent/solids applied to the utilisation areas must not exceed the capacity of the area to effectively utilise the effluent/solids. For the purposes of this consent 'solids' means manure and compost generated at the premises. For the purposes of this condition, 'effectively utilise' includes the use of effluent/solids for pasture or crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.*
7. *Effluent application to the utilisation area(s) must not occur in a manner that causes surface run-off from the utilisation area(s).*
8. *Spray from the effluent application must not drift beyond the boundary of the premises.*
9. *Effluent may only be applied to the utilisation areas identified in the Water and Waste Management Plan – Appendix B – Figure 1 – Effluent management layout of the SEE.*
10. *Any solid waste that are stored or stockpiled at the premises are to be stored on impermeable pads which have controlled drainage to holding pond.*
11. *Solids must not be applied within 100m of surface waters, farm dams and bores.*
12. *The holding pond must be maintained to ensure the retained solids do not reduce its capacity by more than 20% of the designed capacity.*
13. *The proponent must implement all practicable measures to minimise the pollution of groundwater as a result of the disposal of carcasses.*
14. *The depth of manure on the pen surface must not exceed 50mm at any time.*
15. *The holding pond must be constructed and lined to achieve a permeability standard of 1×10^{-9} m/s.*
16. *All water draining from the holding pens must be collected in clay lined drains and directed to the holding pond.*
17. *Soil monitoring must be undertaken prior to the application of solids.*
18. *All infrastructure related to the feedlot must be located above the 1 in 100 year flood zone.*
19. *All feedlot manure must be composted prior to application.*
20. *The compost area must be:*
 - a) *Bunded and graded sufficiently to prevent both run-on and run-off surface water;*
 - b) *Designed and constructed from an inert low-permeability material such as compacted clay, modified soil, asphalt or concrete over a compacted base able to support, without sustained damage, the load of material on it and the load of any machinery used in the composting facility.*
21. *The compost area must have a leachate barrier system, a clay or modified soil liner consisting of at least 600mm of recompacted clay with an in-situ permeability (k) of less than 1×10^{-7} m/s.*
22. *Environmental monitoring must be undertaken and include ambient water quality monitoring (up and downstream) of the Coolaburragundy River.*
23. *The proponent must provide Council an Annual Report which analyses and interprets monitoring results and identifies actions to correct adverse trends. The first report must be submitted to Council by 31 December 2021.*

...

Migration of effluent runoff

24. Areas to be clay lined within the controlled drainage areas include:

- Effluent catch drain
- Sedimentation system
- Holding ponds
- Manure stockpiles and composting pad
- Any area where contaminants are stored or handled

All areas to be clay lined should be cleared and grubbed, stripped of top soil and prepared to the required levels and gradients by cutting and filling. The surface of the excavated area should also be tined before the clay material is placed to produce a satisfactory bonding surface. The clay lining material should be placed in layers of 150 mm (± 50). Each layer should be tined, wetted to $\pm 2\%$ of optimum moisture content (AS 12 89 5.1.1) and compacted to the required compaction relative to the maximum dry density, AS 1289 5.5.2) that is needed to achieve the required permeability of 1mm/day.

Composting

25. Manure must be composted to the ration range of C:N between 15:1 and 25:1 prior to spreading using anaerobic composting methods.

26. Carcasses for composting should be placed in purpose-built bays, bunks or in a low pile. They should be placed on at least 300mm of the material used as carbon source, and covered with the same material to a similar depth on all sides. The carcass composting area should be protected by scavenging animals and livestock. A front-end loader is typically used for turning carcass compost. Turning will be necessary every two to three months.

27. Compost that is too wet excludes air, making it anaerobic. To prevent this, windrows and piles should be shaped and orientated so that rainfall is readily shed, and runoff rapidly drains away. This requires the long axis of the windrows being down the slope of the composting pad.

28. If composting manure is to be sold it is to comply with Australian Standard AS 4454:2003 Composts, Soil Conditioners and Mulches.

Groundwater

29. A groundwater monitoring and mitigation plan shall be developed in consultation with the DPI Water and submitted to Council. Monitoring bores shall be drilled to a depth where they intercept groundwater, so that groundwater can be monitored, baseline groundwater quality data can be established and the impact of the development can be assessed against Level 2 criteria of the Aquifer Interference Policy. It is also a requirement that the applicant use existing bores that intercept groundwater within the property as well.

...

Planning Commentary:

The recommended conditions of consent by Council's Environmental Health Officer are considered generally reasonable, subject to minor amendments as detailed in the schedule of recommended conditions. The timeframe for submission of the Annual Report will be adjusted to the end of financial year (30 June) to accommodate project establishment processes and for future ease of review and assessment for Council Officers. No sale of compost has been identified in the development application. As a consequence, a condition of consent will be imposed restricting the external sale of such material.

1.12.4 Assets

No impact on community assets has been identified. The local road network is considered capable of accommodating the development as proposed.

1.12.5 Flood Engineering

The proposed works are not directly located on a designated flood plain and is not subject to inundation by floodwaters. Appropriate mitigation measures have been identified by Council's Environmental Health Officer to protect the riparian areas which may be applied as conditions of development consent.

1.13 External Referrals

1.13.1 Transport for NSW

The development is not Traffic Generating Development for the purposes of *State Environmental Planning Policy (Infrastructure) 2007* - clause 104 Traffic-generating development. Consequently, the proposed development was not referred to Transport for NSW (TfNSW) for comment.

1.13.2 WaterNSW (NSW Water)

The proposed development was referred to WaterNSW for formal comment. The following response was received on 23 March 2021;

"I refer to your correspondence seeking WaterNSW consideration in respect to requirements under clause 55 EP&A Regulation – Submission of amended plans for development application.

WaterNSW has now reviewed the information submitted with the development application as requested by Council. Subsequently, the potential need for consideration to be given in respect to requirements under section 90 of the Water Management Act 2000 (WM Act) has been identified. Please firstly advise whether the proponent wishes for this to be included as part of integrated development.

A search on WaterNSW licensing data base noted approval 80CA725322 exists, however, this authorises one production bore only evidenced to have been constructed July 2019 (Lot 1 DP 1107124). This approval is considered with a bore extraction limit of 150 Megalitres per year, although this approval is not linked to a water access licence.

If the proponent deems that the currently approved bore under 80CA725322 is satisfactory in delivering the feedlot water requirements, no further approval consideration will be required in respect to groundwater extraction.

As identified in the supporting Statement of Environmental Effects (SEE), the proponent has referenced the use of three existing groundwater bores to service the feedlot water requirements. At present the appropriate approval authorising the three said bores for a commercial purpose has not been sought.

In order for WaterNSW to provide the required approval processes, the following information is requested:

- 1. GPS location of each existing bore being considered to provide water to the proposed feedlot and their approval number if known. Also, evidencing the locations of the three bores on a map is requested.*
- 2. Estimated volumetric required to service the feedlot on an annual basis."*

In accordance with the above request, the application forwarded the information to WaterNSW. The Authority subsequently advised as follows on 10 May 2021:

“WaterNSW has now reviewed the requested additional information supplied by Premise and wish to provide the following comments.

Base (sic) on the supplied information WaterNSW are now satisfied that no approval is required under section 90 of the Water Management Act 2000 (WM Act).

*It is however noted that approval 80CA725322 is conditioned to limit the annual extraction volume to 150 megalitres per year from the authorised work (bore). This does not entitle the proponent to any water shares in the Sydney Basin MDB Groundwater Source. A water access licence **must be obtained** for the appropriate volume of water and linked to 80CA725322 prior to any extraction.”*

Planning commentary:

No further comment required. A notation may be provided on the notice of determination drawing the applicant’s attention to WaterNSW requirements in respect of water access licensing as detailed above.

1.13.3 NSW Environment Protection Authority (NSW EPA)

The proposed development was referred to the NSW EPA for formal comment. The response received from EPA was as follows:

“The Development Application does not required (sic) EPA involvement at this time and therefore the request for agency assessment can be rejected.

... the reason for this is that the proponent has nominated that the development would not exceed capacity for >1000 head of cattle as per Clause 22 of Schedule 1 of the Protection of the Environment Operations Act 1997... ”

Planning commentary:

No further comment required. Council is the determining authority for this application and appropriate regulatory authority (ARA) for this development.

1.13.4 NSW Department of Planning, Industry and Environment (NSW DPIE)

The proposal was referred for the review of DPIE. In response, on 7 April 2021, NSW DPIE advised as follows:

“I note that a referral has been made for Minnamurra Pastoral Company at 1170 Coolah Creek Road, Coolah, 2843. The Western Region Office has no comments to raise. Council must consider all relevant requirements of Clause 5.18 of the Warrumbungle Local Environmental Plan 2013, considerations under the Environmental Planning and Assessment Act 1979 and agency comments during the assessment of the application...”

Planning commentary:

The relevant matters for consideration identified by NSW DPIE have been addressed throughout this assessment report.

1.13.5 NSW Department of Primary Industries (NSW DPI)

The subject proposal was also referred to the NSW Department of Primary Industries (NSW DPI) for consideration and comment. Feedback from NSW DPI dated 22 March 2021 provides as follows:

“Thank you for your correspondence dated 19 February 2021 requesting comment on the above development application.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend.

It is important that feedlot developments are designed and operated to meet industry standards, and associated codes of practice.

I understand that Council is seeking advice from DPI with respect to matters it should consider in the assessment of the development application. While DPI does not have any statutory role in the assessment of this application, we have undertaken a brief review of the information supporting the proposal. The assessment is generally sound and provides details in relation to the design and infrastructure of the feedlot, and its operations in relation to effluent and solid waste management. We acknowledge although it has operated as a drought feedlot, some further information may be required to assess it as a permanent beef cattle feedlot. DPI Agriculture offers the following information for Council's consideration:

Site Suitability

The presence of grain silos is noted on the diagrams supporting the application. It is suggested that Council should clarify whether the development proposed to include the processing facilities on the site.

Consideration of impacts on agricultural resources and land resources

The application does not appear to include details on the characteristics of the land and soils of the site and adjacent areas that would inform the suitability of the site. Council should be satisfied that there is sufficient detail of the permeability of the soils and whether the soils are suitable to avoid groundwater contamination.

Details of a back up power supply or other arrangements

The application indicates that an existing power supply is available. Council should consider whether a back up supply is available to ensure animal welfare issues can be addressed e.g. water supply and feeding schedules, in the event of a power outage.

Water supply and emergency arrangements

Council should be satisfied that the current Water Access Licence(s) for the property are specifically relevant for a cattle feedlot use (intensive animal development).

The application identifies a proposed water tank storage of 200,000 litres. Council should be satisfied that a contingency supply or other strategy is available in the event of an emergency situation such as a power outage.

Biosecurity

The SEE does not appear to contain information on how dead animals will be managed, particularly the manner in which they will be disposed of either on-site or off-site and if on-site where on the site this would occur. The industry assumed mortality for home bred stock is generally 0.5% which can be used as a guide to the volume of dead animals that will need to be managed.

It is suggested that a Biosecurity Management Plan be developed by the proponent to address their responsibilities under the Biosecurity Act 2015 in relation to pest and weed management.

Effluent Disposal

The SEE indicates that effluent generated from the feedlot will be spread over some areas/paddocks on the site as part of the effluent management approach. Council should be satisfied that the soil type is suitable for this purpose and that the likelihood of runoff and the size of those areas are sufficient to receive the amount of effluent that will be produced.

Heat stress management

The application does not appear to contain a heat load assessment of the stock. The Australian Lot Feeders Association Industry Resources indicate that all Feedlots should provide shade by 2026.

Council should be satisfied that the application provides details of any proposed shade structures and an assessment of shade, heat load forecast tools and dietary management as part of an overall heat stress management plan.

