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<http://www.dpi.nsw.gov.au/livestock/poultry/poultry-keeping-environment/nsw-meat-chicken-farming-guidelines>

See part publication below.

## 7 LEGISLATION AFFECTING MEAT CHICKEN FARMS

Copies of the following legislation are available from the NSW Parliamentary Counsel's Office website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au). Contact the responsible authority for details and interpretation of how the legislation relates to meat chicken farms.

The operation of new and existing poultry farms is regulated through legislation, the terms and conditions attached to the development consent and any associated licences or approvals. (Non-compliance with these terms and conditions will result in liability to prosecution under the relevant legislation.) The major pieces of legislation that a new or existing poultry farm must follow are described below, under the appropriate administering authority.

### 7.1 DEPARTMENT OF INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

The Department of Infrastructure, Planning and Natural Resources (DIPNR) incorporates the departments previously known as Land and Water Conservation and PlanningNSW. It is responsible for:

- land-use planning issues for the State, and administers legislation regarding these issues, including the Environmental Planning and Assessment Act. The Major Development Assessment Branch of DIPNR (phone: 02 9762 8166) can provide guidelines for preparing an EIS if the proposal is classed as a designated development.
- sustainable management of the State's natural resources (soil, water, vegetation and coastline). Total catchment management principles are used to help ensure productive land, clean water and a diversity of vegetation and wildlife within catchments.
- administering water licences, regulating works on land adjacent to rivers, and regulating the clearing of native vegetation.

#### Contact details

For further information on infrastructure, land use and transport planning contact DIPNR, 20 Lee Street, GPO Box 3927, Sydney 2001. Phone

(02) 9762 8000 (switch), Phone (02) 9762 8044 (inquiries), Fax (02) 9762 8713, E-mail: [information@dipnr.nsw.gov.au](mailto:information@dipnr.nsw.gov.au), Web: [www.dipnr.nsw.gov.au](http://www.dipnr.nsw.gov.au).

For further information on natural resources management contact DIPNR, 23–33 Bridge Street, GPO Box 39, Sydney 2001. Phone (02) 9228 6111 (switch), Phone (02) 9228 6415 (information), Fax (02) 9228 6455, E-mail: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au), Web: [www.dipnr.nsw.gov.au](http://www.dipnr.nsw.gov.au) (or regional office).

### Environmental Planning and Assessment Act

The *Environment Planning and Assessment Act 1979* (EP&A Act) provides for a hierarchy of environmental planning instruments, which include SEPPs, REPs and LEPs. The Act also provides the framework for local government zoning, assessment requirements, development control plans, and development consent provisions for operating poultry farms. It is the major legislation governing the development of poultry farms and the first port of call for potential developers.

It is an offence under the EP&A Act to undertake without consent a development or activity that requires consent. It is also an offence to breach any of the terms or conditions of the development consent. The relevant consent authority, usually local government, enforces the development consent, but any person may bring proceedings in the Land and Environment Court for an order to restrain breaches of this Act.

### Water Management Act

The *Water Management Act 2000* provides for the integrated and sustainable management of the State's waters. All provisions of the Act have commenced, except those relating to aspects of harvestable rights, access licences and approvals. For the time being, matters relating to licences and approvals will continue to be dealt with by the Rivers and Foreshores Improvement Act and the Water Act.

## Water Act

The *Water Act 1912* regulates water extraction from rivers and ground water bores and the construction of water supply works, such as dams and weirs.

## Rivers and Foreshores Improvement Act

The *Rivers and Foreshores Improvement Act 1948* regulates other works in river channels and on adjacent land (within 40 metres of the top bank).

## Native Vegetation Conservation Act

The *Native Vegetation Conservation Act 1997* regulates clearing of vegetation on State-protected land (river banks and steep slopes) and native vegetation in other areas.

## 7.2 DEPARTMENT OF ENVIRONMENT AND CONSERVATION

The Department of Environment and Conservation (DEC) incorporates the former Environment Protection Authority, National Parks and Wildlife Service, ResourceNSW, Royal Botanic Gardens and Domain Trust. The DEC is responsible for

- protecting the environment and administering a number of Acts to control waste and pollution of the environment. The DEC is responsible for administering environment protection licences and notices under the Protection of the Environment Operations Act.
- the protection of cultural heritage and fauna and flora, particularly in relation to threatened species issues. DEC can provide advice on these issues and related legislation.

