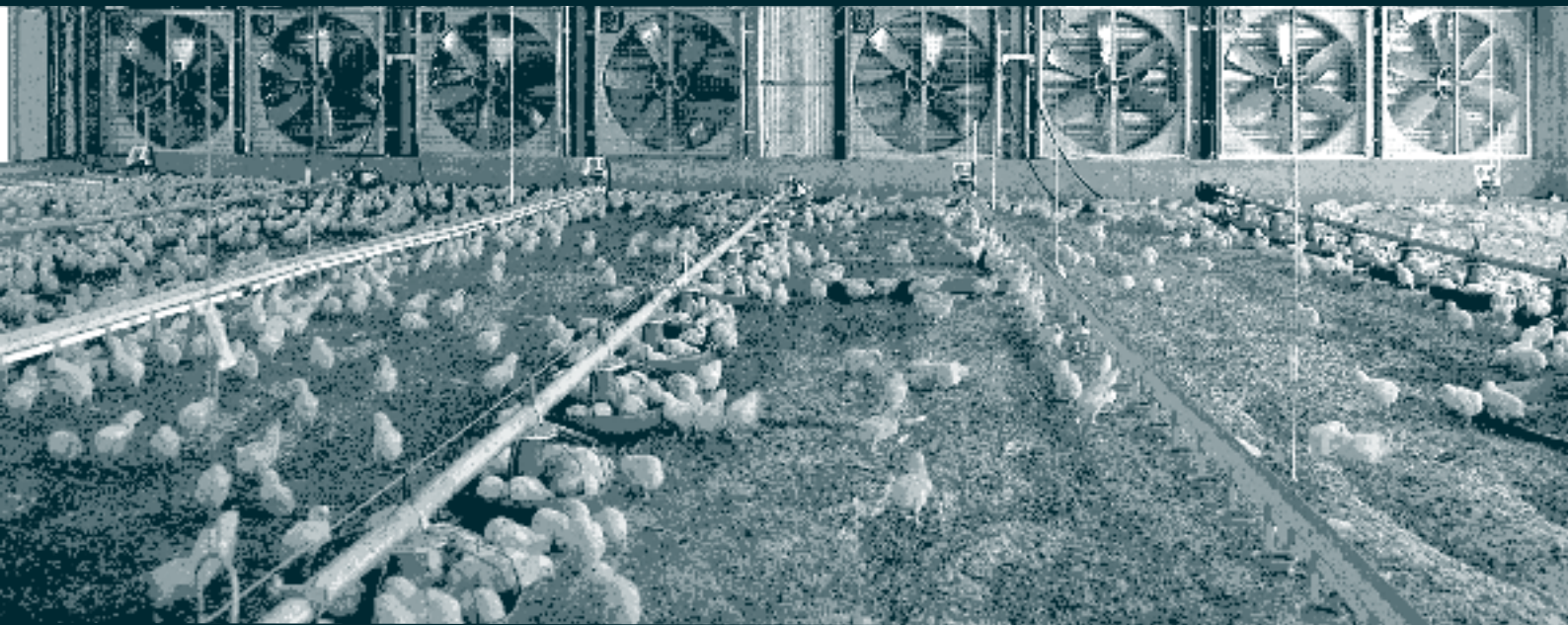




NSW Meat Chicken Farming Guidelines



Managing Planning,
Development and
Environmental Issues



NSW Agriculture



DISCLAIMER

The information contained in this publication is based on knowledge and understanding at the time of writing (February 2004). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of New South Wales Department of Agriculture or the user's independent adviser. As legislative requirements may change over time, any reference to legal requirements will need to be checked to ensure its currency.

Recognising that some of the information in this document is provided by third parties, the State of New South Wales, the author and the publisher take no responsibility for the accuracy, currency, reliability and correctness of any information included in the document provided by third parties.

ALWAYS READ THE LABEL

Users of agricultural or veterinary chemical products *must always* read the label and any permit, before using the product, and strictly comply with the directions on the label and the conditions of any permit. Users are not absolved from compliance with the directions on the label or the conditions of the permit by reason of any statement made or not made in this publication.