Truck Movements

The application includes information on truck movements in relation to stock however does not appear to include details relating to truck movements required for the delivery of feed to the proposed development.

National Feedlot Accreditation Scheme

Although this is not part of the development assessment, we recommend that the feedlot proponent consider participation in the National Feedlot Accreditation Scheme as an option to gain certification and the premiums this brings to the cattle value. This will assist with achieving some of the requirements in relation to animal health, animal welfare, environmental management and food safety. See <https://www.ausmeat.com.au/services/list/livestock/nfas/>

... "

Planning commentary:

The relevant matters for consideration identified by NSW DPI have been addressed throughout this assessment report and/or recommended for imposition as conditions of development consent, where deemed appropriate.

Whilst additional information has been received from the applicant in response to a range of matters identified by the NSW DPI, matters pertaining to biosecurity, electricity supply management and heat stress remain outstanding. It is considered, however, that such outstanding matters may be appropriately addressed in the commensurate terms of approval or as incorporation as 'advice' on the notice of determination.

1.13.6 NSW Rural Fire Service (NSW RFS)

The subject proposal was referred to the NSW Rural Fire Service (NSW RFS) for consideration and comment. Feedback from NSW DPI dated 6 May 2021 provides as follows:

"I refer to your correspondence dated 22/02/2021 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the Environmental Planning and Assessment Act 1979.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

Asset Protection Zones

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- 1. The property around the feedlot and associated facilities shall be managed as inner protection area (IPA) for a distance of 50 metres in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.*

General Advice – Consent Authority to Note

The recommendations are based on the plans prepared by Premise, titled 'Development Application for Cattle Feedlot', Job Code:120098_02, dated 25 November 2020 (Rev B), and the Statement of Environmental Effects' prepared by Premise dated 2 February 2021."

Planning commentary:

The relevant matters for consideration identified by NSW RFS have been incorporated as recommended conditions of development consent for the proposal.

2 DA ASSESSMENT (S.4.15 EP&A ACT)

2.1 Environmental Planning Instruments (EPI)

The following provides an assessment of the applicable EPIs as identified in **Section 1.5.2**.

2.1.1 SEPP 33 – Hazardous & Offensive Development

2.1.1.1 Application

State Environmental Planning Policy No. 33 – Hazardous & Offensive Development (SEPP 33) applies to “potentially hazardous industry” and “potentially offensive industry”. Clause 8 of the SEPP requires consideration of the *Hazardous and Offensive Development Application Guidelines Applying SEPP 33 (Guideline)* in determining whether a development is a potentially hazardous or potentially offensive industry.

It should be noted that the definitions include potentially hazardous/offensive storage establishments and as such a development can still be classified as potentially hazardous or potentially offensive whilst not being an “industry’ per se.

2.1.1.2 Determination of Potentially Hazardous Industry & Potentially Offensive Industry

Potentially Hazardous Industry

Definition

The SEPP defines Potentially Hazardous Industry (**PHI**) as:

a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality—

(a) to human health, life or property, or

(b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.

The Guideline provides a screening method to determine whether a development constitutes a PHI. This is outlined below for the proposed development.

Potentially Offensive Industry

Definition

The SEPP defines Potentially Offensive Industry (**POI**) as:

a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

It is generally taken that if an Environmental Protection Licence (**EPL**) is required for an activity the development is considered potentially offensive. In this regard, the development is considered to be a POI.

An Offensive Industry (OI) is defined by the SEPP as:

a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

Planning Commentary:

SEPP No 33 applies to proposals falling under the definition of 'potentially hazardous industry' or 'potentially offensive industry'. Under SEPP No 33 the permissibility of industrial proposals is linked to safety and pollution control performance. The SEPP aims to ensure the merit of proposals are properly assessed before being determined. It aims to ensure that developments are only approved if they are deemed suitably sited and can demonstrate that they will operate with the required and adequate level of safety.

The submitted SoEE adequately demonstrates that the proposed feedlot is suitably sited. It is acknowledged that the main waste products from the feedlot will be manure and effluent. Manure will be used on-site as an alternative to inorganic fertilizers. It is proposed that effluent may, on occasions, be disposed of by irrigation at sustainable rates, within the property. Excess effluent will be disposed of by evaporation from the surface of the on-site holding ponds.

The feedlot is not considered to be hazardous and will not produce hazardous waste products. While it is acknowledged that feedlots can result in some odour issues, potential negative impacts appear to have been minimised through good design principles and adequate site management practices.

Additionally, protection is provided through separation distances between the site, the closest residential property, and other sensitive land uses.

It is therefore concluded that the development is not considered Hazardous or Offensive development, the development is also not expected to have detrimental impact on neighbouring property owners.

It should also be noted that the development was referred to EPA for comment. The EPA responded indicating that it had no specific comments to make in relation to this particular proposal.

2.1.2 SEPP 55 – Remediation of Land

An assessment of the site has been carried out by Premise Consultants in accordance with SEPP 55. It is noted that the assessment concluded that a search of NSW EPA contaminated land records was undertaken on 9 November 2020 by Premise Consultants. No specific records were identified.

Planning staff are satisfied that the investigation from Premise Consultants is adequate for this particular development. No additional requirements have been identified.

2.1.3 SEPP BASIX 2004

Compliance with BASIX is not required for this development.

2.1.4 SEPP Infrastructure 2007

The provisions of the Infrastructure SEPP are relevant to the proposal but have not been triggered by the development. No further analysis is therefore required.

2.1.5 SEPP Koala Habitat 2019

SEPP Koala Habitat 2019 ('the Koala SEPP') aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. The Koala SEPP 2019 was subsequently repealed in November 2019 by the Koala SEPP 2020, which has similar objectives. Consideration has been given to both the 2019 Koala SEPP and the 2020 Koala SEPP. No impacts on koala habitat are expected as a result of this particular application.

Table 1: SEPP Koala Habitat Assessment		
Provision	Comment/Response	Compliance
5 Land to which Policy applies		
(1) This Policy applies to each local government area listed in Schedule 1.	Warrumbungle LGA is listed in Schedule 1	✓
8 Development assessment process—approved koala plan of management for land		
(1) This clause applies to land to which this Policy applies and to which an approved koala plan of management applies.	Warrumbungle Shire has no KPoM	
(2) The council's determination of the development application must be consistent with the approved koala plan of management that applies to the land.	Warrumbungle Shire has no KPoM	
9 Development assessment process—no approved koala plan of management for land		
(1) This clause applies to land to which this Policy applies if the land— (a) repealed (b) has an area of at least 1 hectare (including adjoining land within the same ownership), and (c) does not have an approved koala plan of management applying to the land.	https://webmap.environment.nsw.gov.au/Html5Viewer291/index.html?viewer=KoalaSEPP.htm5 (a) Repealed (b) The land has an area of more than 1ha (c) The land does not have a KPoM	
(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess, in accordance with the Guideline, whether the development is likely to have any impact on koalas or koala habitat.	The application has been assessed against the <i>DRAFT Koala Habitat Protection Guideline</i> and is considered to meet the requirement for Tier 1 as outlined. In this regard the development is considered to comply with the requirements of the Guideline.	

10 Development assessment process—other land		
A council is not prevented from granting consent to a development application for consent to carry out development on land if—	Repealed – N/A	
(a) the land does not have an approved koala plan of management applying to the land, or		
(b) the council is satisfied that the land is not core koala habitat.		

2.1.6 Warrumbungle LEP 2013

The relevant LEP clauses identified in **Section 1.5.1** are addressed below.

Table 2: Warrumbungle LEP 2013		
Provision	Comment/Response	Compliance
2.3 Zone objectives and Land Use Table		
(1) The Land Use Table at the end of this Part specifies for each zone: (a) the objectives for development, and (b) development that may be carried out without development consent, and (c) development that may be carried out only with development consent, and (d) development that is prohibited.	The relevant zone objectives for the RU1 Primary Production zone are: <ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. 	✓
(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	The application is considered to be consistent with the zone objectives. Intensive Agriculture Development (feedlots) and associated ancillary development are permissible with consent in the RU1 zone.	✓
5.10 Heritage conservation		
(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance: (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take	The site is not recognised as a site of Aboriginal or Cultural Heritage value. AHIMS searches and Schedule 5 of Warrumbungle LEP provide the necessary confirmation.	✓

Table 2: Warrumbungle LEP 2013

Provision	Comment/Response	Compliance
into consideration any response received within 28 days after the notice is sent.		
5.14 Siding Springs Observatory – Maintaining Dark Skies		
(1) The objective of this clause is to protect observing conditions at the Siding Spring Observatory by promoting lighting practices that minimise light pollution.		
<p>(2) Light emissions—general considerations for all development Before granting development consent for development on land to which this Plan applies, the consent authority must consider whether the development is likely to adversely affect observing conditions at the Siding Spring Observatory, taking into account the following matters—</p> <p>(a) the amount and type of light to be emitted as a result of the development and the measures to be taken to minimise light pollution,</p> <p>(b) the impact of those light emissions cumulatively with other light emissions and whether the light emissions are likely to cause a critical level to be reached,</p> <p>(c) whether outside light fittings associated with the development are shielded light fittings,</p> <p>(d) the measures to be taken to minimise dust associated with the development,</p>	The light expected to be generated from the feedlot is minimal. Conditions of consent may be imposed to ensure compliance with clause 5.14 of the WLEP 2013.	✓
<p>(3) Development on land within 18 kilometres of observatory Development consent is required for all lit development on land less than 18 kilometres from the Siding Spring Observatory.</p>	The proposed development is located greater than 18 kilometres from the Siding Springs Observatory. This subclause is not applicable to this application.	✓
<p>(9) The consent authority must consult with the observatory director before granting development consent to development (other than development for the purposes of a dwelling house, secondary dwelling or dual occupancy) on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in the emission of light of 50,000 lumens or more.</p>	Conditions of consent may be imposed to ensure compliance with clause 5.14 of the WLEP 2013.	✓
5.18 Intensive Livestock Agriculture		
(3) 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:		
<p>(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,</p>	The submitted documentation is considered to be adequate for assessment purposes.	✓

Table 2: Warrumbungle LEP 2013

Provision	Comment/Response	Compliance
(b) The potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,	A desktop odour assessment has been completed. This documentation provides an appropriate analysis of receptors in addition to required separation distances. It is noted that three (3) receptors were identified from this assessment which have appropriate separation distances.	✓
(c) The potential for the pollution of groundwater and surface water,	A Water and Waste Management Plan has been prepared in support of the development application which outlines mechanisms to ensure that effluent is adequately managed.	✓
(d) The potential for the degradation of soils,	A Water and Waste Management Plan has been prepared in support of the development application which outlines mechanisms to ensure that soils are adequately managed.	✓
(e) The measures proposed to mitigate any adverse impacts,	It is considered that proposed measures to mitigate environmental impacts are generally adequate which will be supplemented by a range of detailed and stringent conditions of approval.	✓
(f) The suitability of the site in the circumstances,	The site is considered suitable for the activity as proposed.	✓
(g) Whether the applicant has indicated an intention to comply with relevant industry codes of practice for health and welfare of animals,	The Application has detailed a commitment to comply with a range of best practice standards, including and not limited to the <i>National Guidelines for Beef Cattle Feedlots in Australia, 3rd Edition (2012)</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 Industry) and approved by the Planning Secretary.	No variation has been identified.	✓