### Contact details

For further information on the Pesticides and PoEO Acts and their implementation contact Department of Environment and Conservation, 59–61 Goulburn Street, PO Box A290, Sydney South 1232. Phone (02) 9995 5000 (switchboard), Phone 131 555 (information & publications), Fax (02) 9995 5999, Web: [www.dec.nsw.gov.au](http://www.dec.nsw.gov.au), E-mail: [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au) (or regional offices).

For further information on the protection of cultural heritage and fauna and flora contact Department of Environment and Conservation, 43 Bridge Street, PO Box 1967, Hurstville 2220. Phone (02) 9585 6444 (switch), Phone (02) 9253 4600 (information), Fax: (02) 9585 6555, Web:

[www.dec.nsw.gov.au](http://www.dec.nsw.gov.au), E-mail: [info@npws.nsw.gov.au](mailto:info@npws.nsw.gov.au) (or regional offices).

## Protection of the Environment Operations Act

The *Protection of the Environment Operations Act 1997* (PoEO Act) aims to protect, enhance and restore the environment having regard to the need to maintain ecologically sustainable development. It also aims to reduce risks to human health and to prevent the degrading of the environment. It controls the environmental impact of existing and future human activities through a system of licences and environment protection notices. The DEC administers this Act, but local councils are also empowered under the Act to control the environmental impacts of some poultry farms.

The forms of pollution controlled by this Act include:

- **Air pollution.** Air pollution includes the emission of any impurities into the air (such as smoke, dust, fumes, odours and gases) from poultry farms. For poultry farm operations with an environment protection licence, the licence will set out conditions directed at minimising air pollution, including odour. All other poultry farm operations should follow current recommended best practice to prevent or minimise air pollution. It is an offence under the Act if an occupier of premises causes air pollution because of failure to maintain or operate plant, or to deal with materials, in a proper and efficient manner. Section 6.3 of these Guidelines outlines best practice guidelines for managing odour. Section 6.5 outlines best practice guidelines for managing dust.
- **Noise pollution.** Noise generated during poultry farm operations may adversely affect nearby sensitive neighbours. The *NSW Industrial Noise Policy* (NSW EPA 2000) and *Environmental Criteria for Road Traffic Noise* (NSW EPA 1999) have been developed as a framework for the regulation of premises. They are used by the appropriate regulatory authority (the DEC or councils) in setting permissible noise emission levels for individual poultry operations. It is an offence under the Act if noise is emitted from premises because of the occupier's failure to maintain or operate plant, or to deal with

materials, in a proper and efficient manner. Notices or directions may also be issued in certain circumstances requiring noise emissions to cease or to be reduced. Section 6.4 of these Guidelines sets out best practice guidelines for managing noise.

- **Disposal of waste.** It is an offence under the PoEO Act to dispose of waste in a manner that harms or is likely to harm the environment. It is also an offence to transport waste to an unlawful waste facility, or to permit the disposal of waste at such a facility. Section 6.11 of these Guidelines outlines best practice guidelines for waste management.
- **Water pollution:** The PoEO Act makes it an offence to pollute waters. However, it is a defence if the pollution was regulated by an environment protection licence and the licence conditions relating to that pollution were not contravened. All environment protection licences are issued and administered by the DEC. Section 6.2 of these Guidelines outlines best practice guidelines for minimising surface and ground water impacts.

#### *Scheduled activities (designated developments)*

Many designated developments under the EP&A Act are also classed as scheduled activities under the PoEO Act, and thus may require an environment protection licence under the PoEO Act. A single integrated environment protection licence will be issued to regulate all forms of pollution that may arise from the carrying out of the development and its associated activities.

The licence will be issued, and its implementation monitored, by the DEC. Licences are issued with conditions. Examples of conditions that may be attached to a licence include emission limits, monitoring and reporting of emissions, providing certification of compliance with the licence, and undertaking mandatory environmental audit programs, pollution studies and pollution reduction programs. The DEC must review the licence at least once every 3 years, and must give public notice of its intention to do so.

#### *Non-scheduled activities (non-designated and designated developments)*

In general, local councils will be responsible for regulating pollution from all non-scheduled activities (except where an activity is carried out

by a public authority). That is, the local council will be the appropriate regulatory authority (ARA) for the purposes of the PoEO Act. If a development or its associated activities are likely to cause water pollution, an environment protection licence from the DEC may be required, and the DEC will be the ARA for such premises. So that there is only a single regulatory authority dealing with the farm, the DEC will use this licence to regulate all environmental impacts from the activity.

