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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 30—
CATTLE FEEDLOTS (AMENDMENT No. 2)**

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State Environmental Planning Policy set forth hereunder in accordance with the recommendation made by the Minister for Planning.

ROBERT WEBSTER MLC
Minister for Planning.

Sydney, 22 February 1995.

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 30—Cattle Feedlots (Amendment No. 2).

Commencement

2. This Policy commences on 24 April 1995.

Principal Policy

3. In this Policy, State Environmental Planning Policy No. 30—Cattle Feedlots is referred to as the Principal Policy.

Aims, objectives etc.

4. This Policy aims to amend the Principal Policy:
- (a) to require development consent for piggeries having a capacity to accommodate 200 or more pigs or 20 or more breeding sows, except in temporary and emergency situations or where a proposal

is being considered by a determining authority at the date of commencement of this Policy; and

- (b) to provide for public participation in the consideration of development applications for piggeries of this size; and
- (c) to require that, in determining a development application for a piggery of this size, the consent authority is to take into consideration:
 - (i) the adequacy of information provided; and
 - (ii) the potential for odour, water pollution and soil degradation; and
 - (iii) the measures to mitigate potential adverse impacts; and
 - (iv) the intention to ensure the health and welfare of animals; and
 - (v) relevant guidelines; and
- (d) to clarify the environmental planning provisions relating to the consideration of development applications for cattle feedlots and piggeries.

Application of Policy

- 5. This Policy applies to the State.

Relationship to other environmental planning instruments

- 6. The Principal Policy is amended in the manner set out in clause 7.

Amendment of Principal Policy

- 7. The Principal Policy is amended:
 - (a) by omitting clauses 1, 2 and 3 and by inserting instead the following clauses:

Citation

- 1. This Policy may be cited as State Environmental Planning Policy No. 30—Cattle Feedlots and Piggeries.

Aims, objectives etc.

- 2. The aims of this Policy are:
 - (a) to require development consent for cattle feedlots having a capacity to accommodate 50 or more head of cattle, and piggeries having a capacity to accommodate 200 or more pigs or 20 or more breeding sows; and

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- (b) to provide for public participation in the consideration of development applications for cattle feedlots or piggeries of this size; and
- (c) to require that, in determining a development application for cattle feedlots or piggeries of this size, the consent authority is to take into consideration:
 - (i) the adequacy of information provided; and
 - (ii) the potential for odour, water pollution and soil degradation; and
 - (iii) measures to mitigate potential adverse impacts; and
 - (iv) measures for the health and welfare of animals; and
 - (v) relevant guidelines,

so as to achieve greater consistency in environmental planning and assessment for cattle feedlots and piggeries.

Application of Policy

3. (1) Except as provided by subclauses (2) and (3), this Policy applies to the State.

(2) This Policy does not apply:

- (a) to an activity within the meaning of Part 5 of the Environmental Planning and Assessment Act 1979 comprising a cattle feedlot that was approved by a determining authority before the commencement of State Environmental Planning Policy No. 30—Cattle Feedlots (Amendment No. 1) on 20 August 1993 and that commences according to that approval not later than 20 August 1998; or
- (b) to an activity within the meaning of that Part comprising a piggery for which an application for approval made to a determining authority has been made, but not determined, before the commencement of State Environmental Planning Policy No. 30—Cattle Feedlots (Amendment No. 2); or
- (c) to an activity within the meaning of that Part comprising a piggery which was approved by a determining authority before the commencement of State Environmental Planning Policy No. 30—Cattle Feedlots (Amendment No. 2) and that commences pursuant to that approval not later than 5 years after the commencement of State Environmental Planning Policy No. 30—Cattle Feedlots (Amendment No. 2).

- (b) by inserting in clause 5 after the words “cattle feedlots” the words “or piggeries”.
- (c) by omitting clauses 6 and 7 and by inserting instead the following clauses:

Development for the purpose of cattle feedlots or piggeries

6. (1) A person must not carry out development for the purpose of:

- (a) a cattle feedlot having a capacity to accommodate 50 or more head of cattle; or
- (b) a piggery having a capacity to accommodate 200 or more pigs or 20 or more breeding sows,

except with the consent of the consent authority.

(2) This clause does not apply to development for the purpose of a cattle feedlot or piggery if it is only to be used for one or more of the following:

- (a) temporary agistment or housing;
- (b) feeding or housing arrangements during or immediately following a drought, flood, fire or similar emergency;
- (c) in the case of feedlots only, weaning, dipping or similar husbandry purposes.

(3) Nothing in this Policy authorises the carrying out of development on land for the purpose of a cattle feedlot or piggery if that development is prohibited from ‘being carried out on that land by another environmental planning instrument.

Consideration of development applications for cattle feedlots or piggeries

7. (1) Sections 84, 85, 86 and 87 (1) of the Environmental Planning and Assessment Act 1979 apply to development to which clause 6 applies in the same way as those sections apply to designated development.

(2) A statement of environmental effects that accompanies a development application for consent to carry out development to which clause 6 applies must include a description of the design features of the proposed feedlot or piggery and an outline of proposed management practices intended to address the matters set out in subclause (3) (b), (c), (d) and (e).

(3) In determining whether or not to grant consent to a development application for the purposes of a cattle feedlot or piggery to which clause 6 applies, the consent authority must take into consideration:

- (a) the adequacy of the information provided in the statement of environmental effects or environmental impact statement accompanying the development application; and
 - (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site; and
 - (c) the potential for the pollution of surface water and ground water; and
 - (d) the potential for the degradation of soils; and
 - (e) the measures proposed to mitigate any potential adverse impacts; and
 - (f) the suitability of the site in the circumstances; and
 - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals; and
 - (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 cattle feedlots or piggeries published, and made available to the consent authority, by the Department of Agriculture and approved by the Director of Planning.
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