

All communications to be addressed to:
The General Manager
PO Box 11 KYOGLE
NSW 2474
AUSTRALIA



ADMINISTRATION OFFICE
Stratheden Street
Kyogle NSW 2474 AUSTRALIA
Phone 02 6632 1611
Fax 02 6632 2228
International Code (+61 2)
Email council@kyogle.nsw.gov.au
Website www.kyogle.nsw.gov.au

CONTACT: _____
FOR FURTHER INFORMATION

DA 2016/59
PLEASE QUOTE THIS REFERENCE

13 February 2017

Newton Denny Chapelle
PO Box 1138
LISMORE NSW 2480

NOTICE OF DETERMINATION
under Section 81(1)(a) of the *Environmental Planning
and Assessment Act 1979* (as amended).

The development application has been determined by granting consent subject to conditions.

APPLICANT	Newton Denny Chapelle
LAND	Lot: 12 DP: 1065804
LOCATION	126 Studders Lane CEDAR POINT
ZONE	Zone RU1 Primary Production
PROPOSED DEVELOPMENT	Intensive Livestock Agriculture (Rotational Outdoor Piggery)
DETERMINATION MADE ON	-
CONSENT TO OPERATE FROM	-
CONSENT TO LAPSE ON	-

DEVELOPMENT CONSENT

Conditions of approval

1. The development shall be generally in accordance with the following plans:

Reference No.	Revision	Name of Plan	Date
16/285	M	PLAN 2- PROPOSED PIGGERY LAYOUT	01.02.2017
16/285	M	PLAN 3- ENVIRONMENTAL MANAGEMENT PLAN PROPOSED PIGGERY	01.02.2017
16/285	M	PLAN 4- LANDSCAPE PLANTING	01.02.2017

except where otherwise provided by the conditions of this consent.

2. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.
3. This development consent is limited to a period of five (5) years in accordance with Section 95(1) of the *Environmental Planning and Assessment Act 1979*.

4. Maximum pig numbers

The piggery shall at all times accommodate no more than 20 breeding sows and 171 pigs in total (being 133.9 Standard Pig Units (SPU)).

5. Works as Executed Plan

To ensure the accurate location of paddocks and filter strips prior to commencement of the use the proponent shall lodge a Works as Executed Plan to Council detailing the physical location of the paddocks and filter strips.

6. Fencing

Prior to the commencement of operations fencing shall be installed on the perimeter of the farm or paddocks to prevent the escape of pigs from the property and to exclude feral pigs. Fencing shall be in the following form, or a suitable alternative as approved by Council:

- Tensioned hinged joint (ring lock or mesh) with single strand of plain or barbed wire at ground level.

Evidence of installation of fencing in accordance with this condition is to be submitted to Council prior to commencement of operations. Perimeter fencing is to be maintained at all times.

7. Landscape buffer planting

Landscape buffer planting as detailed in 'Plan 4- Landscape Planting' is to be carried out prior to commencement of operations and evidence of this being carried out is to be submitted to Council.

8. Establishment and maintenance of landscape buffer

Landscape buffer planting is to be monitored and maintained to ensure successful establishment. Any dead, sick or damaged specimens are to be replaced. The landscape buffer planting is to be maintained at all times thereafter.

9. Pig housing or shelters to be structurally sound

Pig housing or shelters must be constructed in a structurally sound manner and must be anchored to the ground to prevent movement in high winds.

10. Environmental Management Plan (EMP)

Prior to the commencement of the use the proponent shall prepare a revised and updated Environmental Management Plan (EMP) for the operation of the piggery that covers at least the following:

- Procedures for management of groundcover in paddocks.
- A Nutrient Management Plan.
- Soil testing and monitoring.
- Procedures for paddock rotation, spelling and cropping.
- Management of paddocks during/before/after extreme weather or climate eg. extended dry periods.
- Movement of paddock facilities.
- Complaints handling procedure.
- Dealing with mortalities, including composting procedures.
- Bio-security and animal welfare measures.

The EMP shall be submitted to Council for its assessment. Farm operations shall not commence until the EMP is endorsed by Council.

11. Compliance with Environmental Management Plan

At all times the piggery is to operate in accordance with the Council endorsed EMP.

12. Soil and nutrient monitoring

Annual soil monitoring shall be undertaken in accordance with Section 15.2 of the National Environmental Guidelines for Rotational Outdoor Piggeries (NEGROP). An annual soil monitoring report must be prepared by a suitably qualified person, commencing one year from the date of commencement of operations. The report is to describe the potential for soil nutrient levels to exceed sustainability indicator limits during the following year, and any required mitigation measures. The report is to also describe soil stability and vegetation coverage during the previous year.

13. Paddock rotation and spelling/cropping

Paddock rotation shall be carried out in accordance with the endorsed EMP and as required to maintain acceptable levels of groundcover and nutrients in soils.

14. Maintenance of groundcover

Stocking densities and paddock rotation are to be managed so that groundcover in any area of a paddock shall be not less than 50% at any time. If groundcover levels fall below 70% the farm operator shall follow procedures to address the issue as detailed in the EMP which may include:

- De-stocking of paddock.
- Reduction in pig numbers on farm.
- Promotion of pasture growth through seeding other appropriate measures.