Developed by Suzanne Robinson (principal author) and Therese Hulme in consultation with government, industry and community stakeholders.

Endorsed by the Intensive Agriculture Consultative Committee (IACC), a government agency and industry committee aimed at promoting the development of sustainable agricultural industries through efficient processes for environmental planning and protection.

This publication is copyright. Except as permitted under the *Copyright Act 1968* (Commonwealth), no part of the publication may be reproduced by any process, electronic or otherwise, without the specific written permission of the copyright owner. Neither may information be stored electronically in any form whatever without such permission.

ISBN 0 7347 1564 1

© The State of New South Wales
NSW Agriculture 2004

PREFACE

The meat chicken industry is an important component of the agricultural sector of New South Wales. It produces food and other quality protein products and is a leader in market development and use of technology. The industry employs about 6000 people in production and processing, and also sustains support industries.

Location of meat chicken farms and facilities in areas surrounding expanding residential areas raises the potential for land-use conflicts between farmers and residents. At the same time, increased intensification of production technology increases the potential for environmental impact.

In 1996 NSW Agriculture published the *NSW Poultry Farming Guidelines* to help the poultry

industry and other stakeholders manage these issues. These guidelines have just been reviewed and are presented as the *NSW Meat Chicken Farming Guidelines*. The Guidelines are specific to meat chicken farms, and have been developed to help industry, government and the community to manage planning and environmental issues for the meat chicken farming industry. They establish guidelines for the planning, design, construction, operation and management of meat chicken farms in NSW.

The *NSW Meat Chicken Farming Guidelines* have been developed in consultation with other government agencies, the meat chicken industry and community stakeholders.

ABBREVIATIONS

ARA	Appropriate Regulatory Authority
DA	Development Application
DEC	Department of Environment and Conservation (formerly Environment Protection Authority, National Parks & Wildlife Service, ResourceNSW, Royal Botanic Gardens & Domains Trust)
DIPNR	Department of Infrastructure, Planning and Natural Resources (formerly PlanningNSW and Department of Land and Water Conservation)
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LEP	Local Environmental Plan
LG Act	<i>Local Government Act 1993</i>
MRL	Maximum Residue Limit
PFM	Planning Focus Meeting
PoEO Act	<i>Protection of the Environment Operations Act 1997</i>
REP	Regional Environmental Plan
RTA	Roads and Traffic Authority
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SIS	Species Impact Statement

CONTENTS

PREFACE	3
ABBREVIATIONS	4
1 INTRODUCTION	7
2 OVERVIEW	8
2.1 Purpose of the Guidelines	8
2.2 Scope of the Guidelines	8
2.3 Operation of the Guidelines	8
2.4 Using the Guidelines	8
2.5 Review of the Guidelines	9
3 MEAT CHICKEN PRODUCTION	10
3.1 Production systems	10
3.2 Biosecurity	11
3.3 Animal health and welfare	11
3.4 Human health	11
4 ENVIRONMENTAL PLANNING AND REGULATION FOR NEW AND EXISTING MEAT CHICKEN FARMS	12
4.1 Introduction	12
4.2 Strategic planning	12
4.3 New farm development	13
4.4 Expansion or alteration of an existing meat chicken farm	14
4.5 What approvals are needed to establish or expand a meat chicken farm?	15
4.6 The development assessment and approval process	18
5 SITING AND DESIGN	23
5.1 Selecting a site	23
5.2 Design and construction	29
6 ENVIRONMENTAL IMPACTS AND HOW TO MANAGE THEM	33
6.1 The Environmental Management Plan	33
6.2 Surface water, ground water and soils	34
6.3 Odour	36
6.4 Noise	38
6.5 Dust	39
6.6 Light	40
6.7 Visual impact and landscaping	41