6.1 Earthworks

(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:		
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	The development is not expected to result in the likely disruption of, or any detrimental effect on, drainage patterns and/ or soil stability in the locality. Appropriate conditions of consent may be imposed to manage any potential impacts.	✓
(b) the effect of the development on the likely future use or redevelopment of the land,	The development is not expected to impact any future use of the land.	✓
(c) the quality of the fill or the soil to be excavated, or both,	Not applicable to this development proposal.	✓
(d) the effect of the development on the existing and likely amenity of adjoining properties,	It is not expected that the development will detrimentally impact neighbouring properties.	✓
(e) the source of any fill material and the destination of any excavated material,	Not applicable to this development proposal.	✓

Table 2: Warrumbungle LEP 2013

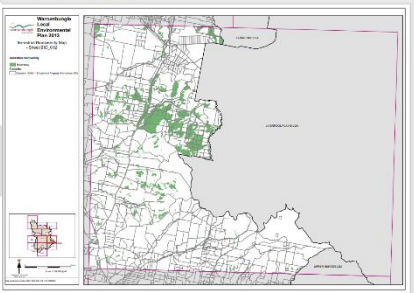
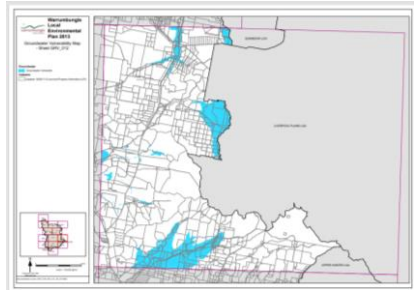
Provision	Comment/Response	Compliance
(f) the likelihood of disturbing relics,	A search of the AHIMS website confirmed no Aboriginal Heritage. The property is not listed in Schedule 5 of the WLEP 2013, as such it is considered highly unlikely that the development will disturb relics.	✓
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	If the development is appropriated managed and operated the development is not expected to have detrimental impact on any waterways, drinking catchment or environmentally sensitive areas. Note: the development was referred to EPA for comment on such matters. No significant concerns were raised by the NSW EPA.	✓
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The SoEE prepared by Premise Consultants as identified appropriate measures to mitigate the likely impacts of the development.	✓
6.3 Terrestrial Biodiversity		
(2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.	The assessing officer is satisfied that the development will not deleteriously impact terrestrial biodiversity and is not specifically identified on the Terrestrial Biodiversity Map. 	✓
6.4 Groundwater vulnerability		
(1) The objectives of this clause are as follows— (a) to maintain the hydrological functions of key groundwater systems, (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.	A detailed assessment of the potential impacts on groundwater has been detailed throughout this assessment report. It is considered that satisfactory information has been provided by the proponent to make an informed assessment of the application. Given the inherent risks of the project, it is recommended that a rigorous framework of environmental monitoring be imposed in respect of groundwater management as part of corresponding conditions of consent to the proposal.	✓
(2) This clause applies to land identified as "Groundwater vulnerable" on the Groundwater Vulnerability Map.	The subject site is identified on the WLEP2013 groundwater vulnerability map. 	✓
(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—	Detailed in the body of this Report. Appropriate conditions of consent to be imposed.	✓

Table 2: Warrumbungle LEP 2013

Provision	Comment/Response	Compliance
(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals), (b) any adverse impacts the development may have on groundwater dependent ecosystems, (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply), (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	Detailed in the body of this Report. Appropriate conditions of consent to be imposed.	✓
6.6 Essential services		
Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:		
(a) the supply of water,	Water is provided on-site from existing allocations	✓
(b) the supply of electricity,	Electricity is available to the subject site	✓
(c) the disposal and management of sewage,	To be conditioned.	✓
(d) stormwater drainage or on-site conservation,	To be conditioned.	✓
(e) suitable vehicular access.	Access is available/ existing and considered satisfactory.	✓

2.2 Proposed EPIs

Nil known to be applicable.

2.3 DCPs

2.3.1 Warrumbungle Development Control Plan 2015

The Warrumbungle Development Control Plan (DCP) applies to this development proposal. Part 5 of the DCP provides controls for rural developments. The objectives of Part 5 of the DCP are as follows:

- To provide design standards and guidelines for the appropriate siting of rural dwellings within the Warrumbungle Local Government Area.
- To protect the amenity of the locality in which the development is situated.
- To ensure that development preserves and complements any natural and/or cultural heritage characteristics of the area.
- To achieve well designed and sited dwellings and outbuildings that complements the landscape and, in the opinion of Council, do not cause adverse visual impacts.
- To ensure that the development does not adversely impact upon the existing and future agricultural and rural industry potential of the land and adjoining land.
- To ensure that the development is located and designed having regard to bushfire, land instability and flooding risks/hazards.
- To ensure that satisfactory vehicular access is provided.
- To protect existing vegetation and corridors, minimising possible impacts on threatened species, communities, populations or their habitat.
- Minimise potential pollution of rivers, streams and sub-surface waters.

Part 5 of the DCP also details land use separation guidelines within Table 5 *Land Use Separation*. The applicable table is reproduced below and pertains to circumstances here a proposed development for a dwelling or other residential accommodation will adjoin an agricultural or rural enterprise on an adjoining property. Under this particular requirement the following buffers should be observed:

Land Use	Separation Distance
Abattoirs	1000m
Spray/Cattle/Sheep Dip	500m
Animal Feedlot (same site)	500m
Animal feedlot (other)	1000m
Extractive industry/mine where blasting involved	1000m
Extractive industry/mine where no blasting involved	500m
Intensive dairies (same site)	500m
Intensive dairies (other)	1000m

Source: Warrumbungle DCP 2015, p. 35

Planning commentary:

It should be noted that the requirements detailed above primarily relate to new, ‘incoming’ residential development. Notwithstanding, they provide a useful guide in relation to siting and separation considerations.

The nearest receptors to the development from the proposed development footprint are identified in the SoEE as follows:

- R1 – Lot 1 DP864461 > 1.5km from the proposed feedlot
- R2 – Lot 41 DP754968 > 1.4km from the proposed feedlot
- R3 – Lot 111 DP750738 > 2.3km from the proposed feedlot

It is noted that all of the above dwellings, should they be proposed to be erected today, would meet the prescribed separation distances being located over 1km from the feedlot.

It is also acknowledged that the existing dwelling on the property would be located within the 500m separation distance. This is not considered to be problematic given that it is an existing improvement that will be occupied in conjunction with the existing and future proposed agricultural-allied activities.

The site currently benefits from an existing lawful access to a public road. No new access points are proposed as a result of the development.

In accordance with the DCP requirements, the proposed feedlot will be constructed on land with a slope of less than 15%. Some minor tree removal is required, however the associated environmental impacts are considered to be minimal and have been adequately addressed in the development application.

It is considered that the development is generally consistent with the relevant DCP requirements.

2.4 Developer Contributions

2.4.1 Warrumbungle Shire Council Section 94A Levy (indirect Community Infrastructure Contributions Plan) 2009

The Warrumbungle section 94A Plan (now section 7.12) applies to the development. Contributions are payable to Council under this Plan and a condition of consent may be imposed accordingly.

2.5 Planning Agreements Entered into

There are no Planning Agreements known to be in existence of relevance to this application.

2.6 The Regulations

Relevant considerations in respect to the provisions of the *Environmental Planning and Assessment Regulation 2000* have been considered throughout this Planning Assessment Report and the corresponding recommended terms of consent.

2.7 Likely Impacts of the Development

2.7.1 Context & Setting

The development site is situated in a rural area approximately 12.7 kilometres north east of the township of Coolah. Surrounding land uses are predominantly agricultural in nature and residential dwellings are sparse.

The development site varies in its topography, comprising flat irrigated lands to the west which abruptly rise in sections from a floodplain surrounding the Coolaburragundy River. The River and Coolah Creek Road, a bitumen sealed public road, also bisect the site.

The Mount Mill property is a well-maintained property with a number of existing improvements including dwellings, various agricultural and machinery storage sheds, stabling and the like. The current emergency drought feed lot is located on a higher elevation on gently sloping land above the existing residential and agricultural improvements. On this basis, existing mature vegetation, farm structures and site drainage works screen the site relatively effectively from the public domain.

2.7.2 Access, Transport & Traffic

For the purpose of *State Environmental Planning Policy (Infrastructure) 2007* - clause 104 Traffic-generating development, the proposed development is not considered Traffic Generating.

The subject site possesses legal access to Coolah Creek Road. Satisfactory site distance is available in both directions. As part of the development assessment process, a site inspection was undertaken by the

assessing officer and Warrumbungle Shire Council planning staff. The existing internal road network is considered satisfactory to accommodate the development as proposed.

It is anticipated that the development, when operating at full capacity, will result in two (2) B Double trucks per week. The submitted SoEE originally estimated that based on the maximum head capacity of 1000 head of cattle, with cattle held onsite for 70 day cycles or 5.21 cycles per year total cattle entering the feedlot accumulatively equating to 3,944 outgoing cattle yearly.

Documentation received on 27 May 2021 by the applicant following revised traffic estimations noted a minor increase to two (2) heavy vehicle movements per week from the one (1) traffic movement originally anticipated. Throughput of 3,476 head of cattle was identified.

In addition to the estimated heavy vehicle movements, the proposed development is predicted to generate a small number of light vehicle movements per week, mostly associated with feedlot staff.

The development application was also referred to Council's Technical Services Department who raised no specific concerns, objections or road upgrade requirements as a result of this development proposal. It is therefore considered that the existing road network is capable of accommodating the proposed development.

2.7.3 Utilities

All utilities and services are available to adequately service the proposed feedlot development. In addition, there is existing infrastructure in place to service the development. It is noted that an electricity supply line traverses the proposed effluent irrigation area. Any relocation of utility services required as a consequence of the development would be at the developer's own cost. This particular electricity line does not appear to be burdened by an easement.

The NSW DPI has recommended the provision of emergency electricity supply, for use in the event of power outages, in the interest of animal welfare. A condition of development consent may be imposed in this regard.

2.7.4 Heritage

2.7.4.1 Aboriginal Heritage

A search of the AHIMS register has not identified that any:

- Aboriginal sites have recorded in or near the searched location; or
- Aboriginal places have been declared in or near the searched location.

2.7.4.2 European Heritage

The site is not listed as being a local heritage item under the LEP, or listed on the state heritage register.

2.7.4.3 Conditions

No items of Aboriginal or Historic Heritage have been identified during the assessment of this proposal.

It is however recommended that a standard condition be imposed requiring works to cease and OEH to be contacted should any items suspected of being Aboriginal in origin discovered during works. The proponent also outlines in the SoEE that this is a standard operating practice.

2.7.5 Other Land Resources

The effect that the development will have on neighbouring land resources i.e. productive agricultural land and water supply catchments has been adequately addressed throughout this report and therefore requires no further analysis under this part.

2.7.6 Water

According to the submitted statement of environmental effects (SoEE), the development will be connected to the existing onsite reticulated water system for the Mount Mill property. The system will utilise three (3) bores which will feed into a 200,000L water tank for storage which will in turn be used in the feedlot to water stock.

The proposed development involves an activity that does not require a Water Use Approval pursuant to the *Water Management Act 2000*. No concerns have been raised by WaterNSW in relation to the proposal.

2.7.7 Soils

It is anticipated from the submitted SoEE that the development will have only insignificant impact on soils in the locality. The proposed extension will occur on a parcel of land that has been previously predominately cleared of vegetation for the purpose of the existing agricultural uses on the land including an emergency feedlot. However, during any proposed construction works the proponent will be required (standard condition of development consent) to install and maintain appropriate measures to ensure that soil erosion is minimal and therefore the impact of the development during this period is insignificant.

It should be noted that the development was referred to EPA for comment, no comments were received in the form of General Terms of Approval (GTAs).

Additional information was received in support of the submitted application on 02 February 2020 which provided additional information in respect to soils at the site, as well as the associated water balance model. The amended SoEE detailed that the water balance model used to assess the irrigation area and holding pond volume is based on a daily time-step soil moisture model. The soil moisture parameters used in the model were derived from data for medium-heavy clay as the dominant soil type is self-mulching black earth.

