



Council Ref:GP:KT:NW:ECM565982

27 April 2020

Mr Owen Pedlow
[REDACTED]

Dear Sir,

RE: Notice of Determination

Application:	DA11/2020
Property Title:	Lot 1 DP180562; Lot 125 DP659979; Lot 1, 2 and 3 DP1115100; Lots 1, 2, 3, 4 and 5 DP7243; Lot 1 DP114064; Lot 1 DP308507; Lot 126 DP753311; Lot 22 DP753311; Lot 23 DP753311 and Lot 4 DP114034.
Property Address:	34 Pedlows Road, Stonehenge, NSW.
Proposal:	Intensive Livestock Agriculture: 1000 Head Cattle Feedlot

I wish to advise that Council has approved the above mentioned application subject to conditions as outlined in the attached prescribed Notice of Determination under the Environmental Planning & Assessment Act 1979.

Please read the Determination Notice carefully and observe / implement any conditions of consent as outlined in the Notice.

Failure to comply with the Determination Notice may render you liable to legal proceedings under the Environmental Planning & Assessment Act 1979.

For further information, please contact Council's Development, Planning & Regulatory Services Department on 6730 2350.

Yours faithfully,

Graham Price
Director of Development,
Planning & Regulatory Services



Glen Innes Severn Council

PO Box 61, Glen Innes, NSW, 2370

Telephone: 02 6730 2350

NOTICE OF DETERMINATION

Development Application

Issued under the *Environmental Planning and Assessment Act 1979* Section 81 (1) (a)

Development Application Number: DA11/2020

APPLICANT NAME: Owen Pedlow.

APPLICANT ADDRESS: [REDACTED]

OWNER NAME: Jardana Pty Ltd.

OWNER ADDRESS: [REDACTED]

LAND TO BE DEVELOPED

Property Address

Property Title

34 Pedlows Road, Stonehenge.

Lot 1 DP180562; Lot 125 DP659979; Lot 1, 2 and 3 DP1115100; Lots 1, 2, 3, 4 and 5 DP7243; Lot 1 DP114064; Lot 1 DP308507; Lot 126 DP753311; Lot 22 DP753311; Lot 23 DP753311 and Lot 4 DP114034.

PROPOSED DEVELOPMENT

Development Description:

Intensive Livestock Agriculture: 1000 Head Cattle Feedlot

DETERMINATION

- Consent granted unconditionally
- Consent granted subject to conditions described below
- Application refused

DATE OF DETERMINATION

CONSENT TO OPERATE FROM

CONSENT TO LAPSE ON

(See Note 1)

23 April 2020

23 April 2020

23 April 2025

Prescribed Conditions

1. The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the Environmental Planning and Assessment Regulations 2000.

Reason: To comply with legislative requirements.

General Conditions

2. Development is to be in accordance with approved plans.

The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan No./Supporting Document(s)	Prepared By	Dated
Statement of Environmental Effects, Jardana Feedlot, 2020	Owen Pedlow	23 January 2020
Bushfire Protection Assessment	Eco Logical Australia	10 July 2019
Soil Investigation	GeoLINK	9 August 2019
Traffic Impact Assessment	Apex Engineering	April 2019

In the event of any inconsistency between conditions of this development consent and the plans and documents referred to above, the conditions of this development consent prevail.

Reason: To ensure the development is in agreement with that approved in the development consent.

3. Staging of the Development

The development will be carried out in two (2) stages:

- Stage 1 Earthworks and construction of pens to hold capacity of 250 head.
- Stage 2 Remaining pens and stockyards.

Reason: To enable the proposal to be carried in stages.

4. Documentation

A copy of all the approved documents related to this consent, shall be kept on site at all times and shall be made available upon inspection by Council or an authorised government agency.

Reason: To ensure all documents are available on inspection.

5. Manure Haulage

This development consent does not authorize manure haulage offsite (away from the subject land).