6.8	Traffic	42
6.9	Pests	42
6.10	Chemical usage (spray drift and spills)	43
6.11	Management of waste and nutrient reuse	44
6.12	Community liaison and complaint management	47
7	LEGISLATION AFFECTING MEAT CHICKEN FARMS	49
7.1	Department of Infrastructure, Planning and Natural Resources	49
7.2	Department of Environment and Conservation	50
7.3	Local councils	52
7.4	NSW Agriculture	53
7.5	NSW WorkCover Authority	54
7.6	Sydney Catchment Authority	54
7.7	NSW Department of Health	54
8	GLOSSARY	55
9	REFERENCES AND FURTHER READING	58
	APPENDIX I: ISSUES TO ADDRESS BEFORE SUBMITTING A DEVELOPMENT APPLICATION FOR A MEAT CHICKEN FARM IN NSW	60

1 INTRODUCTION

The meat chicken industry is a significant part of the NSW agricultural industry, with annual production adding about \$470 million to the NSW economy. The industry is concentrated in NSW, with about 43% of Australian meat chicken production occurring in this State.

The industry is well developed in NSW, particularly in the regions of Sydney, Central Coast, Hunter, Tamworth, North Coast and Griffith, and is expanding in the Southern Highlands. Most production is undertaken by a small number of corporate vertically integrated companies that operate breeding farms, hatcheries, feed mills, processing plants, further processing plants and sometimes chicken grow-out farms, with contract growing of meat chickens.

Consumption of chicken meat in Australia is continuing to increase. It is currently 32 kg per capita per year, an increase of nearly 5 kg per capita in the last 5 years. It is thus important that the efficiency of the industry continues to improve to ensure continued supply of quality chicken meat product to the consumer. Improvements in genetics, feed regimes, housing and management have all helped in the progress of the industry over the last 30 years.

An important factor in the continued enhancement of an efficient and sustainable meat chicken industry into the future is good management, development of new housing systems and expansion or renovation of existing housing systems. With the increasing scale and intensity of meat chicken farming, effective management of the potential environmental, health and amenity impacts are becoming more important. These Guidelines have been developed for the purpose of providing guidance for the management of these impacts. They have been developed by NSW Agriculture in consultation with other government agencies, the meat chicken industry and the community.

2 OVERVIEW

2.1 PURPOSE OF THE GUIDELINES

The *NSW Meat Chicken Farming Guidelines* have been developed to provide guidance for the planning, design, construction, operation and management of meat chicken farms in NSW.

Their purpose is to provide a framework for the economically, environmentally and socially sustainable development and operation of meat chicken farms in NSW, recognising the needs of the industry and the community.

This is achieved by providing:

- explanation of the Development Application (DA) and approval processes, requirements and legislation
- information on siting, design and construction of farms
- performance objectives and best practice advice for management of the environmental impacts of farm development and operation.

2.2 SCOPE OF THE GUIDELINES

The Guidelines apply to the development of new farms, the expansion or renovation of existing farms, and the management of all farms involved in the rearing of meat chickens in NSW.

The Guidelines do not apply to the operation of farms established for keeping poultry other than chickens, or for chicken farms operating for egg production, pullet raising, breeding, free range production or hatcheries. However, the principles of the Guidelines and some parts of them may be applied to these operations as appropriate. Advice on development issues for these proposals should be sought from local government and NSW Agriculture.

Lawfully established meat chicken farms may continue to operate in accordance with current approvals, subject to the requirements of legislation, although the Guidelines are intended to encourage all farms to adopt and implement a culture of continuous improvement.

The Guidelines recognise the involvement of both farmers and processors in meat chicken farming. Whereas the farmer (grower) directly operates the farm, companies (processors) provide and own the chickens, arrange transport, provide the feed, provide veterinary and man-

agement advice, and process and market the chickens. In most instances, the farmer operates under a contract to a processing company, and the ongoing performance of the farm is therefore dependent on the actions of both the farmer and the processor.

2.3 OPERATION OF THE GUIDELINES

These Guidelines should be applied uniformly across NSW, and may be referenced in planning documents.

