

NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

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

TO: **3D Genetics Pty Ltd**
OF: **939 Pukawidgi Road**
BUKKULLA NSW 2360

being the applicant in respect of **Application No DA-59/2019**

Notice is hereby given of the determination by Council of **Application No. DA-59/2019** relating to the land owned by **3D Genetics Pty Ltd, of 16 Manteit Court, Mount Rascal QLD 4350** and is described as follows:

Lot 40 DP 750128, Lot 42 DP 750128, Lot 67 DP 750128, Lot 70 DP 750128, Lot 1 DP 1208819,
Lot 2 DP 1234753
939 Pukawidgi Road, BUKKULLA 2360

The development proposal is: **Construction and operation of cattle yards and holding pens for the purpose of undertaking artificial insemination and associated treatment for production of Wagyu based cattle (Animal Boarding or Training Establishment)**

The Determination is **consent granted subject to conditions described below** made on **19 July 2019**.

This consent expires five (5) years from the date on which it commences to operate in accordance with Section 83 of the Environmental Planning and Assessment Act 1979 unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:

Preliminary

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

Consent is granted for the construction and operation of undercover cattle yards and holding pens for the purpose of undertaking artificial insemination and associated treatment for production of Wagyu based cattle (**Animal Boarding or Training Establishment**).

To confirm and clarify the terms of consent, the development must be carried out in accordance with the Statement of Environmental Effects titled Application for Animal Boarding and Training Establishment, prepared by SMK Consultants, reference number 17-388, Version 1, April 2019.

Any deviation will require the consent of Council.

2. This consent does not authorise the use of the site as a 'Cattle Feedlot' as defined under the *Inverell Local Environmental Plan 2012*.

Note 1: Separate development consent is to be obtained from Council for the use of the site as a 'Cattle Feedlot', except where it is 'exempt development' and/or 'permitted without consent' under the Inverell Local Environmental Plan 2012, State Environmental Planning Policy (Primary Production and Rural Development) 2019 or any other environmental planning instrument.

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

Ongoing Use

4. B-Doubles vehicles (or larger) must not access the site, unless prior approval is obtained from the National Heavy Vehicle Regulator (or the relevant approval authority at that time).
5. A Building Information Certificate(s) pursuant to Division 6.7 of the Environmental Planning and Assessment Act 1979 is to be obtained for the hay and commodity (storage) shed and cattle processing shed.
6. The effluent capture areas (sediment dams and swales) must have a minimum capacity of 0.3585 mega litres and must be designed, constructed and managed to prevent the pollution of waters.

Note: Section 120 of the Protection of the Environment Operations Act 1997 states that "a person who pollutes any waters is guilty of an offence".

7. All waste must be disposed of in accordance with the Protection of Environment Operations Act 1997.
8. Solid wastes generated by the development must be stored on an impermeable pad within a controlled drainage area.
9. The cattle pen surface must be maintained to prevent infiltration.
10. The facility must be run in a proper and efficient matter consistent with the processes and practices described within the Statement of Environmental Effects. This includes but is not limited to:
 - Pens to be cleaned at least once every 13 weeks; and
 - Manure depth in pens maintained at no more than 50 millimetres.
11. The premises must be maintained in a condition which minimises or prevents the emission of dust and odour from the premises.
12. Noise emitted by the development must not exceed an L A (15 min) of 5dB(A) above background noise when measured at any of the closest residences/receptor identified in Figure 3 of the Statement of Environmental Effects.
13. Any external lighting must be mounted, screened and directed in a way that it does not create a nuisance or light spill on to neighbouring properties or public land.
14. All landscaping is to be maintained in a reasonable manner, in perpetuity.
15. The applicant and/or owner must keep a legible record of all complaints made to the applicant and/or owner in relation to pollution arising from any activity to which this consent applies. The record must include details of the following:
 - The date and time of the complaint;
 - The method by which the complaint was made;
 - Any personal details of the complainant which were provided by the complainant, or if no such details were provided, a note to that effect;
 - The nature of the complaint;
 - The action taken by management of the facility in relation to the complaint, including any follow-up contact with the complainant; and
 - In no action was taken by the applicant and/or owner, the reasons why no action was taken.

The record of the complaint must be kept for at least 4 years after the complaint was made and must be produced to the ay authorised government officer (e.g. Council, NSW EPA, etc.) who asks to see them.

Reasons for Conditions:

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

Reasons for Approval

1. The development, subject to conditions, is consistent with the objectives of the RU1 Primary Production zone.
2. This consent does not authorise the use of the site as a 'Cattle Feedlot' as defined under the *Inverell Local Environmental Plan 2012*.
3. Subject to conditions of consent, the proposed development has been sited and designed to minimise land use conflict and impacts on surrounding land and residences created by increased traffic, dust and odour, noise and light impacts etc.
4. Subject to conditions of consent, the proposed development has been sited and designed to minimize impacts on native vegetation, soil and water resources.

Community Consultation

Neighbour notification and advertising was undertaken in accordance with the *Inverell Development Control Plan 2013*. No submissions were received.

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

You are also advised that section 82A of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council


ANTHONY ALLISTON
MANAGER DEVELOPMENT SERVICES
DATE: 19 July 2019