The water balance model includes an irrigation reuse component that is based on a soil moisture balance to calculate irrigation demand. Under the proposal, irrigation scheduling is set to apply 20mm irrigation when the soil moisture deficit is greater than 25mm below field capacity, maintaining a buffer in the soil profile. Furthermore, should a storm follow irrigation, the soil is expected to be in a condition to accept the first 5mm of moisture. This effect has been anticipated as minimising the risk of any potential runoff contamination.

According to the proponent, the existing ponds located onsite provide evidence that the soil landscape is well suited to support the network of ponds involved in the feedlot. The SoEE also notes that any additional excavations required as a result of the development would be minor in nature and focused around the location of the existing pens.

Planning commentary:

Based on the information provided in support of the application, the proposed feedlot is not anticipated to impact the soil landscape of the site or surrounding areas. Appropriate conditions of consent may be applied to ensure that any potential impacts are appropriately mitigated and managed.

2.7.8 Air & Microclimate

A desktop odour assessment of potential odour impacts was undertaken by Premise Consultants and submitted in support of the Development Application. The Odour Assessment notes that there are two (2) available methodologies for the calculation of minimum separation distances for feedlots. The technical note Assessment and Management of Odour from Stationary Sources in NSW (DEC 2006) 'the NSW Guidelines'; and the National Guidelines for Beef Cattle Feedlots in Australia, 'the National Guidelines'. The Report further acknowledges that there are some minor variations between the two methodologies being

the outdated inclusion of feedlot class within the NSW Guidelines and differing definitions of low-relief terrain

The available separation distances to nearby residential receptors were measured from the nearest point of the feedlot complex. It is noted that this included the feedlot pens, effluent holding pond, cattle yards and the feed storage and preparation area.

Planning commentary:

The submitted report demonstrates that the required separation distance using the NSW Guidelines S Factor Methodology is generally almost double or greater than the required separation distances, as detailed in the Table below:

Receptor No	Direction	Separation Distances (m)	
		Required	Available
R1	ENE	702	1550
R2	WNW	842	1460
R3	W	842	2290

Table 3 – NSW Guidelines S Factor Methodology

Utilising the National Guidelines S Factor methodology, the proposed feedlot also comfortably complies with the required separation distances, as detailed in the Table below:

Receptor No	Direction	Separation Distances (m)	
		Required	Available
R1	ENE	427	1550
R2	WNW	427	1460
R3	W	427	2290

Table 4 – National Guidelines S Factor Methodology

On the basis of the above, potential odour impacts on surrounding properties are considered to be acceptable in the circumstances of the case. Conditions of consent should be imposed to ensure appropriate onsite management practices and mitigation measures are put in place throughout the life of the development to minimise the potential for offsite odour impacts. Such mitigations include, but are not limited to, manure stockpiling methods, effluent irrigation/manure spreading practices and carcass management, for example.

To further assist in consideration of potential land use conflict issues, the NSW DPI Land Use Conflict Risk Assessment (LUCRA) Guide was reviewed. LUCRA is a system to identify and assess the potential for land use conflict to occur between neighbouring land uses. It assists consent authorities assess the possibility for and potential level of future land use conflict. On this basis, LUCRA should be utilised by the Applicant/Operator as a tool to inform preparation on onsite management strategies, as recommended in the recommended schedule of consent conditions contained in Appendix B of this Report.

It should be further noted that given the minimum lot size (MLS) surrounding the subject land is 600ha and coupled with the current DCP provisions, future encroachment and issues of land use conflict are unlikely to occur.

2.7.9 Flora & Fauna

To determine the likelihood of the impact of the development on significant species, Premise Consultants conducted a survey of the site and associated state agency mapping and completed an Assessment of Significance under the EPBC Act and a Test of Significance under the BC Act have been conducted and presented in the SoEE.

The results of the assessments concluded that the development is unlikely to impact upon threatened species, populations or communities.

2.7.10 Waste

The submitted SoEE identifies management procedures for specific waste disposal for both solid and liquid wastes. Identified waste streams for this proposal include:

- Carcass waste
- Solid waste manure
- Liquid effluent waste
- General waste

For this project, carcasses will be disposed of an existing burial site on the property. The siting of this disposal area is considered appropriate.

Solid waste manure will be stockpiled in an area south of the feedlot in accordance with the submitted Water and Waste Management Plan. The proposed management of liquid effluent waste is also addressed in detail in the submitted Water and Waste Management Plan.

Planning commentary:

The identified waste disposal techniques are considered satisfactory for the proposed development and can be appropriately managed via the imposition of appropriate conditions of development consent.

2.7.11 Noise & Vibration

Minimal attention has been provided to potential noise impacts in the submitted application. Notwithstanding, the separation to residential receptors in the locality is considered appropriate. Noise impacts arising from the development are considered unlikely and may be effectively managed via the imposition of relevant conditions of development consent.

2.7.12 Natural Hazards

The development site is identified as being bush fire and as a consequence referral of the application was coordinated to the NSW Rural Fire Service (NSW RFS). The NSW RFS made recommendations in relation to the proposal which can be addressed as conditions of consent. The particulars of this referral have been addressed in a preceding section.

The land is not identified as being flood prone land pursuant to WLEP2013.

2.7.13 Social Impacts in the Locality

The development is not expected to result in negative social impacts in the locality.

2.7.14 Economic Impacts in the Locality

The development is expected to result in positive economic impacts by providing additional employment opportunities for local people and associated flow-on effects to local businesses, particularly those supporting the agricultural sector.

2.7.15 Site Design & Internal Design

The site design and site attributes are considered to be generally conducive to the proposed development. The site is considered to be effectively designed to take advantage of the natural topography and to facilitate effective site drainage which is considered important for ongoing odour management and animal welfare.

It is recognised that the site is in proximity to the Coolaburragundy River. The proposed feedlot site is located 700m from this particular watercourse.

Conditions may be imposed on the development to assist in the mitigation of any potential negative impacts.

2.8 Suitability of the Site for the Development

The proposed development is permissible within the zone and is not antipathetic to the zone objectives. The development is considered to be appropriately sited with respect to potentially sensitive receivers within minimal visibility from the public domain. As a consequence, the site is considered suitable for the proposed development as proposed.

As detailed in the submitted SoEE, during the last major drought, an emergency feedlot was constructed on the subject land in accordance with the provisions of clause 18 of *State Environmental Planning Policy (Primary Production and Rural Development) 2019* (the Rural SEPP). The construction of such pens is therefore considered lawful.

It is noted that the operation of the emergency feedlot was successfully conducted during the drought without community concern or complaint. The proposal is also on a rural property and is not expected or anticipated to have a significant or detrimental impact on the context and setting of the locality.

The proposal has been adequately assessed against the objectives and principles of SEPP No 33 – Hazardous and Offensive Developments. It is not anticipated that the development will have significant impact on neighbouring property owners or the activities of those property owners. The development is defined as being an intensive livestock agricultural development and the neighbouring land uses are all agricultural. It is considered that the greatest impact from the development could potentially be odour issues. These issues have been addressed in the submitted SoEE from Premise consultants.

The proponent identifies that odour issues will be additionally managed through appropriate design and operational practices including the following:

- Planning Guidelines for Intensive Livestock Agriculture Development
- National Guidelines for Beef Cattle Feedlots in Australia (2012)
- Australian Animal Welfare Standards and Guidelines for Cattle
- National Biosecurity Manual for Beef Cattle Feedlots
- Technical Framework Assessment and Management of Odour from Stationary Sources in NSW.

Appropriate separation distances between the site, the closest independent residences and other neighbouring sensitive land uses are considered to be available.

2.9 Submissions

The DA was notified in accordance with Council's Community Consultation Plan. Public exhibition of the proposal was undertaken for a period of 24 days between 31 March 2021 and 23 April 2021. Written notification of adjoining landholders was undertaken, and the application was published online via Council's website.

During the notification period five (5) submissions were received.

Details of these submissions, and any associated amelioration measures, have been described throughout this planning assessment report.

2.10 The Public Interest

The proposed development is permissible with consent pursuant to the *Warrumbungle Local Environmental Plan 2013*. The proposed feedlot operation is not anticipated to have a significant detrimental environmental impact, and issues raised by adjoining land owners during the notification period may be addressed via the imposition of relevant conditions of development consent. The development is expected to result in positive economic impacts, and as such the development is considered to be in the public interest as it will provide additional employment opportunities in the Warrumbungle Shire.

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3 OTHER MATTERS FOR CONSIDERATION

3.1 Biodiversity Conservation Act 2016

3.1.1 Introduction

The *Biodiversity Conservation Act 2016* (BC) contains a number of matters that are required to be considered as part of a DA. These are outlined below.

3.1.2 Likely to significantly affect threatened species

The first consideration is whether the development is likely to significantly affect threatened species (s7.2 BC Act). There are three considerations to determine this:

1. Is the development likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3?
2. Does the development exceed the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values?
3. Is the development to be carried out in a declared area of outstanding biodiversity value?

Each of these considerations are addressed below.

3.1.2.1 Likely to significantly affect threatened species or ecological communities, or their habitats (7.3 Test)

A search of BioNet Public Report of all Valid Records of Threatened (listed on TSC Act 1995) or Commonwealth listed Entities in selected area species.

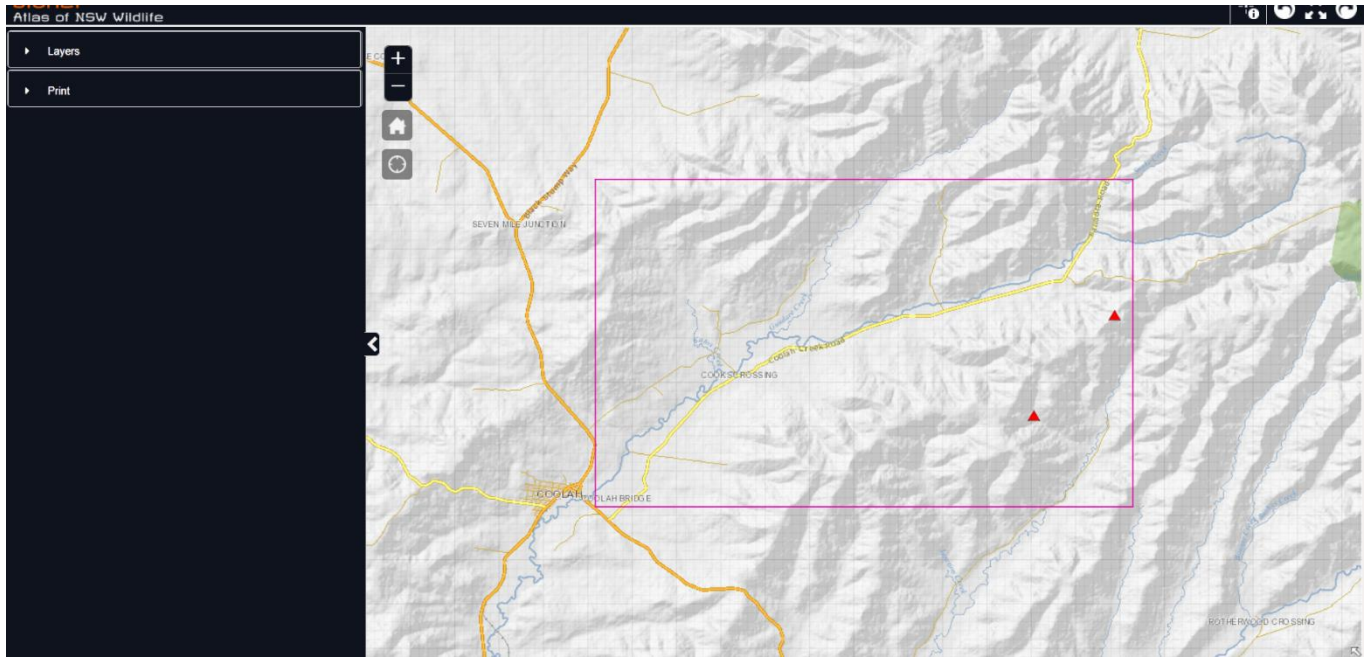
Public Report generated on 29/09/2021 7:02 PM of all Valid Records of Threatened (listed on BC Act 2016) Entities in selected area [North: -31.72 West: 149.73 East: 149.91 South: -31.83] returned a total of 3 records of 3 species, as follows.