Proponents considering building a new farm, or expanding or renovating an existing farm, should use the Guidelines to plan and design their farm and determine the management practices they will use to minimise environmental impact. Existing farms may use the Guidelines for the development of an environmental management plan (EMP) or simply to determine best management practice.

In deciding on meat chicken farm proposals, responsible authorities should use the Guidelines to help determine reasonable best management practice. An approval authority may make reference to the Guidelines in planning policies, plans and guidelines, as well as in the execution of its responsibilities as the appropriate regulatory authority under the provisions of the *Protection of the Environment Operations Act 1997*.

Following the Guidelines alone will not ensure compliance with planning and environmental management requirements. The Guidelines must be read in conjunction with other planning and environmental management policies, plans, guidelines and legislation.

2.4 USING THE GUIDELINES

The Guidelines provide a description of the planning process, the objectives to be met, and the best practice guidelines to be followed in the development and operation of meat chicken farms.

These requirements are provided for all parties with an interest in the development and operation of meat chicken farms, but in particular the guidelines set out requirements to be taken into account when the proponent is preparing a development application (DA). Where action is required to improve the performance of an

existing farm that does not comply with environmental or health requirements, farmers and responsible authorities are encouraged to use the Guidelines as a reference for defining appropriate practices and performance outcomes.

The contents of the Guidelines are as follows:

Section 3, Meat chicken production, describes some of the different production systems and general issues for consideration in development and management of a farm, including biosecurity, animal health and welfare, and human health.

Section 4, Environmental planning and regulation for new and existing meat chicken farms, explains the planning process and legislation existing for the development and operation of farms.

Section 5, Siting and design, covers the recommendations for location, size, design and construction of farms.

Section 6, Environmental impacts and how to manage them, defines objectives, criteria and best management practice for management of key environmental issues relating to the siting, design and operation of farms.

The environmental impacts and management strategies for which best practice is defined are:

- environmental management plans (EMPs)
- surface water, ground water and soils
- odour
- noise
- dust
- light
- visual impact and landscaping
- traffic
- pests
- chemical usage
- waste management
- community liaison and complaint management.

All impacts and strategies need to be considered in the preparation and assessment of development proposals. A proposal must satisfy the objectives, criteria and best practice, although alternatives to the Guidelines may be used in specific situations.

An approval authority may require more detailed information to demonstrate compliance with particular issues, depending on the circumstances and risk associated with the development.

Section 7, Legislation affecting meat chicken farmers, lists the legislation of relevance to the meat chicken industry.

Section 8, the Glossary explains the key terms used in the Guidelines.

Section 9, the References and further reading section, provides references for policies, guidelines, codes and other information on best practice in the meat chicken industry.

Appendix 1 provides a summary of issues to address before submitting a development application for a meat chicken farm in NSW.

2.5 Review of the Guidelines

The Guidelines are based on current information, knowledge and practice. Further investigation, research and innovation in farm practice may in the future establish new practices and redefine best practice for the industry.

The Guidelines will be revised as new information relating to the design, operation, management and environmental impact of meat chicken farms becomes available. Major reviews are envisaged about every 5 years. In the period between reviews, technical notes will be used to disseminate information on developments in best practice.

Updates to the guidelines will be available on NSW Agriculture's web site (www.agric.nsw.gov.au).

3 MEAT CHICKEN PRODUCTION

3.1 PRODUCTION SYSTEMS

Breeding farms

Breeding farms contain birds that produce fertile eggs. The fertile eggs are laid in nest boxes. The eggs are collected and stored for transport to the hatchery. Day-old progeny from grandparent stock are reared to laying age, and then these breeding birds, known as parent or secondary stock, produce fertile eggs for commercial meat chicken production.

Breeding stock are housed on deep litter or partly or fully slatted floors. Feed consumption of meat chicken breeders is controlled to prevent birds becoming overweight, and fresh water is available at all times. Artificial lighting is provided, designed to enhance the growth, reproduction and wellbeing of the birds. At the end of their productive lives, after about 62 weeks, the breeding birds are removed for meat processing. The shed is then cleaned and prepared for the next flock of breeders.