15. Movement of paddock facilities

To ensure manure nutrients are effectively dispersed over paddock areas, paddock installations (including watering points, feeders, shelters and wallows) shall be relocated at least every 6 months in Dry Sow paddocks and every 3 months in all other paddocks.

16. Management of Vegetated Filter Strips

The Vegetated Filter Strips shall be managed to ensure their ongoing effectiveness to retain sediment and nutrients on the subject site. Management shall include, but is not limited to:

- a) Mowing/slashing of groundcover and weed control.
- b) Removal of any accumulated sediment.
- c) Repair of any wash-outs or damage.
- d) Maintenance of soil nutrient levels within Sustainability Indicator Limits as identified in Section 15.2 of the National Environmental Guidelines for Rotational Outdoor Piggeries (NEGROP).

17. Amenity Impacts

In the event of an amenity complaint that is deemed to be valid by Council, the applicant is to engage a suitably qualified consultant to prepare an amenity impact assessment that includes amelioration measure where required. The amenity impact assessment is to be submitted to Council to the satisfaction of the General Manager or his/her delegate.

18. Noise Generation

The land use shall not result in the emission of offensive noise as defined in the Protection of the Environment Operations Act 1997.

19. Waste Management

All waste materials generated from farm operations shall be disposed of at waste management facilities capable of receiving the waste as classified under the Protection of the Environment Operations Act 1997 and the waste regulations thereunder.

17. Amenity

The development must not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, light, waste water, waste products, grit or oil, traffic generation or otherwise.

18. Lighting

All external lighting must be shielded to prevent light intrusion to adjacent property.

19. Delivery hours

Deliveries and transport (excluding employee or personal transport) shall not be undertaken outside of the hours of 7am to 6pm Monday- Friday and 7am to 1 pm Saturdays. No deliveries or transport is to occur on Public Holidays.

INTEGRATED DEVELOPMENT CONDITIONS

WATER NSW

DA2016-59 – Proposed Development of Intensive Livestock Agriculture (Free Range Piggery) at 126 Studders Lane, Cedar Point NSW
Water Supply Works Approval
Water Access Licence
Water Management Act 2000
General Terms of Approval

Standard

20. The general terms of approval (GTA) relate to the above development within the proposed development site.
21. The GTA do not constitute an approval under the *Water Management Act 2000* (WMA).
22. If the consent authority determines to grant consent, the GTA are to form part of the development consent.
23. Any amendments to the development application may void these GTA.
24. The holder of development consent must submit, to WaterNSW a completed application form for a water supply works (and use) approval under the WMA prior to the commencement of any development / works.
25. The approval application is required to accord with the GTA.

26. The Holder of the Development Consent is required to acquire and hold a water entitlement (Water Access License) from an existing license entitlement holder from within the same water source as the existing constructed works (bore) is constructed. The volume acquired (ML) must be commensurate with the volume of water needed to be taken annually for the development, if approved.

Works

27. The water supply work approval holder must not take water using any work specified on this approval unless in compliance with the conditions of the water access licence under which water is being taken.
28. The water supply work approval holder must install, maintain and operate any device(s) for measuring the volume of water extracted by the approved works in accordance with any manufacturer's specifications or, where given, in accordance with any written direction from WaterNSW.
29. The water supply work approval holder must provide a certificate issued by the manufacturer or other such competent, qualified person certifying the accuracy of device or devices used for measuring the volume of water extracted by the approved works, in accordance with any written direction from WaterNSW.
30. The water supply approval holder must within two (2) months of completing construction of any work permitted by this approval and in a form approved by WaterNSW, provide the department with the following:
- The location of the authorized work on the lot and deposited plan preferably using GPS references, and
 - Details of the work (including the size, dimensions and capacity of the work).
31. The water supply work approval holder must provide WaterNSW with a report detailing the quantity of water taken through the approved work and recorded by the approved measuring device.
32. The water supply work approval holder must inform WaterNSW within seven (7) days if the device(s) used for measuring the volume of water taken from the approved work ceases to record water usage accurately. In such case, the approval holder must notify the department of:
- The duration of the failure of the measuring device, and;
 - The total hours that the work was operated while the measuring device was not function.
33. The water supply work approval holder must not take water using works on this approval under a:
- Domestic and stock access licence;
 - Local water utility access licence, or;
 - Major utility access licence,
- unless it is in accordance with a water supply order approved by WaterNSW not less than 2 days prior to when the water is to be taken.