Displaying 1-3 of 3 species below
To map records for individual species, select up to 5 species then click "view map".
To map all records, click on "view map" (without selecting any species first).

	Common name	Scientific name	Map [Clear all]	NSW status	Comm. status	No. of records	
Animalia	Little Lorikeet	Glossopsitta pusilla	<input type="checkbox"/>	V,P		1	
Aves							
Psittacidae							
Artamidae	Dusky Woodswallow	Artamus cyanopterus cyanopterus	<input type="checkbox"/>	V,P		1	
Mammalia	Koala	Phascolarctos cinereus	<input type="checkbox"/>	V,P	V	1	
Phascolarctidae							

Figure 5 below provides a map of the search results. No records are located on the site or immediately surrounding the site.

Given the highly disturbed nature of the site, it is not expected that the development would significantly affect threatened species or ecological communities, or their habitats.



Source: (NSW Environment & Heritage)

Figure 5: BioNet Atlas Search

3.1.2.2 Biodiversity Offsets Scheme (BOS) Threshold

A proposed development exceeds the BOS threshold for the purposes of Part 7 of the BC Act if it is or involves:

- the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or
- the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.

Clearing Threshold

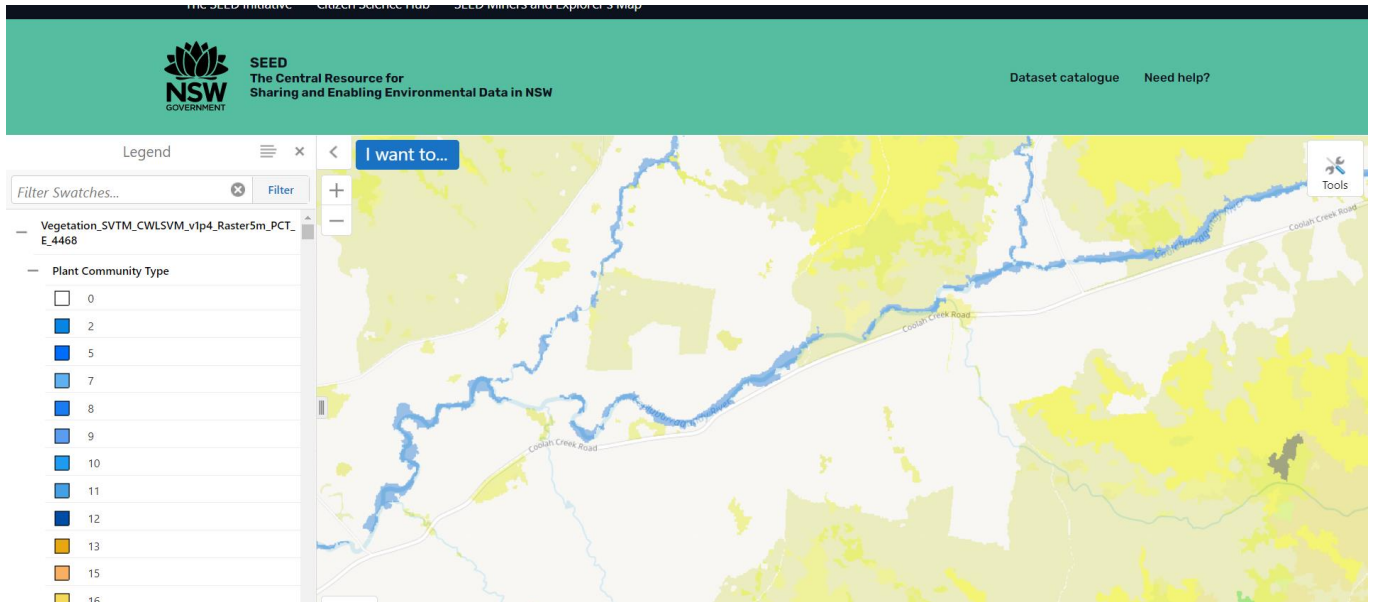
The site has a minimum lot size (MLS) of 600 ha under the Warrumbungle LEP.

Table 5: Clearing Thresholds

Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

Source: Clause 7.2 of BC Regulation 2017

Based on the MLS, the applicable clearing threshold for the development site is 1.0 hectare.



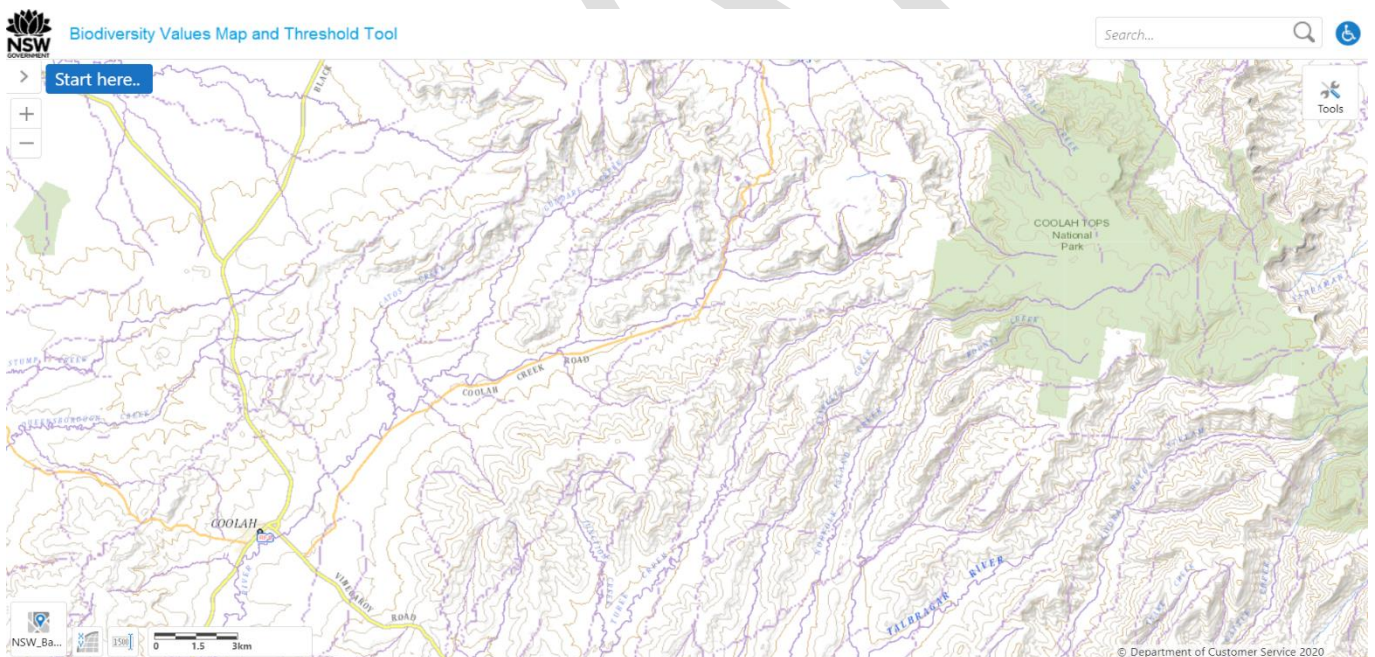
Source: (NSW Government)

Figure 6: Plant Community Types – State Vegetation Map

The site affected by the development footprint is mapped as non-native (refer **Figure 6**). Based on this, the assessment concluded that the proposal would not trigger the area threshold of ≥ 1.0 ha.

Biodiversity Values Map

As shown in **Figure** , the site is not mapped as being on the Biodiversity Values Map.



Source: (NSW Department of Planning and Environment)

Figure 7: Biodiversity Values Map

3.1.2.3 Declared Area of Outstanding Biodiversity Value (AOBV)

Areas of declared critical habitat under the Threatened Species Conservation Act 1995 have become the first AOBVs in NSW with the commencement of the Biodiversity Conservation Act. The Critical habitat declarations in NSW are (NSW Office of Environment & Heritage):

- Gould's Petrel - critical habitat declaration (PDF 1.45MB)
- Little penguin population in Sydney's North Harbour - critical habitat declaration

- Mitchell's Rainforest Snail in Stotts Island Nature Reserve - critical habitat declaration
- Wollemi Pine - critical habitat declaration (PDF 2.21MB)

The site is not known to be an AOBV.

3.1.3 Biodiversity Development Assessment Report (BDAR)

A BDAR is to be submitted with all DAs that are likely to significantly affect threatened species. As outlined in **Section 3.1.2**, the development is **not** likely to significantly affect threatened species. Therefore, a BDAR is not required for this DA.

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4 CONCLUSION

The application has been assessed as satisfactory against Section 4.15 of the *Environmental Planning and Assessment Act 1979*, relevant State and Federal Legislative requirements, *Warrumbungle Local Environmental Plan 2013* and the Warrumbungle Council Development Control Plan.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent

4.1 Recommendation

It is recommended that DA 11/2021 be approved subject to the draft conditions contained in Attachment 2.

_____ Signature of Assessing Officer	Donna Ausling
_____ Name of Assessing Officer	Donna Ausling
_____ Date assessment completed	29/9/2021

4.2 Peer Review

I, the undersigned, have sighted and reviewed the Section 4.15 Assessment Report, Site Inspection Report, Draft Development Consent and File and the following comments have been made:

Consent may only be granted once the peer review officer has signed below.