Pollution from activities can be regulated through:

- planning instruments (for example, an LEP) and development consent conditions
- issuing notices under the PoEO Act, such as
  - clean-up notices: issued when a ‘pollution incident’ has occurred or is likely to occur. A pollution incident does not include incidents involving only the emission of noise or odour. (Note that if a clean-up notice is issued, a fee is payable.)
  - prevention notices: can be issued when an activity is being conducted in an ‘environmentally unsatisfactory manner’
  - compliance cost notices: enable the regulatory authority to recover the costs of ensuring compliance with clean-up and prevention notices
  - noise control notices: used to prohibit activity, or the use of an article, that causes noise emissions above a level specified in the notice when measured at any specified point.

#### *Duty to notify pollution incidents*

There is a **duty to notify** the appropriate regulatory authority (broadly, the DEC or the local council) of pollution incidents where material harm to the environment is caused or threatened. Material harm includes actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial or that may result in actual or potential loss or property damage of an amount over \$10,000. Failure to do so is an offence. However, any notification is not admissible in evidence against the person for an offence or for the imposition of a penalty. The duty to notify applies to the person carrying out the activity, an employee carrying out the activity (if the employer cannot be notified), and the occupier of premises where the incident occurs.

Any person may bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the PoEO Act or its regulations.

### **Pesticides Act**

The *Pesticides Act 1999* aims to reduce the risks associated with the use of pesticides to human health, the environment, property, industry and trade by controlling and regulating the use of pesticides in NSW. The Act empowers the DEC to enforce the proper use of all pesticides in NSW after the point of sale. The Act also provides regulation-making powers. The Pesticides Amendment (Records) Regulation 2001 sets the requirements for record-keeping of pesticide use. The proposed Pesticides Amendment (User Training) Regulation sets the training standards. Both regulations apply to commercial users of pesticides (including farmers). There are also provisions to regulate foodstuffs that contain prohibited residues of pesticides. For further information contact the DEC.

### **National Parks and Wildlife Act**

The *National Parks and Wildlife Act 1974* specifies that consent is required from the DEC to destroy Aboriginal artefacts, relics or places. It also addresses protection of fauna, native plants, threatened species, populations and ecological communities.

### **Threatened Species Conservation Act**

The *Threatened Species Conservation Act 1995* aims to conserve threatened species, populations and ecological communities. The Act requires a licence to be obtained from the DEC to pick or harm a threatened species, population or ecological community. The Act may also require, through the EP&A Act, an assessment of the potential impacts on threatened species for development approval.

### **Road and Rail Transport (Dangerous Goods) Act**

The *Road and Rail Transport (Dangerous Goods) Act 1997* sets out requirements for the transport of Dangerous goods (including pesticides and other chemicals) on roads. WorkCover NSW regulates the off-road handling of Dangerous goods.

## **7.3 LOCAL COUNCILS**

Local councils are responsible for the management, improvement and development of the resources of their area and are responsible for administering some regulatory systems. Local councils are also regulatory authorities under the PoEO Act. Local council planning systems operate under DIPNR systems.

The local council is a valuable first point of contact for both new and existing poultry farm operations. Councils can provide information on:

- any planning controls that apply to a particular parcel of land
- any additional information that may need to be supplied with the DA
- development consent conditions.

### **Local Government Act**

The *Local Government Act 1993* (LG Act) lets local councils provide for the current and future needs of local communities and manage local resources. It also requires them to use the principles of ecologically sustainable development.

Under the LG Act councils may abate a public nuisance. A public nuisance is one that materially interferes with public health, safety, property, enjoyment or comfort. In some instances, odour from existing operations has been dealt with as a public nuisance.

The LG Act enables councils, in certain circumstances, to issue an Order to a person to do, or refrain from doing, things in or on a premise. Examples of orders that may be issued include:

- to repair or make structural alterations to a building where the building is erected in a catchment district and causes, or is likely to cause, pollution of the water supply
- to do things necessary to control the flow of surface water across land where other land is being damaged or likely to be damaged
- to ensure that land is, or premises are, placed or kept in safe and healthy conditions when they are not in a clean or sanitary condition
- to store, treat, process, collect, remove, dispose of or destroy waste in the manner specified in the order when waste present or generated on the land is not being dealt with satisfactorily

- to comply with an approval when an approval has not been complied with
- not to conduct, or to cease conducting, an activity.