Hatcheries

After collection, fertile eggs are taken to a hatchery, where they may be stored at coolroom temperatures before they are artificially incubated. Eggs from parent stock are incubated to produce chicks that are consigned to meat chicken farms within hours of hatching. The chicks are vaccinated and graded for quality, size and sometimes sex before being consigned to the growout farms.

Meat chicken farms

Day-old chicks are delivered to the farms as a batch and raised on deep litter within large, naturally or mechanically ventilated sheds with some climate control. The birds have constant

access to fresh feed and water supplied by automatic feeder and drinker lines. The chicks are initially placed in a heated brooding section occupying one-third to one-half of the shed. As they grow, floor space is increased, until at 10 to 14 days the whole shed is occupied.

Artificial lighting is provided and is designed to enhance the growth and wellbeing of the birds.

The birds are reared on litter over an impermeable floor. The litter is generally 50 to 100 mm thick and may be sawdust, wood shavings, rice hulls, paper or chopped straw. The choice of litter material depends on availability, price and absorbency.

When birds have reached the required weight they are caught (generally at night), placed in crates, and transported to the processing plant. Part of the flock is processed at about 5 weeks (thin out), with the majority harvested between 6 and 8 weeks. The sheds are left empty for 1 to 2 weeks for cleanout and disinfection, and then set up ready for the new batch of chicks to arrive. Meat chicken farms generally rear between five and six batches of birds a year.

The used litter may be completely cleaned out at the end of each batch (single batch), partly cleaned out (partial reuse) or cleaned out after several batches (multi-batch).

A fertiliser company generally removes the litter immediately from the farm. Some farms stockpile and spread used litter on pasture and cropping land.

Sheds are generally 100 to 150 metres long and 12 to 15 metres wide, housing about 20 000 to 50 000 birds per shed. Most farms have at least three or four sheds.

Meat chicken breeder flock



SUZANNE ROBINSON

Meat chicken chicks on straw deep litter



GERRY BOLLA

The grower has a contract with a large vertically integrated chicken meat processor. The farmer provides labour, management, shedding, equipment, LPG for heating, and bedding material. The processor provides day-old chicks, feed, medication and technical advice. Some meat chicken growing is done by processors on company owned and operated farms.

3.2 BIOSECURITY

Disease outbreaks can result in loss of income, potential environmental problems associated with mass disposal of dead birds, and trauma to the people affected by the outbreak. Appropriate farm location and management is necessary to avoid problems from disease outbreaks.

A meat chicken farm should be located at least 2 kilometres from other poultry farms to minimise the risk of disease transfer between farms. There is no distance that will ensure protection from disease spread, but generally the greater the distance, the lower the risk.

A new facility should avoid building within close proximity to wetlands or waterways utilised by migratory waterfowl that may carry avian diseases. Also, surface water should not be used for poultry drinking water unless it is treated to recommended chemical and bacterial standards for poultry drinking water.

Chicken sheds should be constructed and maintained so that wild birds and animals do not come in contact with the flock. Rodents, flies and feral animals should be controlled and dead birds disposed of properly to avoid attracting these unwanted pests.

Entry of people and equipment should be controlled and supervised in accordance with industry biosecurity standards.

The *Broiler Industry Biosecurity Code* establishes minimum standards for meat chicken (broiler) farms that should be followed by the industry. Copies of the *Broiler Industry Biosecurity Code* can be obtained from the Chicken Meat Federation, telephone (02) 9955 3224.

3.3 ANIMAL HEALTH AND WELFARE

The Model Code of Practice for the Welfare of Animals – Domestic Poultry (4th Edition, ARMCANZ 2002) covers requirements for housing, equipment, lighting, ventilation, temperature, protection, food, water, health and management practices.

It is the responsibility of all meat chicken farm operators to ensure that they adhere to the

standards set out in the Code of Practice and the *Prevention of Cruelty to Animals Act 1979*. The Code includes maximum recommended stocking densities that must be observed, and is prescribed under the Act.