Planning Officer
(approval sighted, conditions checked)

(Name)

Building Officer
(approval sighted, conditions checked)

(Name)

APPENDIX A – DA DOCUMENT REQUIREMENTS

Requirement		Yes	No	N/A
1	Information to be included in development application			
(1)	A development application must contain the following information:			
(a)	the name and address of the applicant,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	a description of the development to be carried out,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	the address, and formal particulars of title, of the land on which the development is to be carried out,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)	an indication as to whether the land is, or is part of, critical habitat,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e)	an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is taken to be development that is not likely to have such an effect because it is biodiversity compliant development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ea)	for biodiversity compliant development, an indication of the reason why the development is biodiversity compliant development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	a list of any authorities from which concurrence must be obtained before the development may lawfully be carried out or from which concurrence would have been required but for section 4.13 (2A) or 4.41,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f1)	in the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f2)	if the land is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016, a description of the kind of agreement and the area to which it applies,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g)	a list of any approvals of the kind referred to in section 4.46 (1) of the Act that must be obtained before the development may lawfully be carried out,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g1)	in the case of State significant development, a list of any authorisations that must be provided under section 4.42 of the Act in relation to the development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h)	the estimated cost of the development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h1)	in the case of State significant development, the capital investment value of the development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i)	evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by this Regulation,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(j)	a list of the documents accompanying the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Documents to accompany development application			
(1)	A development application must be accompanied by the following documents:			
(a)	a site plan of the land,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	a sketch of the development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	a statement of environmental effects (in the case of development other than designated development or State significant development),	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)	in the case of development that involves the erection of a building, an A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site (as referred to in clause 56 of this Regulation),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)	an environmental impact statement (in the case of designated development or State significant development),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	a species impact statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats), but not if the development application is for State significant development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Requirement	Yes	No	N/A
(g) if the development involves any subdivision work, preliminary engineering drawings of the work to be carried out,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) if an environmental planning instrument requires arrangements for any matter to have been made before development consent may be granted (such as arrangements for the provision of utility services), documentary evidence that such arrangements have been made,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) if the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure): (i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) if the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k) if the land is within a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the Wilderness Act 1987, a copy of the consent of the Minister for the Environment to the carrying out of the development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k1) in the case of development comprising mining for coal (within the meaning of section 380AA of the Mining Act 1992)—documentary evidence that the applicant holds an authority under the Mining Act 1992 in respect of coal and the land concerned or has the written consent of the holder of such an authority to make the development application,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(l) in the case of development to which clause 2A applies, such other documents as any BASIX certificate for the development requires to accompany the application,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(m) in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other documents as any BASIX certificate for the development requires to accompany the application,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(n) if the development involves the erection of a temporary structure, the following documents: (i) documentation that specifies the live and dead loads the temporary structure is designed to meet, (ii) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure, (iii) in the case of a temporary structure proposed to be used as an entertainment venue—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with (if an alternative solution, to meet the performance requirements, is to be used), (iv) documentation describing any accredited building product or system sought to be relied on for the purposes of section 4.15 (4) of the Act, (v) copies of any compliance certificates to be relied on,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(o) in the case of a development involving the use of a building as an entertainment venue or a function centre, pub, registered club or restaurant—a statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The site plan referred to in subclause (1) (a) must indicate the following matters: (a) the location, boundary dimensions, site area and north point of the land, (b) existing vegetation and trees on the land, (c) the location and uses of existing buildings on the land, (d) existing levels of the land in relation to buildings and roads, (e) the location and uses of buildings on sites adjoining the land.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) The sketch referred to in subclause (1) (b) must indicate the following matters:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Requirement	Yes	No	N/A
<ul style="list-style-type: none"> (a) the location of any proposed buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development, (b) floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building, (c) elevations and sections showing proposed external finishes and heights of any proposed buildings (other than temporary structures), (c1) elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in clause 7 of this Schedule), (d) proposed finished levels of the land in relation to existing and proposed buildings and roads, (e) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate), (f) proposed landscaping and treatment of the land (indicating plant types and their height and maturity), (g) proposed methods of draining the land, (h) in the case of development to which clause 2A applies, such other matters as any BASIX certificate for the development requires to be included on the sketch, (i) in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other matters as any BASIX certificate for the development requires to be included on the sketch. 			
<p>(4) A statement of environmental effects referred to in subclause (1) (c) must indicate the following matters:</p> <ul style="list-style-type: none"> (a) the environmental impacts of the development, (b) how the environmental impacts of the development have been identified, (c) the steps to be taken to protect the environment or to lessen the expected harm to the environment, (d) any matters required to be indicated by any guidelines issued by the Planning Secretary for the purposes of this clause. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>(5) In addition, a statement of environmental effects referred to in subclause (1) (c) or an environmental impact statement in respect of State significant development must include the following, if the development application relates to residential apartment development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies:</p> <ul style="list-style-type: none"> (a) an explanation of how: <ul style="list-style-type: none"> (i) the design quality principles are addressed in the development, and (ii) in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, (b) drawings of the proposed development in the context of surrounding development, including the streetscape, (c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations, (d) drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context, (e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts, (f) photomontages of the proposed development in the context of surrounding development, (g) a sample board of the proposed materials and colours of the facade, (h) detailed sections of proposed facades, (i) if appropriate, a model that includes the context. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>(5A) The species impact statement referred to in subclause (1) (f) is not required in relation to the effect of the development on any threatened species, populations or ecological communities, or their habitats, if the development is taken to be development that is not likely to</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Requirement	Yes	No	N/A
significantly affect those threatened species, populations or ecological communities, or their habitats, because it is biodiversity compliant development.			
<p>(6) In the case of development to which clause 2A applies, the explanation referred to in subclause (5) (a) need not deal with the design quality principles referred to in that paragraph to the extent to which they aim:</p> <p>(a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or</p> <p>(b) to improve the thermal performance of the building.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2A BASIX certificate required for certain development			
<p>(1) In addition to the documents required by clause 2, a development application for any BASIX affected development must also be accompanied by a BASIX certificate or BASIX certificates for the development, being a BASIX certificate or BASIX certificates that has or have been issued no earlier than 3 months before the date on which the application is made.</p> <p>(2) If the proposed development involves the alteration, enlargement or extension of a BASIX affected building that contains more than one dwelling, a separate BASIX certificate is required for each dwelling concerned.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DRAFT

APPENDIX B – SCHEDULE OF CONDITIONS

DRAFT

ANNEXURE B – DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 11/2021

GENERAL CONDITIONS

1 Development Description

The main component of the applicant's proposal includes the following:

- Use of 6 pens with a total capacity of 1000 head
- Use of handling yards
- Use of drains, diversion channels, irrigation areas and ponds
- Use of existing grain storage/milling area
- Use of existing machinery and storage sheds, and silos
- Use of existing cattle yards for loading/unloading of cattle
- Use of existing dams
- Use of existing water supply system
- Use of existing internal roads and weigh bridge
- Manure temporary storage area and composting area
- Effluent irrigation area (existing cropping land) of approximately 2.8 ha
- Manure application area

The feedlot is designed to be constructed in accordance with the following:

- Planning Guidelines for Intensive Livestock Agriculture Development
- National Guidelines for Beef Cattle Feedlots in Australia (2012)
- Australian Animal Welfare Standards and Guidelines for Cattle
- National Biosecurity Manual for Beef Cattle Feedlots

A maximum cattle turnover (throughput) of 3476 head per year.

2 Obligation to Minimise Harm on the Environment

The Applicant/Owner shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation and/or rehabilitation of the development.

3 Scope of Approval

The Applicant/Owner shall carry out the development generally in accordance with:

- a) DA No. 11/2021;
- b) Conditions of this consent;
- c) The feedlot shall accommodate a maximum of 1000 head of cattle at any one time; and
- d) The development being carried out in accordance with the development application, the documents referenced below, except where amended by the following conditions.

TITLE	REFERENCE	PREPARED BY	REVISION	DATE
Statement of Environmental Effects	Minnamurra Pastoral Company Report Number 120098_SEE	Premise Consultants	Rev:002	2/2/2021
Plans	Title Sheet & Site Locality	Premise Consultants	TPO1B	3/2/2021
	Existing Site Layout Plan	Premise Consultants	TPO2B	3/2/2021
	Proposed Site Layout Plan	Premise Consultants	TPO3B	3/2/2021
	Pen Detail Plan	Premise Consultants	TPO4B	3/2/2021
	Proposed Feedlot Layout Plan	Premise Consultants	TPO5B	3/2/2021
	Water & Waste Management Plan	Premise Consultants	Rev:001A	6/11/2021
Additional Information Letter	120098_LET_003B.docx	Premise Consultants		29/5/2021

If there is any inconsistency between the above, the conditions of consent shall prevail to the extent of the inconsistency.

4 Compliance with Reasonable Requirements

The Applicant/Owner shall comply with any reasonable requirement(s) of the Director of Environment and Development Services or authorised Officer of Council arising from the Council's assessment of:

- a) Any reports, plans or correspondence that are submitted by the Applicant/Owner in accordance with this consent;
- b) The implementation of any actions or measures contained in these reports, plans or correspondence; and
- c) The Applicant must put in place a management system, and take reasonable steps, to ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

PRESCRIBED Conditions

NOTE: The following conditions are prescribed conditions and may or may not relate directly to this development.

5 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- a) For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work—
 - (i) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,

- (ii) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- b) For the purposes of section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
- c) This clause does not apply—
 - (i) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
 - (i) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- d) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
 - (i) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (ii) construction certificate, in every other case.

Note: *There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.*

6 Erection of signs

- a) For the purposes of Section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out—
 - (i) showing the name, address and telephone number of the principal certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

- e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: *Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).*

7 Notification of [Home Building Act 1989](#) requirements

- a) For the purposes of section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.
- b) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information—
 - (i) in the case of work for which a principal contractor is required to be appointed—
 - the name and licence number of the principal contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder—
 - the name of the owner-builder, and
 - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

8 Conditions relating to entertainment venues

For the purposes of section 4.17(11) of the Act, the requirements set out in Schedule 3A are prescribed as conditions of development consent for the use of a building as an entertainment venue.

9 Fulfilment of BASIX Commitments

- a) This clause applies to the following development:

- (i) BASIX affected development,
 - (ii) any BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule 1 for it to be so accompanied).
- b) For the purposes of Section 4.17 (11) of the Act, fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

10 Condition relating to maximum capacity signage

- a) For the purposes of section 4.17(11) of the Act, the requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building—
- (i) entertainment venue,
 - (ii) function centre,
 - (iii) pub,
 - (iv) registered club,
 - (v) restaurant.
- b) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.
- c) Words and expressions used in this clause have the same meanings as they have in the Standard Instrument.

11 Condition relating to shoring and adequacy of adjoining property

- a) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense—
- (i) protect and support the building, structure or work from possible damage from the excavation, and
 - (ii) where necessary, underpin the building, structure or work to prevent any such damage.
- b) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

PRIOR TO THE COMMENCEMENT OF BUILDING WORKS

- 12 Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of the building. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**
- 13 Prior to the commencement of any building works, the name, address and contact details of the Principal Building contractor shall be provided to Council

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 14 Prior to issue of a Construction Certificate construction plans, specifications and documentation as required by conditions of this consent and being consistent with this development consent and the Building Code of Australia, are to be submitted to the Principal Certifying Authority. A separate application, complete with detailed plans and specifications of the pens, sediment pond, effluent storage, internal roads and feed lanes, and any other excavations or earthworks, must be made for the Construction Certificate.
- 15 Prior to the issuing of a Construction certificate, the Developer shall obtain from Council any necessary approvals under Section 68 of the *Local Government Act 1993* to:
- Carry out water supply works
 - Carry out sewerage works
 - Carry out stormwater drainage works

Note: All works are to be carried out by an appropriately licensed contractor in accordance with NSW Code of Practice for Plumbing and Drainage (2006).

- 16 Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

17 **Section 7.12 Contributions (Formerly S. 94A)**

- a) Pursuant to Section 7.12(1) of the *Environmental Planning and Assessment Act 1979* and in accordance with the *Warrumbungle Shire Council Section 94A Development Contribution Plan*, a levy of \$ 3,500 shall be paid to Council in respect of the development, being 1% of the cost of carrying out the development as determined by Council in accordance with the plan.

Documentary evidence demonstrating payment of the above levy is to be provided to the Accredited Certifying Authority prior to the issue of any Construction Certificate.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO USE/OCCUPATION OF THE DEVELOPMENT

18 **Occupation Certificate**

Any new buildings, facilities or structures are not to be used or occupied until a final inspection has been carried out and an Occupation Certificate has been obtained from the Principal Certifying Authority.

19 **Feedlot Management Plan**

Prior to occupation of the feedlot, the Applicant/Operator is to furnish Council with a Feedlot Management Plan for endorsement. The Feedlot Management Plan shall:

- a) Be prepared in accordance with available best practice guidelines;
- b) Be prepared in accordance with the mitigation and management measures recommended in the endorsed supporting documents and implemented throughout the construction phase and operation of the facility, and shall include, but not be limited to:
 - i) Operational Feedlot Management Plan (including site-specific noise and odour management arrangements);
 - ii) Water & Waste Management Plan;
 - iii) Pest & Weed Management Plan;
 - iv) Heat Management Plan;
 - v) Mass Animal Disposal Plan; and
 - vi) Biosecurity Management Plan.