Failure to comply with an order is an offence under the Act.

## 7.4 NSW AGRICULTURE

NSW Agriculture delivers agricultural research, extension, education and regulation and is responsible for administering a number of Acts affecting poultry producers.

NSW Agriculture has Agricultural Environment Officers located around the State who can provide advice on the development assessment process, convene a planning focus meeting (PFM) if required, and provide advice on how to manage the ongoing environment regulations associated with poultry farming. Poultry advisory officers are also available to provide advice on poultry farming and development.

### Contact details

NSW Agriculture, 161 Kite Street, Private Bag 21, Orange 2800. Phone (02) 6391 3100 (switchboard), Phone (02) 6391 3458 (publications), E-mail: [nsw.agriculture@agric.nsw.gov.au](mailto:nsw.agriculture@agric.nsw.gov.au), Web: [www.agric.nsw.gov.au](http://www.agric.nsw.gov.au) (or regional offices).

### Stock Diseases Act

*The Stock Diseases Act 1923* places an obligation on owners of stock to notify the presence of any disease under the Act to an inspector. Notifiable diseases for chickens include:

- egg drop syndrome (EDS 76)
- infectious laryngotracheitis
- *Salmonella pullorum* disease
- chlamydiosis
- salmonella enteritidis
- avian tuberculosis
- Newcastle disease.

The Act enables inspectors to quarantine stock that they suspect are infected with disease and to order testing, treatment and/or slaughter as appropriate to control the disease.

### Exotic Diseases of Animals Act

*The Exotic Diseases of Animals Act 1991* aims to protect Australian livestock industries from exotic (foreign) diseases. It requires anyone who sus-

pects exotic disease in livestock to immediately notify NSW Agriculture. The Act allows for quarantine, testing and control measures for elimination of the disease. Notifiable exotic diseases for chickens include:

- avian influenza (highly pathogenic)
- Newcastle disease
- infectious bursal disease (hypervirulent form)
- screw worm fly.

Poultry can be carriers for other notifiable diseases.

### Poultry Meat Industry Act

*The Poultry Meat Industry Act 1986* regulates the contractual arrangements between poultry growers and processors. The Poultry Meat Industry Committee operating under the Act sets guidelines for drawing up agreements between processors and growers, including prices paid for raising chickens. The committee also assists in negotiating disputes between processors and growers.

### Stock Foods Act

*The Stock Foods Act 1940* stipulates the requirements for production and labelling of stock feeds. Feeds not meeting requirements may be withdrawn from supply.

### Stock Medicines Act

*The Stock Medicines Act 1989* legislates the registration, supply, labelling and use of stock medicines. Because of the significance of residues in food products, chickens should be treated only with registered products, according to the label instructions (unless authorised otherwise by a veterinarian), and the withholding period should always be adhered to.

Under the Act, poultry producers may not:

- be in possession of unregistered stock medicines
- use unregistered stock medicine (unless approved by a permit or order)
- use stock medicine that is not for use in food-producing animals (unless approved by permit or order)
- use stock medicine contrary to label directions (unless authorised in writing by a veterinarian).

## **Stock (Chemical Residues) Act**

The *Stock (Chemical Residues) Act 1975* aims to prevent contamination of human food with pesticides, drugs and chemicals. The Act allows for the setting of maximum residue limits (MRLs) for various chemicals. Contaminated stock may be placed in detention to prevent them or their products entering the human food supply. The stock or products may be destroyed, and action may be taken to prevent the use of contaminated land or buildings for livestock.

## **Prevention of Cruelty to Animals Act**

The *Prevention of Cruelty to Animals Act 1979* regulates the care and welfare of animals, including chickens. The *Model Code of Practice for the Welfare of Animals – Domestic Poultry* (ARMCANZ 2002) is a guide for people responsible for the welfare and husbandry of domestic poultry, and is prescribed under the Act. The RSPCA and the Animal Welfare League have inspectors empowered under the Act.

## **7.5 NSW WORKCOVER AUTHORITY**

WorkCover is responsible for ensuring the health, safety and welfare in the workplace and for administration of, and advice on, the NSW Workers Compensation scheme and injury management requirements.