Reason: The Traffic Impact Assessment did not account for manure haulage.

6. Lighting

There is to be no unshielded flood lighting or security lighting within the site.

Reason: To ensure the amenity of the site.

Prior to Construction Commencing

7. Construction Certificate

No work shall commence, including earthworks, until a Construction Certificate has been issued and the applicant has notified Council of:

- The appointment of a Principal Certifying Authority; and
- The date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

The Construction Certificate civil drawings are to reflect a feedlot designed to a minimum standard of a class 1 feedlot or equivalent as specified under the National Guidelines for Beef Cattle Feedlots in Australia (2012) (REF: Meat and Livestock Australia 3rd Edition).

Reason: To comply with the Australian Meat and Livestock National Guidelines for Beef Cattle Feedlots in Australia (2012) and Beef Cattle Feedlots: Design and Construction (2015) for the equivalent of a Class 1 feedlot.

Conditions to be Completed Prior to Issue of a Construction Certificate

8. Environmental Management Plan

An Environmental Management Plan (EMP) must be prepared by the applicant and approved by Council prior to the release of the Construction certificate. The EMP is to address the environmental management of the farm and must include the following:

a) Manure and effluent handling

Rate of removal.

Rate of spreading application (kg/day).

Contingency measures in the event of disease outbreak and mass disposal.

b) Sediment dam

The water within the dam is to be kept at such a level that it has the capacity to capture the design storm run-off event.

c) Surface Water Quality Sampling

A Surface Water Quality Sampling and Testing Programme is to be developed in accordance with Department of Environment and Conservation, DEC (2004) Use of Effluent by Irrigation Guidelines. The Programme is to include 6 monthly testing from at least one dam close to the property boundary that receives run off from the feedlot area. The Surface Water Quality Sampling and Testing Programme is to be approved by Council prior to the commencement of works.

d) Irrigation Strategy

The Applicant must prepare an Irrigation Strategy for the onsite application of effluent. The Irrigation Strategy is to include crop removal.

a) An Emergency Management Plan

Emergency Management plan that outlines procedures and responsibilities for responding to impacts to agriculture during emergency situations such as flooding, fire, disease outbreaks and other possible catastrophic events.

b) Animal Welfare

A Feedlot Animal Welfare Management Plan must be prepared in accordance with the Australian Animal Welfare Industry Standards Guidelines (January 2016). The plan must include details of carcass disposal.

c) Biosecurity Response Plan

A Biosecurity Response Plan is required manage:

- Disease, weed and pest management
- Animal welfare/disease prevention protocols:
 - vaccine program,
 - how often checked for sickness,
 - hot weather precautions eg drinking.
- Monitoring and mitigation measures in disease management, in particular Q Fever.
- Onsite composing for mass mortality – site details required.

h) Dust

Measures to ensure that activities occurring at the premises are carried out in a manner that will minimise emissions of dust and air pollutants from the premises. The premises must be maintained in a manner that prevents and minimises the emission of air pollutants.

Reason: To maintain the feedlot in accordance with recommended industry practice and to maintain the amenity of the receiving environment.

9. Landscape Plan

The Proponent shall prepare a Landscape Plan showing:

- buffer and riparian landscaping to downslope land between the feedlot area and the creek lines within the subject land connecting the dam system with Beardy Waters;
- screen landscaping to the western boundary of the subject land;
- Shade trees in and around the feedlot pad area;
- Screen planting to the manure stockpiles and containment bank; numbers, size and location of native trees and shrubs.

The landscape Plan must be approved by Council prior to the release of the Construction Certificate.

Reason: To maintain the amenity of the area, improve biodiversity and to protect the riparian areas.

10. The applicant will design and construct drainage system around the feedlot to ensure that no surface water enters the feedlot site during a one percent (1%) average recurrence interval rain event (refer Ball J, Babister M, Nathan R, Weeks W, Weinmann E, Retallick M, Testoni I, (Editors), 2019, Australian Rainfall and Runoff: A Guide to Flood Estimation, Commonwealth of Australia).