Copies of the code may be obtained from CSIRO Publications, PO Box 89, East Melbourne, Victoria 3002, telephone 1800 645 051, www.publish.csiro.au.

3.4 HUMAN HEALTH

The *Occupational Health and Safety Act 2000* (OHS Act) and the Occupational Health and Safety Regulation 2001 address requirements to ensure the health, safety and welfare of those working and visiting the meat chicken farm. An OHS risk assessment should be included in plans for new facilities or modifications of existing facilities, and where possible this should involve workers.

The OHS Safety Regulation lays down further requirements relating to specified hazards including plant and machinery, noise and hazardous substances.

The design, construction and operation of the meat chicken farm facilities should comply with Occupational Health and Safety requirements and relevant Australian Construction and Safety Codes. To meet the requirements of the Regulation it is required that workers are consulted in OHS risk management, including identification of OHS hazards, assessing risk and, where possible, elimination of hazards. Where hazards to health and safety cannot be eliminated, then measures to control risk should be designed and implemented.

Health risks to people off-site in the area surrounding the proposed development should also be considered and addressed by appropriate siting and management. Dust and bioaerosols from meat chicken farms may be associated with asthma, allergies and other respiratory ailments in susceptible individuals.

Contact WorkCover or the Department of Health for further information.

WorkCover:

Phone: 02 4321 5000; Fax: 02 4325 4145; E-mail: contact@workcover.nsw.gov.au

For address, telephone or fax details of all WorkCover offices, visit www.workcover.nsw.gov.au/AboutUs/WorkCovercontacts/default.htm.

4 ENVIRONMENTAL PLANNING AND REGULATION FOR NEW AND EXISTING MEAT CHICKEN FARMS

4.1 INTRODUCTION

In NSW, meat chicken farming has to comply with a range of legislation and regulations designed to protect the environment, animal health and the expectation of local communities of certain amenity standards. There are various consents or licences, provided mainly by local councils and the Department of Environment and Conservation (DEC). These define the required environmental performance outcomes for the farm, taking into consideration the interests of farmers, neighbours and the environment. Well sited, planned, designed and managed developments should have little difficulty in conforming to requirements. Although initially the range of requirements may seem complex, a path through them is clearly defined in the guidelines.

Growers and processors have an opportunity to influence planning and environmental legislation. The long-term future of the industry will be directly affected by the effectiveness of the industry to participate and influence local and State governments in the development, implementation and review of strategic initiatives under planning and environmental legislation.

4.2 STRATEGIC PLANNING

Strategic planning provides a framework for sustainable development in a region through the integration of the interests of economic development, land-use planning, resource management and conservation and enhancement of biodiversity and ecological systems in the short, medium and longer term.

In the meat chicken industry, processors plan strategically when they look to establish new infrastructure, such as a processing plant or feed mill, or establish new contracts with farmers. Farmers plan strategically when they consider development of new farms or expansion and/or modification of existing farms. Local and State governments plan strategically when they develop plans and regulations. These state the aims for various locations and designate what land uses are permissible in those zones. They also

develop performance goals in relation to air, noise and water pollution. This includes water-sharing plans or vegetation management plans for catchments or areas.

For the meat chicken industry to maximise the benefits of strategic land-use planning, peak industry organisations as well as individual farmers and processors need to participate in State Government and council initiatives to ensure that the interests and needs of the industry are appropriately considered. There is a range of opportunities to do this under the relevant legislation.