### *Contact details*

WorkCover NSW, Telephone: 02 4321 5000, Fax: 02 4325 4145 For address, telephone or fax details of all WorkCover offices:

[www.workcover.nsw.gov.au/ContactUs/default.htm](http://www.workcover.nsw.gov.au/ContactUs/default.htm)

## **Occupational Health and Safety Act**

The *Occupational Health and Safety Act 2000* (OHS Act) aims to protect workers in the workplace, and there are many regulations under this Act, including the Occupational Health and Safety Regulation 2001 under the OHS Act. The regulation consolidates regulations relating to specific hazards, including plant and machinery, hazardous substances and noise, and lays down requirements for consultation with workers relating to meeting OHS obligations.

## **7.6 SYDNEY CATCHMENT AUTHORITY**

The Sydney Catchment Authority (SCA) is responsible for supplying bulk water and for

ensuring that Sydney's catchment areas are managed and protected to promote water quality, protection of public health, and safety and protection of the environment. They are empowered under the *Sydney Water Catchment Management Act 1998*. The Authority may have input into the granting of some licences.

### *Contact details*

Sydney Catchment Authority, Level 2, 311 High Street, PO Box 323, Penrith 2751. Phone: (02) 4725 2100, Fax: (02) 4732 3666, E-mail: [hotline@sca.nsw.gov.au](mailto:hotline@sca.nsw.gov.au), Web: [www.sca.nsw.gov.au](http://www.sca.nsw.gov.au) (or field offices).

## **7.7 NSW DEPARTMENT OF HEALTH**

NSW Health is responsible for the administration of the *Public Health Act 1991* – 'an Act relating to the maintenance of proper standards of health for the public and for other purposes'.

The Public Health Act provides power to make certain orders and give directions during a state of emergency and at times in regard to the disinfection or destruction of items and the closure of water supplies and premises.

The Public Health Act and advice on issues relating to the public health and protection of the safety of food, water and air are administered by Environmental Health Officers located in Public Health Units of the local Area Health Service.

### *Contact details*

Phone: 02 9391 9000, E-mail: [nswhealth@doh.health.nsw.gov.au](mailto:nswhealth@doh.health.nsw.gov.au)

To contact the local Public Health Unit go to the website [www.health.nsw.gov.au](http://www.health.nsw.gov.au) and look under 'Find your Local Health Service'.

## 8 GLOSSARY

### **Applicant**

Any person or company submitting a DA for land-use approval (also called proponent or developer).

### **Appropriate regulatory authority**

The authority responsible for development consent approval, other approvals or licences under environmental legislation, and/or for regulating or providing advice on development and operational issues – for example, the local council, DIPNR, or the DEC.

### **Bioaerosols**

An aerosol that contains live or dead microorganisms or biological fractions.

### **Biosecurity**

Protection from biological contaminants such as disease organisms.

### **Broiler**

Chicken raised for meat (also called meat chicken).

### **Buffer zone**

A buffer zone is the land between potentially incompatible land uses that provides separation so that the impacts of one land use can be 'diluted by distance' to a level that is tolerable or acceptable at the sensitive land use or receptor. In establishing a buffer, both existing and likely future sensitive receptors need to be taken into consideration.

If a buffer area is to be considered as part of the mitigation strategy for a poultry farm, it should be ideally owned or leased by the farmer. If not, there should be discussions with the current landowners to gain their agreement to use their land as a buffer area. However, it must be recognised that landowners and land uses may change in time, and this approach may not provide a secure mitigation strategy for the longer term.

### **Conditional consent**

Approval of a DA by a consent authority subject to one or more binding conditions.

### **Consent authority**

Authority responsible for approving a DA (usually the local council or DIPNR).

### **Composting**

Breakdown of organic matter by microbial action.

### **Designated development**

A development with the potential for significant environmental effects, and therefore requiring an Environmental Impact Statement (EIS) to accompany the DA. Criteria for designated developments are determined in the Environmental Planning and Assessment Act. Many designated developments will also require a licence from the DEC.

### **Development Application (DA)**

Application to a consent authority for approval to develop or alter land use.

### **Development Control Plan (DCP)**

Council guidelines for development, often with prescriptive measures for setbacks of sheds, etc.

### **Drinker**

Source of drinking water for chickens, usually in the form of a nipple or cup.

### **Environmental Impact Statement (EIS)**

A detailed assessment of the potential environmental impacts of a proposed development. The EIS is submitted as part of the DA. An EIS is necessary for designated developments, and may be required for non-designated developments.

### **Environmental Management Plan (EMP)**

A plan developed by the applicant to explain how they will manage the environmental impact of their operations. Based on an Environmental Management System (EMS) approach.