CONDITIONS WHICH MUST BE COMPLIED WITH DURING USE/OCCUPATION OF THE DEVELOPMENT

20 General Conditions

- a) The proponent will obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project.
- b) The proponent will comply with the requirements of the NSW Department of Primary Industries Guidelines, Meat and Livestock Australia's National Guidelines for Beef Cattle Feedlots in Australia (3rd Edition), National Beef Cattle Environmental Code of Practice (2nd Edition), Beef Cattle Feedlots: Design and Construction Standards (August 2016), NSW EPA Technical Guidelines on Odour and Noise, Australian Animal Welfare Standards and Guidelines for Cattle, and the Department of Environment and Conservation (NSW) Environmental Guidelines – Use of Effluent by Irrigation.
- c) The proponent will continue to liaise with the local community and Warrumbungle Shire Council during the development's construction and ongoing operation.
- d) The Applicant/Operator shall carry out the development in a way that prevents and/or minimises the impacts of the development on the environment, surrounding properties and the community.
- e) Prior to the construction of the approved development it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by a Council or an approved accredited certifier

21 Heritage and Archaeology

a) Impact of Works – Aboriginal Relics

If any Aboriginal archaeological relics are found or uncovered during the course of the work, then all works shall cease immediately in that area and the Applicant/Operator shall contact the Office of Environment and Heritage (OEH) and Council. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the National Parks and Wildlife Act 1974 may be required before further works can be considered in that area. The applicant shall comply with any request made by the Office of Environment and Heritage and/or Council to case work for the purposes of archaeological recording.

b) Heritage Removal Permit

An Aboriginal Heritage Impact Permit Application must be lodged with and approved by the Office of Environment and Heritage (OEH) prior to the disturbance or removal of any stone artefacts identified in or adjacent to the proposed feedlot site.

22 Protection of Public Infrastructure

The Applicant/Operator shall:

- a) Repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the development; and
- b) Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.

23 Operation of Plant and Equipment

The Applicant/Operator shall ensure that all plant and equipment at the site, vehicles or machinery used in connection with the development are:

- a) Maintained in a state of sound mechanical repair; and
- b) Operated in a proper and efficient manner.

24 Compliance

Prior to the commencement of any excavation work, the Applicant/Operator shall contact Council to verify that the Applicant/Operator has complied with all the relevant conditions of this consent.

25 Workcover

The Applicant/Operator's attention is drawn to the Workcover Authority's requirements under the *Factories, Shops and Industries Act 1962*, particularly in respect to amenities. It is recommended that the Workcover Authority be consulted to ensure requirements will be complied with prior to the lodgement of any application for a Construction Certificate.

26 Compliance with Conditions

The use or occupation of the approved development shall not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to the compliance with all conditions of the development may make the applicant/owner/operator subject to legal proceedings.

27 Feedlot Design

- a) The Applicant/Operator shall ensure that the design, construction and operation of the feedlot is in accordance with the Meat & Livestock Australia's National Guidelines for Beef Cattle Feedlots in Australia (3rd Edition), National Beef Cattle Feedlot Environmental Code of Practice (2nd Edition) and Beef Cattle Feedlots: Design and Construction Standards (August, 2016).
- b) All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.

28 Change of Building Use

Any change of use/classification in relation to the existing buildings shall not be made until written approval from Warrumbungle Shire Council is first obtained.

29 Utilities

- a) All adjustments to existing utility services made necessary by the development are to be undertaken by the developer/operator at no cost to Council.
- b) The developer/operator shall make appropriate arrangements for an alternate energy source (such as a back-up generator) in the event of a power failure in the interest of animal welfare.

30 Stockpiling of Manure

- a) Manure may be stockpiled on site on a short-term basis, for no more than three (3) months.
- b) The location of the stockpile site shall be in accordance with the submitted plans and construction details shall be submitted as part of the Feedlot Management Plan. The stockpile site shall have an impermeable floor and be maintained in long, low mounds and be maintained in good operational order throughout the life of the development.

31 Traffic & Transport

31.1 Vehicular Access, Parking and Manoeuvring

- a) Any vehicles or plant owned or operated by the occupants of the premises in connection with the conduct of their business are to be parked within the confines of the site in spaces designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent.
- b) All vehicular movement to and from the site onto Coolah Creek Road shall be in a forward direction.
- c) The primary access to the site must be off Coolah Creek Road at the existing legal access point.
- d) The Applicant shall ensure that no queuing of trucks or transport vehicles occurs onto the public road.

32 Effluent Disposal and Management

- a) Feedlot effluent irrigation and manure application must only occur on existing cultivated land in accordance with the endorsed Plans and specifications and the endorsed Feedlot Management Plan.
- b) A minimum distance of 100m between environmentally sensitive areas and effluent/manure spreading including:
 - (i) The Coolaburragundy River; and
 - (j) The edge of any remnant vegetation.
- c) Effluent must be spread using a travelling irrigator and application rates must not exceed soil infiltration rates.
- d) Soil testing must be undertaken prior to any spreading of effluent and/or manure to establish a baseline soil nutrient/organic matter/chemical status within:
 - (i) Cultivation areas; and
 - (ii) Any remnant vegetation patches.
- e) Soil/crop nutrient balances must be determined for cultivation areas to ensure spreading rates do not exceed soil nutrient storage capacity and crop utilization.
 - (i) Areas must be routinely resampled to ensure no build-up of nutrients, contaminants and/or salts occur within the soil profile.
 - (ii) Should soil testing show an unacceptable change in the soil nutrient/chemical/salt levels, then all effluent manure spreading must cease on affected or adjoining cultivation areas.

33 Stormwater Management

- a) No tail or effluent water drainage is to be discharged into or onto:
 - (i) Any adjoining public or Crown road;
 - (ii) Any other person's land;
 - (iii) Any Crown-owned land;
 - (iv) Any river, creek or watercourse, including the Coolaburragundy River;
 - (v) Any ground water aquifer;
 - (vi) Any area of remnant vegetation.

34 Waste Disposal

- a) All waste shall be disposed of in accordance with the submitted Water and Waste Management Plan and in such a manner so as to no impact on the surrounding environment and amenity of the area.
- b) No organic waste materials shall be taken from the property for further processing or stockpiling without the prior approval of Council.

35 Vegetation Removal

All works involving vegetation disturbance shall be undertaken with adequate mitigation measures to prevent soil erosion and the entry of sediments into any river, lake, water body, wetland or groundwater system.

36 Disposal of Solids/Manure and Effluent Management

- a) Solid waste shall not be:
 - (i) Spread or disposed of within 100 metres of a bore site;
 - (ii) Spread or disposed of within 50 metres of the high bank of a watercourse;
 - (iii) Spread or disposed of within 100 metres of any property boundary and/or occupiable residential premises on an adjoining property; and
 - (iv) Spread or disposed of within 25 metres of a public road.
 - (v) Spread or disposed on slopes greater than 8% unless composted solid waste is incorporated into soils as soon as possible after spreading and the area is protected by structural soil erosion control measures, such as a graded bank.
- b) Manure pen stockpiles shall be stored on the designated manure pad.
- c) Migration of effluent runoff shall be managed as follows:
 - (i) Areas to be clay lined within the controlled drainage areas include:
 - Effluent catch drain
 - Sedimentation system
 - Holding ponds
 - Manure stockpiles and composting pad
 - Any area where contaminants are stored or handled
 - (ii) All areas to be clay lined should be cleared and grubbed, stripped of top soil and prepared to the required levels and gradients by cutting and filling. The surface of the excavated area should also be tined before the clay material is placed to produce a satisfactory bonding surface. The clay lining material should be placed in layers of 150 mm (± 50). Each layer should be tined, wetted to $\pm 2\%$ of optimum moisture content (AS 12 89 5.1.1) and compacted to the required compaction

relative to the maximum dry density, AS 1289 5.5.2) that is needed to achieve the required permeability of 1mm/day.

- d) Manure must be composted to the ration range of C:N between 15:1 and 25:1 prior to spreading using anaerobic composting methods.
- e) Carcasses for composting should be placed in purpose-built bays, bunks or in a low pile. They should be placed on at least 300mm of the material used as carbon source, and covered with the same material to a similar depth on all sides. The carcass composting area should be protected by scavenging animals and livestock. A front-end loader is typically used for turning carcass compost. Turning will be necessary every two to three months.
- f) The Applicant/Operator is advised that compost that is too wet excludes air, making it anaerobic. To prevent this, windrows and piles should be shaped and orientated so that rainfall is readily shed, and runoff rapidly drains away. This requires the long axis of the windrows being down the slope of the composting pad.
- g) Composted manure must not be taken off-site without the prior written approval of Council.
- h) All activities undertaken at the premises must be carried out in a competent manner including the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.
- i) All feedlot manure must be composted prior to application.
- j) The compost area must be:
 - (i) Bunded and graded sufficiently to prevent both run-on and run-off surface water;
 - (ii) Designed and constructed from an inert low-permeability material such as compacted clay, modified soil, asphalt or concrete over a compacted base able to support, without sustained damage, the load of material on it and the load of any machinery used in the composting facility.
 - (iii) The compost area must have a leachate barrier system, a clay or modified soil liner consisting of at least 600mm of recompacted clay with an in-situ permeability (k) of less than 1×10^{-7} m/s.
- k) The quantity of effluent/solids applied to the utilisation areas must not exceed the capacity of the area to effectively utilise the effluent/solids. For the purposes of this consent 'solids' means manure and compost generated at the premises. For the purposes of this condition, 'effectively utilise' includes the use of effluent/solids for pasture or crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.
- l) Effluent application to the utilisation area(s) must not occur in a manner that causes surface run-off from the utilisation area(s).
- m) Spray from the effluent application must not drift beyond the boundary of the premises.
- n) Effluent may only be applied to the utilisation areas identified in the Water and Waste Management Plan – Appendix B – Figure 1 – Effluent management layout of the SEE.
- o) Any solid waste that are stored or stockpiled at the premises are to be stored on impermeable pads which have controlled drainage to holding pond.
- p) The holding pond must be maintained to ensure the retained solids do not reduce its capacity by more than 20% of the designed capacity.
- q) The holding pond must be constructed and lined to achieve a permeability standard of 1×10^{-9} m/s.
- r) All water draining from the holding pens must be collected in clay lined drains and directed to the holding pond.
- s) The depth of manure on the pen surface must not exceed 50mm at any time.

37 Erosion and Sediment Control

- a) Any topsoil taken from pen sites and excavated areas shall be removed and stockpiled for later rehabilitation work.
- b) All batters shall be a minimum of 4(h):1(v) re-topsoiled, seeded and fertilized immediately upon completion. Suitable species to use around sheds and feedlot areas are lower growing perennial grasses.
- c) Drains shall be established at a non-erodible grade and revegetated by re-topsoiling, seeding and fertilizing immediately upon completion.
- d) Disposal of any runoff shall occur over well-vegetated areas.

38 Groundwater Management

- a) Baseline groundwater quality data shall be established prior to the use of the feedlot and the impact of the development should be assessed against the minimum harm criteria of the NSW Aquifer Interference Policy.
- b) A Groundwater Monitoring Plan shall be prepared in accordance with available best practice guidelines and in consultation with the DPI and shall be submitted to Council for approval prior to the commencement of site works. Monitoring bores shall be drilled to a depth where they intercept groundwater, so that groundwater can be monitored, baseline groundwater quality data can be established and the impact of the development can be assessed against Level 2 criteria of the Aquifer Interference Policy. It is also a requirement that the applicant utilise existing bores that intercept groundwater within the property. The Plan must make provision for ongoing environmental monitoring to be undertaken and include ambient water quality monitoring (up and downstream) of the Coolaburragundy River.
- c) All infrastructure related to the feedlot must be located above the 1 in 100 year flood zone.
- d) The proponent must implement all practicable measures to minimise the pollution of groundwater as a result of the disposal of carcasses.
- e) A groundwater mitigation program must be outlined in the event that unacceptable levels of contamination are identified.

