

**AGENDA INDEX SHEET**

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4. **SUBJECT: DEVELOPMENT APPLICATION 8/16– WATER STORAGE**  
**FROM: MANAGER ECONOMIC AND BUSINESS DEVELOPMENT**  
**John Harvie**

**RECOMMENDATION/S:**

That Council approve Development Application No. 8/16/DA for the 1900 Megalitre Water Storage Dam extension, "Hartwood Station" under Section 80(1) of the Environmental Planning and Assessment Act, 1979, and subject to the following conditions noted:

**Background:**

Applicant: Matthew Truccolo  
Property: Lot 84,101-103 DP756309, LOT 17 DP11685, Lot 58  
DP 756289, "Hartwood Station" 3202 Conargo Road  
Zoning: RU1 Primary Production  
Proposed Development: Water Storage Dam Expansion – 1900 Megalitres  
Consent Authority: Edward River Council  
Reason for Report: Designated Development

Development Application 8/16/DA was lodged with Council on 23 March 2016. The proposed development is for a 1900 megalitres enlargement of the existing storage dam on Hartwood Station giving an overall capacity of 2400 Megalitres water storage.

The application is deemed to be Designated Development as prescribed by the Environmental Planning & Assessment Act 1979, due to the size of the storage and the sodicity of the soil at the proposed site. Designated Development requires the preparation of an Environmental Impact Statement (EIS).

The development is proposed to be a staged development as follows;

- Stage 1 – 500 Megalitre water storage cell, decommission 360 hectares of flood irrigation, increase length of LM irrigation by another 3 km
- Stage 2 -1400 Megalitre water storage cell, decommission 720 hectares of flood irrigation, increase length of LM Irrigation by another 6km

Requests for further information were made on two occasions to the applicant due to insufficient information being provided for Aboriginal Cultural Heritage Assessment, Water Licensing and Soil Analysis. This information was satisfactorily supplied on 15 November 2016.

## Comment

Located on the subject land is an existing 500 Megalitre Water Storage. Currently water is pumped from the Yanco Creek to the existing storage and then pumped to a lateral supply channel adjacent to the north of an existing LM travelling irrigator. It is proposed that the increased storage capacity will facilitate the decommissioning of around 1,080ha of flood irrigation and the replacement installation of an additional 9km of LM travelling irrigators to spray irrigate the land. This could potentially result in the harvesting of water from over 1440 ha of spray irrigated farm land, with water directed back into the storage system

## Designated Development

As part of the Designated Development assessment process the application was referred to the relevant statutory Authorities and exhibited by way of site notice, advertisement in the local print media and by written notification to adjoining and adjacent land owners, for a period of 30 days commencing on 30 March 2016. The Exhibition period concluded on the 2 May 2016.

During the exhibition period three (3) written objection to the proposal were received. The objections are detailed in the exhibition section of the report

## Legislative and Policy Implications:

### Environmental Planning and Assessment Act 1979

The proposed development is defined as Designated Development in accordance with the Act and as listed in Schedule 3. To ensure compliance with the Act the applicant has prepared an Environmental Impact Statement (EIS). The EIS has been referred to all relevant Departments for comment

In determining a Development application, the consent authority is required under s79C to take into consideration such of the following matters as are of relevance to the development, the subject of the development application

- (a) the provisions of:
    - (i) any environmental planning instrument, and
    - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
    - (iii) any development control plan, and
    - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
    - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
    - (v) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*),
- that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

The application was assessed by applying the relevant considerations noted in s79C

Environmental Planning Instruments relation to the development

State Environmental Planning Policy No.52 – Farm Dams and other works in Land and Water Management Plan Areas

The land on which the water storage dam is proposed to be located is not in a Land and Water Management Plan area and therefore the provisions of SEPP 52 do not apply.

Conargo Local Environmental Plan 2013

The proposed Water storage dam complies with the aims and objectives of the RU1 Primary Produce zone and the Plan on the whole.

Council Policy

Reporting Requirements – Determination of Development Application - requires that any Designated Development shall be reported to Council for determination.

**Exhibition**

As stated in the background to this report the application was required to be exhibited for a period of 30 days.