### **Environmental Management System (EMS)**

A system developed using a 'plan, do, check and act' approach, with a philosophy of continual

improvement of the system and operation to manage environmental impact of operations.

### **Integrated development**

A development that requires one or more licences or approvals as well as development consent. Determination of approvals and licences is integrated with determination of development consent. Many designated developments are integrated developments.

### **Litter**

Bedding material used on the shed floor to help absorb moisture from the manure. Examples are shavings, sawdust, rice hulls, paper and straw. Litter is no longer 'fresh' when it contains poultry manure. Litter can be used as a fertiliser or soil conditioner because of its nitrogen, phosphorus, potassium and organic matter content.

### **Local Environmental Plan (LEP)**

A plan formulated by the local government that specifies planning controls in a local government area, including zoning into land-use categories. The LEP outlines the permitted and prohibited uses for each zone and sets standards for certain aspects of land use.

### **Nutrient balance**

Matching of nutrient application rates with safe soil-storage ability, crop uptake and allowable losses to avoid pollution and ensure environmentally sustainable nutrient application.

### **Planning focus meeting (PFM)**

A meeting, usually held on the site of the proposed development, to identify the issues to be covered in the DA. The meeting is usually attended by the applicant, their consultant/s, representatives from local and State government agencies, and other potentially involved parties.

### **Principal Certifying Authority (PCA)**

An accredited certifier that ensures work is done in accordance with the development consent and approved construction plans.

### **Protection of the Environment Operations Act (PoEO Act)**

Legislation administered by the DEC for the purpose of environmental protection and pollution control.

### **Regional Environmental Plan (REP)**

A plan formulated by DIPNR that specifies planning controls in a regional area and provides the framework for local environmental plans (LEPs), for example, for the Hunter Valley, North Coast, or Sydney.

### **Responsible authority**

An authority responsible for providing advice on planning, development and operational issues (but without approval authority) – for example, NSW Agriculture.

### **Scheduled activities**

Activities that require licensing by the DEC under the PoEO Act. Many designated developments are classed as scheduled activities.

### **Sensitive land use**

A land use that may be sensitive to environmental impacts from a proposed or existing development: for example, dwellings, hospitals and schools, where people are present for extended periods of time. Also includes natural resources such as waterways, wetlands and water catchments.

### **Sensitive receptor**

A person or people that may be sensitive to environmental impacts from a proposed or existing development, including those associated with residences, schools and hospitals.

### **Separation distance**

The distance between the point of generation of an environmental impact and a receptor sensitive to that impact.

### **Statement of Environmental Effects (SEE)**

An assessment of the potential environmental impacts of a proposed development, submitted with the DA.

### **State Environmental Planning Policies (SEPP)**

Policies formulated by DIPNR that specify planning controls to deal with issues significant to the State.

## **Waterbody**

A **natural waterbody** including a lake or lagoon either naturally formed or artificially modified; or a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the stream; or tidal waters including any bay, estuary or inlet; or

An **artificial waterbody** including any constructed waterway, canal, inlet, bay, channel, dam, pond or lake, but not including a dry detention basin or other construction that is only intended to hold water intermittently or an artificial waterbody associated with the facility; or

A **natural wetlands** including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

An **artificial wetlands** including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities, but does not include an artificial wetlands associated with the landfill site.

## 9 REFERENCES AND FURTHER READING

### Animal welfare

ARMCANZ 2002. *Model Code of Practice for the Welfare of Animals – Domestic Poultry* (4th edition). Agricultural and Resource Management Council of Australia and New Zealand. CSIRO Publications, Melbourne.

### Planning

DoP 1995. *EIS Practice Guideline – Poultry Farms*. NSW Department of Planning, Sydney.

DUAP 1999. *Is an EIS Required? Best Practice Guideline for Part 5 of the Environmental Planning and Assessment Act 1979*. NSW Department of Urban Affairs and Planning, Sydney, May.

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Planning NSW *Lodging a DA with us* ([www.planning.nsw.gov.au/assessingdev/da\\_steps.html](http://www.planning.nsw.gov.au/assessingdev/da_steps.html))

### Chemical use

Department of Agriculture, Fisheries and Forestry – Australia 2000. *Draft National Guidelines for Spray Drift Reduction of Agricultural Chemicals*. Agricultural and Veterinary Chemicals Policy Committee on behalf of Standing Committee for Agriculture and Resource Management. Department of Agriculture, Fisheries and Forestry – Australia, Canberra, August.