Reason: To ensure that storm water drainage is managed appropriately.

11. The applicant will design and construct effluent collection and storage systems to ensure that no effluent water leaves the feedlot site during a one percent (1%) average recurrence interval rain event (refer Ball J, Babister M, Nathan R, Weeks W, Weinmann E, Retallick M, Testoni I, (Editors), 2019, Australian Rainfall and Runoff: A Guide to Flood Estimation, Commonwealth of Australia).

Reason: To ensure that storm water drainage is managed appropriately.

NOTE: The System will require provision for cleaning and maintenance and should include two (2) separate holding ponds, allowing alternate use and cleaning.

12. In accordance with Division 7.1 of the EP&A Act, the applicant shall pay the following Section 7.11 (previous s 94) monetary contributions towards provision or improvement of amenities and services:
- a) \$3,800 being one percent (1%) of the cost of carrying out the development as determined by the Council in accordance with Act and Regulations.
 - b) The contribution shall be paid in the form of eftpos, cash or bank cheque, made out to Glen Innes Severn Council. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

NOTES:

- i. The contributions will be adjusted in accordance with the requirements of the Glen Innes Severn Council's Section 94A Development Contributions Plan 2014.
- ii. Any charges and contributions required in this consent will be increased to the current rate at the time of payment.
- iii. All levies paid to Council are applied towards meeting the cost of provision or augmentation of new public facilities. The levy has been set at one percent (1%) of the estimated cost of development and applies to all land within the Glen Innes Severn Local Government Area.

Reason: To comply with the requirements of Council's Section 94A Contributions Plan.

Conditions to be Complied with During Construction of the Feedlot

13. Site Management

The feedlot area is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation.
2. Appropriate dust control measures.

3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site.
4. Building waste is to be managed via an appropriate receptacle.
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council:
 - Monday to Saturday from 7.00am to 6.00pm;
 - No work to be carried on Sunday or Public Holidays.

The site management to be responsible to instruct and control sub-contractors regarding the hours of work.

Reason: To maintain the amenity of area.

14. Signage

A sign indicating the name, address and telephone number of the Principal Certifying Authority, and the name and telephone number of the Principal Contractor (if any) must be erected in a prominent position on the site and maintained until the building work has been completed. The sign must also state that unauthorised entry to the site is prohibited. The signage must be erected prior to commencement of work.

Reason: To maintain public safety.

15. Noise

Noise from the premises must not exceed an LAeg (15 min) of 35 dBA at the nearest residential receiver.

Reason: To ensure amenity of area.

16. Cultural Heritage

Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and NSW Office of Environment and Heritage is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.

Reason: To protect cultural heritage.

17. Approved Plans to be On-Site

A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To comply with legislative requirements.

Conditions to be Completed Prior to Operation of The Feedlot

18. The applicant will obtain approval, at the full cost of the applicant, for the use of any oversize or overmass vehicles to be used on local route roads (part Stonehenge and Pedlows Roads).

Reason: To ensure that the traffic using these roads is able to operate safely.

NOTE: Unless such approval is obtained, the use of B-Double trucks greater than 19 metres in total length is not permitted.

19. Traffic Management

- a) The Glen Legh Road is not to be used for feedlot haulage.
- b) Haulage of livestock is to occur outside normal school hours.

Reason: To ensure that all works are performed in a safe manner, consistent with Council's development standards.

20. Lot Consolidation

A plan of consolidation is to be registered by the NSW Land Title Office comprising Lot 1 DP180562; Lot 125 DP659979; Lot 1, 2 and 3 DP1115100; Lots 1, 2, 3, 4 and 5 DP7243; Lot 1 DP114064; Lot 1 DP308507; Lot 126 DP753311; Lot 22 DP753311; Lot 23 DP753311; Lot 4 DP114034, into a single lot.

