

State Environmental Planning Policy No 30—Intensive Agriculture (1989 EPI 825)

[1989-825]



New South Wales

Status Information

Currency of version

Repealed version for 6 March 2009 to 27 February 2019 (accessed 16 August 2024 at 23:27)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
State Environmental Planning Policy No 30—Cattle Feedlots and Piggeries
State Environmental Planning Policy No 30—Cattle Feedlots
- **Repeal**
This Policy was repealed by cl 8 (1) of the [State Environmental Planning Policy \(Primary Production and Rural Development\) 2019 \(137\)](#) with effect from 28.2.2019.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 28 February 2019

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1 Name of Policy

This Policy may be cited as *State Environmental Planning Policy No 30—Intensive Agriculture*.

2 Aims, objectives etc

(1) 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
- (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.

(2) This Policy also aims to extend the definition of the term **rural industry** where used in environmental planning instruments so as to include within the meaning of that term composting facilities and works, including facilities and works for the production of mushroom substrate.

3 Application of Policy

- (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)*, or
 - (d) to land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies.

4 Inconsistency between instruments

Subject to section 74 (1) of the *Environmental Planning and Assessment Act 1979*, in the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.

5 Consent authority

The consent authority for the purposes of development referred to in clause 6 (1) is:

- (a) if the land concerned is within a local government area—the council of the area, or
- (b) if the land concerned is within a part of the Western Division (within the meaning of the *Western Lands Act 1901*) that is not within a local government area—the Western Lands Commissioner,

but, if under an environmental planning instrument applying to the land concerned some other person has the function of determining development applications relating to cattle feedlots or piggeries, the consent authority is that other person.

6 Development for the purpose of cattle feedlots or piggeries

- (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.

7 Consideration of development applications for cattle feedlots or piggeries

- (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.

8 Composting facilities and works

A reference in an environmental planning instrument, whether made before or after the commencement of this clause, to rural industry is taken to include a reference to composting facilities and works, including facilities and works for the production of mushroom substrate.

9 Rural industries

A reference in an environmental planning instrument, whether made before or after the commencement of this clause, to industry does not include a reference to rural industry.