The application commenced exhibition on 30 March 2016 and was advertised placed for two occasions during the exhibition period in the Pastoral Times Newspaper. Adjoining and adjacent property owners were notified and The application, Environmental Impact Statement and Plans, were placed on public exhibition at:

- Conargo Shire Offices, End St, Deniliquin
- Department of Planning Office, Western Division Office, Macquarie Street, Dubbo
- Department of Planning, Head Office, 23-33 Bridge Street, Sydney NSW

**Referrals**

Referrals were sent to the following statutory agencies and the following comments were received;

- Department of Planning and Environment – No issues

- Office of Environment and Heritage - further assessment of ACH requested. provided by applicant to satisfaction of OEH
- Local Lands Services – no issues
- Department of Industry, Resources and Energy – no issues
- Deniliquin Aboriginal Lands Council – no issues
- Department of Primary Industries – Water – no issues

### Submissions

At the end of the submission period three written objections were received;

Objection 1	Economic and loss of amenity grounds	Concerns if supplementary or other water supplied was pumped by Hartwood to fill 1900 meg dam that it will severely impact on their ability to be supplied with any water to their property
Objection 2	Economic and Environmental Grounds	Concerns that the large volume of water able to be held in the storage dams will be detrimental to downstream users ability to access any supplementary and off allocation water
Objection 3	Loss of amenity, economic grounds	Concerned if large volumes of water are used to fill storages it will result in no supplementary water for other downstream users. Serious effect on downstream flows. No information provided about additional pumps that may be required

### Consideration of Objections

The objections raised were all common in their concern that any supplementary or off allocation water would be captured by the enlarged dam at Hartwood Station and downstream users would lose access to this water.

The applicant advised that there is no plan to upgrade any of the pumps so as to increase pumping capacity during supplementary water events and no additional licence allocations are to be sought.

Based on advice received from NSW Water it was identified that the supplementary water allocations are legislated under the Water Management Act and are based on Water Sharing Plans. Supplementary allocations are

based on the Fair and equitable principles under the legislative guidelines and any allocations, increased pumping or additional licencing would require approval from the Office of Water.

It is therefore considered that the matter of water allocations are sufficiently legislated under the Water Management Act and therefore outside the authority of Council.

The proposed development seeks to enlarge the existing water storage and improve on-farm water efficiency. It does not seek to increase the pumping capacity or create additional licences and therefore it is recommended that the proposed Development will not be of undue detriment to the environment or the amenity of the area.

**Budget Implications:**

Nil

**Risk:**

The application has been assessed against the relevant legislation and Council policies to minimize any risk to the Council, the environment and the community

**Recommendation:**

That Council approve Development Application No. 8/16/DA for the 1900 Megalitre Water Storage Dam extension, "Hartwood Station" under Section 80(1) of the Environmental Planning and Assessment Act, 1979, and subject to the following conditions noted;

**Requirements/Limitations**

1. The development shall take place in accordance with the plans and documentation submitted with Development Application 8/16/DA, being:
  - Environmental Impact Statement Volumes 1 & 2 for Proposed Water Storage Expansion "Hartwood Station" 3202 Conargo Road, Hartwood prepared by EDM Group for Maribyrrnong Investments Pty Ltd, 23 February 2016
  - Proposed Farm Water Storage, Hartwood Station, - Soil Investigation and Construction Report, 5 June 2013, Prepared by Civil Test Albury Wodonga
  - Associated plans and documentation submitted and held on 8/16/ DA File

Reason: To clarify the extent of the consent.

2. The Development is approved as staged development. The stages are as follows;

Stage 1 – 500 Megalitre Storage Dam  
Stage 2 – 1400 Megalitre Storage Dam

3. The storage is to be constructed in accordance with the EIS and in particular in accordance with the additional information provided to Council

on 15 November 2016 and now held on file for the EIS, detailing mitigation measures necessary for construction, due to the sodicity levels of the soil

Reason: To ensure that conditions of consent are complied with during the undertaking of the development and prior to commencement of use.