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RIRDC 2002. *National Environmental Management System for the Meat Chicken Industry*. Rural Industries Research and Development Corporation, Sydney, February.

### Effluent

NSW Department of Local Government 1998. *Environment and Health Protection Guidelines: On-site Sewage Management for Single Households*. Department of Local Government, Nowra.

NSW EPA 1995. *Draft Guidelines for the Utilisation of Treated Effluent by Irrigation*. NSW Environment Protection Authority, Sydney.

### **Noise**

NSW EPA 1999. *Environmental Criteria for Road Traffic Noise*. NSW Environment Protection Authority, Sydney.

NSW EPA 2000. *NSW Industrial Noise Policy*. NSW Environment Protection Authority, Sydney.

### **Nutrient Management**

NSW Agriculture 2003. *Best practice guidelines for using poultry litter on pastures*, 3rd edition, Agnote, NSW Agriculture, Orange.

NSW EPA 1995. *Draft Guidelines for the Utilisation of Treated Effluent by Irrigation*. NSW Environment Protection Authority, Sydney.

### **Odour**

NSW EPA 2001. *Draft Policy: Assessment and Management of Odour from Stationary Sources in NSW*. NSW Environment Protection Authority, Sydney.

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### **Dust**

NSW EPA 2001. *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW*. NSW Environment Protection Authority, Sydney.

### **Biosecurity**

Australian Chicken Meat Federation 2002. *Broiler Industry Biosecurity Code*. Australian Chicken Meat Federation, Sydney.

### **Sediment/Erosion**

Department of Housing 1995. *Managing Urban Stormwater: Soils and Construction*. NSW Department of Housing, Sydney.

### **Spray Drift**

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### **Surface water, ground water, soils and waste**

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# APPENDIX I: ISSUES TO ADDRESS BEFORE SUBMITTING A DEVELOPMENT APPLICATION FOR A MEAT CHICKEN FARM IN NSW

## 1. BEFORE LAND PURCHASE

### Consult with local council

The first step in strategic planning for a new meat chicken farm (or expansion of an existing one) is to consult with the local council to find out whether their strategic plan (local environmental plan) includes provisions that are likely to encourage or constrain chicken meat farming in their local government area. This will help identify localities that are likely to be most appropriate for meat chicken farming in the medium to long-term. This step should be done before the purchase of the land.

The local council can also provide advice on:

- the level of development assessment your proposal will need to undergo
- who the consent authority will be (either the local council or the Department of Infrastructure, Planning and Natural Resources – DIPNR)
- the type of information that will need to accompany your DA
- additional licences/approvals that you may need to obtain (for example, water licences, approval to clear native vegetation).

### Identify and evaluate potential properties

Individual blocks can be identified once you have found an appropriate locality. Perform a preliminary evaluation as to their suitability on the basis of practical, financial and environmental factors. (These are discussed in detail in section 5 of these Guidelines.) Issues to consider include:

- zoning and other provisions under environment planning instruments such as the local environmental plan (LEP)
- size and shape of land
- access to the processing plant, hatchery, feedmill and services, including distance and suitability of roads for trucks

- water and power supply
- drainage and flooding issues
- topography and vegetation
- separation from other poultry farms
- separation from residences and other sensitive land uses
- bushfire risk.

### Hold a planning focus meeting

For major developments where there are a large number of issues to be considered, a Planning Focus Meeting is recommended before the DA is submitted so that relevant parties can meet and discuss the proposal. A planning focus meeting is held on-site between:

- you (the proponent)
- your consultants
- representatives from the local council
- appropriate State Government agencies
- other potentially involved parties.

This meeting will help the proponent identify the issues to be covered in the DA and will often save time and money.

It is also advisable to consult with your neighbours about the proposal and identify their potential concerns.

## 2. REQUIREMENTS FOR THE DA

The DA generally comprises a form from the consent authority (generally the local council) and a document that should provide a description of the proposal, assess the likely impacts of the proposal on the environment, and justify the undertaking of the enterprise. This document is known as a Statement of Environmental Effects (SEE), or, for designated developments, an Environmental Impact Statement (EIS).

Before you submit your DA check that you have:

- completed and signed all appropriate sections of the DA form

- attached the required number of copies of associated documentation
- locality maps
- site and building plans that are drawn to an appropriate scale and show the direction of north
- an environmental impact statement/ statement of environmental effects
- an environmental management plan
- included payment for the DA fees.