Reason: To ensure all of the land to which this consent applies is retained under a single ownership.

On-Going Conditions of Consent

21. Feedlot Capacity

The maximum feedlot capacity, at any given time, must not exceed 1,000 head of cattle or 1,000 Standard Cattle Units as defined in the National Beef Cattle Feedlot Environmental Code of Practice.

Reason: To maintain feedlot operations in accordance with the assessed environmental capability of the receiving environment.

22. Minimum Buffers for Primary Industry

In accordance with the requirements of 'Living and Working in Rural Areas', NSW Primary Industries, 2007, waste utilisation areas must be at least 250 m from rural dwellings and rural tourist accommodation and 100 m from watercourses.

Reason: To maintain the amenity of the area and to protect the receiving environment.

23. Complaints Register

The operator of the feedlot shall establish a complaints protocol and nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaints register that includes records of nature, time and date of complaint, climatic conditions such as wind direction and speed and the action taken to address complaint. The register shall be made available to Council upon request.

Reason: To maintain the amenity.

24. Water Supply

A water supply is to be provide to the standards detailed in the National Guidelines for Beef Cattle Guidelines in Australia (2012).

Reason: To maintain animal welfare and ensure no adverse impact to the receiving environment.

25. Animal Health & Welfare

The National Guidelines for Beef Cattle Feedlots in Australia is to be complied with at all times during the operation of the feedlot to ensure animal health and welfare.

Reason: To ensure proper management of the feedlot.

26. Bushfire Protection Measures

The recommendations of the Bushfire Protection Assessment prepared by Eco Logical Australia, 10 July 2019 are to be complied with.

Reason: To maintain safety in the vicinity of the grain roaster and gas cylinders.

Advisory Note

a) ***Dial Before You Dig***

Underground assets may exist in the area that is subject to your application. In the interests of health and safety, and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary.

Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

b) ***Telecommunications Act 1997 (Commonwealth)***

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect of impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

c) ***Water Management Act 2000***

The carrying out of works within 40 m of a watercourse is a controlled activity under the *Water Management Act 2000*. A controlled activity approval is required to authorise the carrying out of a controlled activity. It is the responsibility of the landowner to ensure the required approvals are in place prior to the carrying out of works.

Public Notification

Reasons for Conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Reasons for Approval

The development satisfies the relevant aims, objectives and provisions of both the *Glen Innes Severn LEP 2012* and *Glen Innes Severn DCP 2014*.

Community Consultation

The application was required to be notified in accordance with Table 2.1 of the *Glen Innes Severn DCP 2014*.

RIGHT OF REVIEW

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act, 1979 ("EP&A Act"), an Applicant may request Council to review the determination that has been made in respect of a development application other than:

- a) a determination to issue or refuse to issue a complying development certificate, or
- b) a determination in respect of designated development, or
- c) a determination in respect of integrated development, or
- d) a determination made by the council under Division 4 in respect of an application by the Crown.

In requesting a review, the Applicant may make amendments to the development described in the original application, provided that the development, as amended, is substantially the same development as the development described in the original application.

Any request for review of the determination under the provisions of Section 8.2 of the EP&A Act would need to be made within 6 months after the date on which the Applicant received the Council's Notice of determination of the development application because the Council has no power to conduct a review after that time. The prescribed fee must be paid in connection with an application for a review.

RIGHT OF REPEAL

If you are dissatisfied with this decision (including a determination on a review under Section 8.2), Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months:

- a) after the date on which you receive this notice, or
- b) the date on which that application is taken to have been determined

The Environmental Planning & Assessment Act 1979, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development) either unconditionally or subject to conditions, the objector may, within twenty eight (28) days after the date on which the notice of the determination was given in accordance with the regulations, and in accordance with rules of court, appeal to the Court.

SIGNED On behalf of the consent authority



Graham Price
Director of Development,
Planning & Regulatory Services

Date: 27 April 2020

Note 1 Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.

Note 2 Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.