Water Take

- 34.** The Water Access Licence holder must not take water other than in compliance with the conditions of the water supply work approval for the nominated work on the access licence through which water is to be taken.
- 35.** The volume of water taken in any three (3) consecutive water years from 1 July in any water year must be recorded in the logbook at the end of those three water years. The maximum volume of water permitted to be taken in those years must also be recorded in the logbook.
- 36.** The total volume of water taken in any three (3) consecutive water years under this access licence must not exceed a volume which is equal to the letter of either: A. the sum of: i. water in the account from the available water determinations in those 3 consecutive water years, plus ii. water in the account carried over from the water year prior to these 3 consecutive water years, plus iii. any net amount of water assigned to or from this account under a water allocation assignment in those 3 consecutive water years, plus iv. any water re-credited by the Minister to the account in those 3 consecutive water years, or B. the sum of i. the share component of this licence at the beginning of the first year in those 3 consecutive water years, plus ii. the share component of this licence at the beginning of the second year in those 3 consecutive water years, plus iii. the share component of this licence at the beginning of the third year in those 3 consecutive water years, plus iv. any net amount of water assigned to or from this account under a water allocation assignment in those 3 consecutive water years, plus v. any water re-credited by the Minister to the account in those 3 consecutive water years.
- 37.** The following information must be recorded in the logbook for each period of time that water is taken: A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and B. the access licence number under which water is taken, and C. the approval number under which the water is taken, and D. the volume of water taken for domestic consumption and/or stock watering.
- 38.** Once the water access licence holder becomes aware of a breach of any condition on this access licence, the licence holder must notify the Minister as soon as practicable. The Minister must be notified by: A. email: water.enquiries@dpi.nsw.gov.au, or B. telephone 1800 353 104. Any notification by telephone call must also be confirmed in writing within seven (7) business days of the telephone call.

Notes:

1. If you do not agree with this determination you can apply to Council for a review under Section 82A of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

An application for review must be made within one year from the date of this notice, and must be accompanied by the prescribed fee. This provision does not apply to designated development or integrated development. (Please contact Council for details).

2. If you are dissatisfied with Council's determination, you can appeal to the Land and Environment Court under Section 97 of the EP&A Act 1979 within 6 months from the date of this notice.
3. Before you start any building or subdivision works you must obtain a Construction Certificate from Council or an accredited certifier.
4. It is an offence under the *National Parks and Wildlife Act 1974* to destroy, deface or damage an Aboriginal relic. If during works on site any Aboriginal relic is discovered then you should immediately stop work and contact representatives of the National Parks and Wildlife Service and the Local Aboriginal Land Council.
5. The *Native Vegetation Act 2003* requires consent for the clearing of remnant native vegetation or protected regrowth from the Northern Rivers Catchment Management Authority. It is the proponent's responsibility to consult the Northern Rivers Catchment Management Authority to determine the need or otherwise for their approval and you should not construe the granting of this development consent as notification to you that the NSW Native Vegetation Act does not apply. The NSW Native vegetation Act 2003 may have direct application to your proposal and you should obtain advice about this matter directly from the Northern Rivers Catchment Management Authority.
6. It is the applicant's responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.
7. It is an offence under the *Protection of the Environment Operations Act 1997* to act in a manner that causes, or is likely to cause, harm to the environment. Any person who allows material to enter a waterway or leaves material where it can be washed off site may be subject to a Penalty Notice or Prosecution.

Your attention is drawn to extracts from the Act printed on the following page.

Yours faithfully

Manfred Boldy
DIRECTOR PLANNING & ENVIRONMENT

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

DIVISION 8 – APPEALS AND RELATED MATTERS

(100,510)

Appeal by an applicant – development applications

97 (1) An applicant who is dissatisfied with the determination of a consent authority with respect to the applicant's development application (including a determination on a review section 82A) may appeal to the Court within 6 months after:

- (a) the date on which the applicant received notice, given in accordance with the regulations, of the determination of that application, or
- (b) the date on which that application is taken to have been determined under section 82(1).

(2) An applicant who is dissatisfied with a decision that a consent authority, or a person specified by the consent authority, is not satisfied as to a matter, being a specified aspect of the development that is to be carried out to the satisfaction of the consent authority, or person, pursuant to a condition imposed under section 80A(2), may appeal to the Court within 6 months after:

- (a) the consent authority or person notifies the applicant of its decision, or
- (b) the date on which the applicant's request is taken to have been determined under section 80A(3).

(3) An applicant who is dissatisfied with a decision that a consent authority is not satisfied as to a matter, being a matter as to which it must be satisfied before a "deferred commencement" consent under section 80(3) can operate, may appeal to the Court within 6 months after the consent authority notifies the applicant of its decision.

(4) If an appeal has been made under this section relating to a development application for consent to carry out designated development, each objector to that application is to be given notice by the consent authority of that appeal and is, on application made to the Court in accordance with rules of court within 28 days after the date of the notice, entitled to be heard at the hearing of the appeal as if he, she or it were a party of the appeal.

- (5) If
 - (a) An appeal has been made under this section relating to a development application, and
 - (b) the application is one:
 - (i) in relation to which the concurrence of a Minister or public authority is required under this Act, or
 - (ii) for consent to carry out integrated development that involves an approval body (within the meaning of Division 5).

That Minister, public authority or approval body must be given notice by the consent authority of that appeal and is, on application made to the Court in accordance with rules of court within 28 days after the date of the notice, entitled to be heard at the hearing of the appeal as if he, she or it were a party of the appeal.

(6) An appeal under this section relating to a development application for consent to carry out designated development in respect of which an objection has been made in accordance with the regulations must not be heard by the Court until after the expiration of the time within which an objector may appeal to the Court under section 98.