The meat chicken industry should be aware of the importance of these activities and take the opportunity to influence the outcomes. In particular, the industry needs to consider land-use planning as part of its own strategic planning in a region. It is principally through the local council planning process that changes to the land uses in proximity to farms may occur over time. Therefore a risk-based approach should be taken in relation to the possible short and longer

Key factors for the successful participation in the strategic planning processes of government are:

1. a clear industry strategic plan (processor and farmer) that outlines the industry's short, medium and longer term goals and demonstrates its commitment and value (economic, social and environmental) to the locality
2. a willingness to actively promote the industry in a locality
3. an awareness of the land use and other strategic planning activities of local and State government and a willingness to be actively involved, including attending meetings and writing submissions when there are proposed changes to the Local Environmental Plan or when there are development applications for development in the vicinity of meat chicken farms.

term impacts of change on individual farms as well as the industry's continued operation in the area. For example, the introduction of residential developments and dispersed rural dwellings into an area can be a significant threat to the continued operation of the meat chicken industry in the area. Farmers and processors need to be involved in the planning process to reduce the risk of future conflict with neighbours as a result of changes to planning provisions.

Planning authorities need to consider the impacts of the change in land use on the continued viability of existing meat chicken industries and individual meat chicken farms in a locality. As existing meat chicken farms can contribute significantly to the local economy, consideration needs to be given to the implications on the continued viability of the industry when making planning decisions and approving individual residential developments in the vicinity.

4.3 NEW FARM DEVELOPMENT

All new commercial meat chicken farms must go through a development assessment and approvals process. This process is designed to provide information to the proponent, the community and the approval authorities on the likely environmental, social and economic implications of the proposal. In assessing a new farm proposal, the potential impacts of the proposal on the local community and economy as well as on the physical environment must be considered. The scale and complexity of the proposed farm as well as the characteristics of the location will determine the detail and depth of the assessment to be undertaken.

Can a chicken meat farm be built here?

The first step in strategic planning for a new meat chicken farm is to consult the local council to find out whether its strategic plan includes provisions that are likely to encourage or constrain meat chicken farming in its local government area. As land use may change over time owing to the changing needs of the community, it is important to discuss with council the current trends and to have council identify localities that are likely to be appropriate for meat chicken farming in the medium to longer term. This should be done before identifying individual blocks of land.

Once individual blocks of land have been identified in these localities, a preliminary evaluation of their suitability should be under-

taken. This should be based on the practical, financial and environmental factors discussed in Section 5 of these Guidelines. Issues to be considered 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 and hatchery (distance and suitability of roads for trucks)
- water and power supplies
- drainage and flooding issues
- topography and vegetation
- separation from other poultry farms
- separation from residences and other sensitive land uses.

It is important to do this evaluation before making a financial commitment to a particular site. Additional advice on siting and designing a meat chicken farm is provided in Section 5.

In particular, if the LEP provisions do not permit or encourage poultry development on a particular site, the process of obtaining approvals for a meat chicken farm will be much more difficult and expensive than if the site is identified as suitable for poultry development. One of the key factors is whether poultry farming is a permissible use under the LEP prepared by the local council.

Local councils use LEPs to zone land into categories such as commercial, residential, industrial, rural-residential and rural to provide a clear indication of what types of development are permitted in certain localities. Each zone has a restricted range of uses, and some zones will prohibit intensive animal industries such as poultry farming. If the zoning applying to a property does not currently allow poultry farming, a development application will generally not be able to be lodged unless appropriate rezoning occurs.

When consulting the LEP for the local government area, the maps that accompany the plan can be used to identify what zone the property is in. Rural zones are generally referred to as either 1(a), 1(b), 1(c), etc. The zone tables, usually in the first half of the LEP, will indicate whether the land use is either: permitted without consent; requires consent; or is prohibited. For example, *agriculture* is almost always permitted without

consent in rural zones, which is why most primary producers have not needed to consult LEPs. On the other hand, most types of *intensive livestock industry* require consent (that is, approval) from council in general rural zones. In some rural zones, such as rural residential zones, *intensive livestock industry* is usually prohibited because of potential conflict with residential neighbours over issues of odour, noise and dust.

The way in which intensive livestock industries are referred to in LEPs varies from council to council. Many older LEPs refer only to *intensive livestock agriculture*, or *intensive livestock keeping*, and may not require development consent from council in the general rural zone. Many modern LEPs refer to meat chicken farms under the definition of *intensive livestock industry*, and consent is required in all zones. To be sure on how meat chicken farms are dealt with for the proposed location, talk to the local council's town planning staff.