### **Statutory Requirements**

4. The applicant shall ensure that any mandatory licences, permits and approvals are obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals. The applicant shall ensure that a copy of this consent and any relevant approvals are available on the site at all times during the development.
5. The applicant shall provide advice to Council prior to each of the events listed below;
  - (a) Commencement of construction
  - (b) At any stages noted in the conditions as requiring inspection
  - (c) At the completion of the works prior to use of the water storage facility

Reason: To comply with Environmental Planning & Assessment Act 1979

### **Construction requirements**

6. Construction activities associated with the development may only be carried out between the hours of 0700 and 1800 Monday to Friday inclusive and between the hours of 0800 and 1300 on Saturdays. No construction activity is permitted to occur on Sundays or public holidays.
7. All practicable measures must be taken to minimise harm to the environment or loss of amenity, as a result of the construction and operation of the development.
8. The storage dam is to designed and constructed to ensure minimal leakage and losses to the adjoining groundwater system.
9. Any spoil deposited on public roads during the cartage of materials from or to the site shall be removed on the same day. The cartage of materials from or to the site shall be removed on the same day. The cartage of spoil shall cease, as directed by Council if the Council determines that excessive depositon of spoil onto the road is taking place.
10. Works are not to obstruct the free passage of flood flows up to the 1 in 100 year flood event
11. No pollution must occur to adjacent land or watercourses during the

construction phase

12. During construction, measures must be taken to minimize and control the emission of dust that may impact on neighbouring premises
13. During construction, measures must be taken to minimise noise that may impact on neighbouring premises
14. All works associated with the development shall be the responsibility of the developer and at no cost to Council

Reason: To ensure compliance with the Environmental Planning and Assessment Act and associated legislation and to ensure that the environment is not adversely affected by the construction activities

### **Aboriginal Cultural Heritage**

15. It is a requirement of the NSW National Parks and Wildlife Act 1974 that a person must not harm or desecrate an object that the person knows is an Aboriginal object.

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking development activities, the proponent must;

- Not further harm the object
- Immediately cease all work at the particular location;
- Secure the area so as to avoid further harm to the Aboriginal object
- Notify OEH as soon as is practical on 131555, providing any details of the Aboriginal object and its location;
- Not recommence any work at the particular location unless authorised in writing by OEH

16. The consent holder must ensure that all persons working on the site are made aware of their responsibilities under the NSW National Parks and Wildlife Act 1974

Reason: To ensure compliance with legislative requirements.

### **Environmental Monitoring & Compliance**

17. Monitoring Bores are to be installed, subject to approval from DPI Water, to assess the impact on groundwater. Four (4) monitoring Piezometers installed should be installed in proximity to the following coordinate points;

Easting	Northings
356312	6095650 (1)
356497	6089724 (2)
359592	6088057 (3)
352396	6092872 (4)

The installation of monitoring bores would be subject to a separate approval obtained from DPI Water prior for their installation.



18. Compaction Test results are to be provided to Council at construction stage to verify that the Storage dams have been constructed in accordance with the design provided in the EIS.

Reason: To ensure compliance with the consent issued and to ensure that the constructed water storage minimize groundwater infiltration.

**5. SUBJECT: 2015/16 AUDIT REPORT**  
**FROM: ADMINISTRATIVE OFFICER**  
**Michael Todd**

**RECOMMENDATION/S:**

The 2015/16 Audit Report be received and contents noted.

**Background:**

The 2015/16 Audit Report is attached to this report.  
The Audit Report is very detailed and it is proposed when the Deniliquin Council Audit Report is submitted that a formal presentation to Council by Crowe Horwath take place.

**Comment:**

The 2015/16 financials have been advertised in accordance with section 418(3) of the Local Government Act.

In accordance with section 420 of the Local Government Act submissions were invited from the public. At time of writing the report council had not received any submissions.

**Strategic Implications:**

Sound financial management completed by due date.

**Legislative and Policy Implications:**

Requirement under section 418(3) of the Local Government Act.

**Budget Implications:**

Finalise 2015/16 budget.

**Risk:**

Financial risk if not prepared under Local Government Act and Code of Accounting Policies.

Attachments to this report:           A. Audit Report  
  B. Report on the Conduct of the Audit