### **Environmental Impact Statement/ Statement of Environmental Effects**

The following outline is a guide as to what needs to be included in an EIS/SEE. In either case the level of assessment should match the level of impact of the proposed enterprises.

#### **Part A: Information about the location**

##### *Planning information*

Have you provided information on the following?

- property title and ownership details
- whether the proposal is consistent with any relevant State Environmental Planning Policy (SEPP), Regional Environmental Plan (REP) or Local Environmental Plan (LEP) and zoning
- any approvals and licences required.

##### *Site and locality description*

Have you included maps and plans that show the following?

- the general location of the property in relation to major towns and roads
- the property boundary, existing vegetation, streams and access roads, power lines and the boundaries of neighbouring properties
- the location of existing sheds and facilities, access roads, truck parking, loading and turning areas, highlighting any changes.

Does your documentation briefly describe the following factors?

- soil type
- climatic conditions including wind strength and directions
- significant site features (for example, treed areas, wetlands, watercourses)
- existing land uses on the site
- land use on surrounding properties (existing and potential), including distances to neighbouring houses and property boundaries

- topography, drainage and flooding pattern, vegetation, soil type and ground water depth (particularly where there is on-site effluent/ manure disposal)
- distance to nearest poultry farm.

#### **Part B: Description of the proposal**

##### *Objective*

- Have you included a brief statement outlining the reason for the proposed development (why you are doing it, what it will achieve)?

##### *Previous and existing operations*

Have you briefly described the following?

- the history of poultry operations and approvals
- the current operations and facilities
- existing bird numbers and recent enterprise changes or upgrades

##### *Description of proposed operations*

Have you briefly described the nature and scale of the proposed development and resultant operation, including the following?

- number and type of sheds, including associated structures (for example, machinery, amenities)
- maximum bird numbers and density
- growing cycles and frequency of clean out
- type of machinery to be used (for example, for shed clean-out, waste management and bird disposal)
- description of processor and grower responsibilities
- production and/or processing facilities (if any)
- road access and proposed vehicle movements
- power supply
- total water requirements (including water for drinking, cooling, cleaning, dust suppression and any other uses such as toilets and showers)
- water source and storage (location and size of dams and tanks, water quality, monitoring and treatment options)
- dead bird and used litter management
- heating, cooling and ventilation systems
- options to minimise energy use (for example, shed orientation, insulation)
- an outline of any construction to be undertaken (including any staging of development)

- emergency contingency plans (for example, for power failure, mass mortality events)
- projected life of the operation
- consideration of alternatives
- alarm and backup systems
- shed design and materials to be used
- elevation and visibility of sheds
- earthworks, including dam construction
- erosion and sediment control measures to achieve effective stormwater management during construction and operation
- number of employees
- rodent control
- feed and water system
- landscaping plan (type and number of trees, irrigation system).

#### *Site and building plans*

Have you included plans that clearly indicate the locations of the following?

- existing and proposed sheds, buildings and facilities (for example, silos: differentiate between existing and proposed)
- any significant vegetation to be disturbed
- dead bird treatment and/or disposal areas
- poultry litter, stockpile and land application areas
- landscaping (for example: screening plants, mounds)
- water storage areas
- vehicle parking, loading and turning areas and access roads
- building plans, specifications.

### **Part C: Assessment and management of environmental issues**

Identify potential environmental issues and proposed mitigation measures, including the development of an Environmental Management Plan (EMP). For more information on environmental impacts and how to manage them, refer to section 6 of these guidelines.

- impacts on native vegetation and, if relevant, threatened species, populations and ecological communities
- list of all approvals and licences required
- economic and social effects
- bushfire protection
- surface, ground water and soils

- odour
- noise
- dust
- light
- visual impacts and landscaping
- traffic
- pests
- chemical usage (spray drifts and spills)
- management of waste and nutrient reuse
- community liaison and compliance management.

An EMP specifies operational and management standards and practices, and also develops strategies and measures for minimising environmental risks and contingency actions for managing environmental problems that may arise. For further information on the content of the EMP refer to section 6.1 of the Guidelines.

- Have you developed an EMP that addresses management of the environmental issues (risk events) identified?



## **NSW Meat Chicken Farm Guidelines - Readers' Note**

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This document is part of a larger publication. The remaining parts and full version of the publication can be found at:

<http://www.agric.nsw.gov.au/reader/orchard-plant-protection>

Updated versions of this document can also be found at the above web address.

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