39 Noise

The Applicant/Operator shall ensure that the noise generated by the development does not exceed the following limits at any privately-owned land:

Noise Limits

Day ¹ Aeq(15 minute)	Evening	Night
48 dB(A)	45	40

Notes:

- a) Noise from the development is to be measured at the most affected point on or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the **L¹Aeq(15 minute)** noise limits i.e. the continuous equivalent noise level when measured over a 15 minute period) in the above table. 5dBA must be added to the above limits if the noise is substantially tonal or impulsive in character.
- b) If it can be demonstrated that direct measure of noise from the development is impractical, the Council may accept alternative means of determining compliance (refer Chapter 11 of the Industrial Noise Policy – EPA, 2000). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

- c) *The noise emission limits identified in the above Table apply under meteorological conditions of:*
- *Wind speeds of up to 3m/s at 10 metres above ground level, and*
 - *Temperature inversion conditions of up to 3°C/100m.*

L_{Aeq}(15 minute) *is the equivalent continuous noise level – the level of noise equivalent of the energy-average of noise levels occurring when measured over a 15 minute period.*

- d) *For the purpose of noise measurement required for this condition, the L_{Aeq} noise level must be measured or computed at any point within 30 metres of any residential or noise sensitive receiver over a period of 15 minutes using "FAST" response on the sound level meter.*
- e) *For the purpose of the noise criteria for this condition, 5dB(A) must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:*
- *1 metres from the façade of the residence for night time assessment;*
 - *At the residential boundary;*
 - *30 metres from the residence (rural situations) where a boundary is more than 30 metres from the residence*
- f) *The noise emission limits identified in paragraph 1 of this condition apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:*
- *Documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;*
 - *Where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversion conditions should be developed and implemented.*

40 Potentially Offensive Odour

The Applicant/Operator must not cause or permit the emission of offensive odours from the premises, as defined under Section 129 of the *Protection of the Environment Operations Act 1997*.

Note: *Section 129 of the Protection of the Environment Operations Act 1997, provides that the applicant must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in any relevant environmental protection licence (EPL) as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimizing odour.*

41 Bush Fire Management

Asset Protection Zones

The property around the feedlot and associated facilities shall be managed as inner protection area (IPA) for a distance of 50 metres in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

Note: *Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

42 Lighting

All external lighting shall comply with the provisions of Australian Standard 4282-1997 – 'Control of the obtrusive effects of outdoor lighting'.

43 Operating Conditions

43.1 Dust Management

- a) All activities undertaken at the premises must be carried out in a manner that will minimise dust.
- b) The Applicant/Operator shall take appropriate measures to assist in the mitigation of potential dust nuisance which may arise, including from vehicular movements on the subject site.

43.2 Maintenance of Holding Ponds

- a) The holding ponds must be maintained to ensure that sedimentation does not reduce their capacity by more than 20% of the design capacity.
- b) The effluent holding ponds/evaporation ponds and associated drains must be maintained to prevent infiltration.

43.3 Maintenance of Feedlot Pens

- a) The feedlot pen surface must be maintained to prevent infiltration.
- b) The manure pad depth:
 - (i) Does not exceed 50mm above the interface layer;
 - (ii) Is left intact during pack removal; and
 - (iii) Is left in a smooth, durable and uniform state following pack removal.
- c) No pen has a slope less than 3% or drains into another pen.
- d) All feed/water troughs and bin aprons:
 - (i) Slope away from the trough and bin to facilitate drainage; and
 - (ii) Are constructed so that wash water is always discharged outside of the pens.
- e) Under-fence cleaning is carried out at least monthly.
- f) Wet patches are eliminated at least weekly.
- g) Potholes are repaired at least weekly.

43.4 Solids Storage

- a) Solids must be stored on an impermeable pad within the controlled drainage area.
- b) Manure with a moisture content of greater than 35% is not placed in the main stockpiles.

43.5 Management of Utilisation Areas

- a) The quantity of effluents/solids applied to the utilisation areas must not exceed the capacity of the area to effectively use the effluent/solids.
- b) For the purpose of this condition, 'effectively utilise' includes the use of the effluents/solids for pasture and crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.

43.6 Carcass Disposal

Carcass disposal pits must be shaped to prevent inflow of surface runoff and must be suitably lined to prevent infiltration.

43.7 Controlled Drainage Area

- a) The controlled drainage area (CDA) must prevent 'clean' runoff entering the site and collects all 'contaminated' runoff.
- b) For the purposes of this condition, the CDA must include the feedlot pen areas, unloading and processing yards, cattle lanes and the solids stockpile areas.

43.8 Spreading of Manure

- a) Manure spreading is:
 - (i) Not conducted during weekends or public holidays; and
 - (ii) Only conducted when conditions are favourable to dispersion.

43.9 Feed Spillage

Feed residues and spilt feed are to be removed at least weekly.

43.10 Control of Vermin and Flies

- a) Fly, mice and other vermin shall be controlled via the implementation of an effective baiting or management program which shall operate continuously from the commencement of the feedlot.
- b) Details of the fly, mice and other vermin control program shall form part of the Feedlot Management Plan to be presented to Council prior to the issue of the Occupation Certificate.

43.11 Operator Shall Not Pollute Waters

The operation of the development must comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

44 Monitoring and Recording Conditions

44.1 Monitoring Records

Any monitoring required to be conducted by the conditions of the consent in relation to the development must be recorded and retained as set out as follows:

- a) All records required to be kept by these conditions must be:
 - (i) In a legible form, or in a form that can be readily reduced to a legible form;
 - (ii) Kept for at least four (4) years after the monitoring or event took place; and
 - (iii) Produced in a legible form to any authorised officer of Council or a government agency, such as the NSW EPA, who asks to see them.
- b) The following records must be kept in respect of any samples required to be collected, the date/s on which the sample was taken:
 - (i) The time/s at which the sample was collected;
 - (ii) The point at which the sample was taken; and
 - (iii) The name of the person who collected the sample.

44.2 Requirement to Monitor concentration of pollutants discharged

- a) For each monitoring/discharge point or utilisation area defined under the terms of this consent, the Applicant/Operator must conduct appropriate monitoring (by sampling or obtaining results by analysis) the concentration of each of the pollutants identified in the respective Management Plans.

44.3 Mass Animal Disposal

- a) The disposal of dead cattle by burning is prohibited. The Applicant/Operator must develop a "Mass Animal Disposal Plan" prior to the issue of the Occupation Certificate. The Plan shall form part of the suite of documents comprising the overarching Feedlot Management Plan.
- b) The Mass Animal Disposal Plan can consider a number of disposal options, but at minimum shall address the requirements to dispose of all animals within the feedlot via burial. Burial options must consider:

- (i) Site location, a specific site needs to be set aside for pit establishment should it be required. In considering site location the following issues require consideration:
 - Proximity to flood zones;
 - Proximity to groundwater tables;
 - Soil characterisation, to determine the suitability or otherwise of the soil to act as an impermeable barrier for leachate contamination to groundwater;
 - Site volume being sufficient to hold all cattle within the feedlot
- (ii) The ability to access materials to line the pit if required;
- (iii) The ability to access appropriate machinery to construct the pit;
- (iv) The ability to establish monitoring regimes to ensure that disposal pits do not pollute the surrounding environment.

44.4 Storage Tanks

All grain and feed storage facilities associated with the proposal are to be fully enclosed or suitably covered so as to not attract or support vermin and birds.

44.5 Complaints Procedures and Records

- a) Throughout the life of the development, the Applicant/Owner/Operator shall ensure that the following contacts are available for community complaints:
 - (i) A telephone number on which complaints about the development may be registered;
 - (ii) A postal address to which written complaints may be sent;
 - (iii) An email address to which electronic complaints may be transmitted.
- b) The telephone number, the postal address and the email address shall be advertised in at least one appropriate local newspaper prior to the commencement of work at the development site.
- c) The Applicant/Owner/Operator shall record legible details of all complaints made to the owner, operator, applicant or any employee or agent in relation to pollution from the development. The record must include, but not necessarily be limited to:
 - (i) The date and time, where relevant, of the complaint;
 - (ii) The means by which the complaint was made (telephone, mail or email)
 - (iii) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (iv) The nature of the complaint;
 - (v) Any action(s) undertaken by the Applicant/Owner in relation to the complaint, including any follow-up contact with the complainant; and
 - (vi) If no action was undertaken by the Applicant/Owner in relation to the complaint, the reason(s) for no action being undertaken.
- d) A sign shall be erected at the site boundary providing contact details. The record of a complaint must be kept for at least 4 years after the complaint was made.
- e) Records shall be made available for inspection by an authorised officer of Council upon request. The Applicant/Owner shall also make summaries of the Register, without details of the complainants, available for public inspection.

45 Structural Adequacy of Buildings

The Applicant/Owner shall ensure that all structures are constructed in accordance with the relevant requirements of the National Construction Code.

Note: Under Part 4A of the EP&A Act, the Applicant/Owner is required to obtain construction and occupation certificates for the proposed building works.

Part 8 of the EP& A Regulation sets out the detailed requirements for the certification of development.

46 Post Occupation

46.1 Reporting Conditions

The applicant/owner must provide an Annual Report (Return) to Council in relation to the development. In this return the Applicant/Owner must report on the annual monitoring undertaken, provide a summary of complaints relating to the development, and report on compliance with development consent conditions.

46.2 Deadline for Annual Return

The Annual Return must be provided to Council no later than 30 June each calendar year.

46.3 Rehabilitation and Maintenance

At the cessation of feedlot operations the Applicant/Owner shall rehabilitate/restore the site (in particular the sediment and effluent holding ponds) to its pre-feedlot use and perform maintenance for a period of two (2) years after practical completion.

DEFINITIONS

Listed below are definitions used in the Notice of Determination:

Applicant	Premise Consultants
Council	The Council of the Shire of Warrumbungle
DA	Development Application
Day	Day is defined as the period from 7am to 6pm Monday to Saturday
DCP	<i>Warrumbungle Shire Development Control Plan 2015</i>
DPI	Department of Primary Industries
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regs	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
WLEP	<i>Warrumbungle Local Environmental Plan 2013</i>
Land	Land means the whole of a lot in a current plan registered at the Land Titles Office at the time of this consent.
Night	Night is defined as the period from 6pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Owner	Owner of the land – Minnamurra Pastoral Company
PCA	Principal Certifying Authority appointed under the EP&A Act
SoEE/SEE	Statement of Environmental Effects
Site	Land to which the DA applies
Work	The development and operation of the proposed cattle feedlot, including associated infrastructure and access, which is the subject of this Development Consent.

DRAFT

REASONS FOR CONDITIONS:

The above conditions have been imposed:

- a) To ensure compliance with the terms of the Environmental Planning Instrument and/or Development Control Plan;
- b) Having regard to Council's duties of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) as well as Section 4.17 of the Act which authorises the imposition of consent conditions;
- c) To protect the existing and likely future amenity of the locality;
- d) To prevent, minimise and/or offset environmental impacts;
- e) Set standards and performance measures for acceptable environmental performance;
- f) Require regular monitoring and reporting;
- g) Provide for ongoing environmental management of the development;
- h) Having regard to the circumstances of the case and the public interest; and
- i) To ensure compliance with the *Building Code of Australia* and referenced standards.