In addition, Regional Environmental Plans (REPs) are in place in some areas of the State, such as the Hunter Valley, North Coast, Murray and Sydney regions. State Environmental Planning Policies (SEPPs) are also in place, such as SEPP 58 – Protecting Sydney's Water Supply. They may have implications for some types of intensive livestock industries. Local councils in these areas will be able to provide information on the requirements of any relevant REPs and SEPPs.

4.4 EXPANSION OR ALTERATION OF AN EXISTING MEAT CHICKEN FARM

Before any expansion of an existing meat chicken farm is undertaken, consult the local council to determine whether an approval is required for the alteration or expansion and the level of development assessment that will need to be undertaken. This will depend on the scale of the proposed changes and the likely extent of additional impacts that may arise.

It may also be worthwhile to undertake a risk assessment and cost-benefit analysis to consider the appropriateness of continuing operation on the site, and to compare relocation options with expansion on the existing site. Where surrounding land use is changing and residential or rural residential development is starting to occur in the vicinity of the meat chicken farm, discussions should be held with council regarding the likely implications of this trend. This advice should be considered in the risk assessment.

Older meat chicken farms with no previous development approval

For older meat chicken farms operating before the introduction of the LEP or provisions in the plan that required development consent for meat chicken farms, there may be existing use rights. Existing use rights enable the use of land or building to continue, where it was legally being used for that purpose immediately before the introduction of an environmental planning instrument, such as a Local Environmental Plan. These provisions also have the effect of allowing continued operation in a location where meat chicken farms may now be a prohibited land use.

However, existing use does not include:

- alterations, extensions or rebuilding
- any increase in the area used
- an enlargement, expansion or intensification of an existing use
- any continuance of existing use that is in breach of any consents or conditions of consent
- any continuance where use is abandoned (that is, not used for 12 months).

Where the alteration or expansion proposes a change that goes beyond the 'existing use', a DA will be required from the consent authority. Consult with the local council on the development approval process required for these activities.

Meat chicken farms with development consent

The consent authority should be consulted when proposing to expand or modify an existing meat chicken farm that has development consent.

In some circumstances where the impacts of the proposed change are inconsequential, the consent authority may agree to change the consent without notification of neighbours.

In circumstances where the proposed changes are of more consequence but the development can be considered to be substantially the same development as that already approved, the consent authority may agree to modify the consent after notifying the community of the proposed changes.

Where the proposed changes are of a more substantial nature, the consent authority may

require that a new DA be lodged for approval of the changes. In these circumstances the consent authority will need to consult Schedule 3 of the Environmental Planning and Assessment Regulation 2000 to determine whether the existing operation plus the change will trigger the need for an Environmental Impact Statement (EIS). Part 2 of Schedule 3 contains factors for the consent authority to consider in making this decision, including the environmental performance of the existing operation, the likely impacts of the expanded or changed operation and the proposed mitigation and management regime.

- If the proposed change to the existing meat chicken farm will result in the whole operation being classified as a designated development for the first time, the expansion will usually be assessed as a designated development. The EIS prepared will need to cover all aspects of the proposal, including the existing operation.
- If the proposed change to an existing designated development will not significantly increase the environmental impacts of the total development, a new EIS is not required. However, approvals for the proposed alterations will still need to go through the development assessment process, including preparation of a Statement of Environmental Effects (SEE).
- If the proposed change to an existing designated development will significantly increase the environmental impacts of the total development, a new EIS must be prepared. Whereas the EIS should focus on the new aspects of the meat chicken farm, all aspects of the proposal, including the existing operations, will need to be considered.

Provisions relating to State Significant Development, Integrated Development, Complying Development and Designated Development may also apply (see sections 4.5 and 4.6).

4.5 WHAT APPROVALS ARE NEEDED TO ESTABLISH OR EXPAND A MEAT CHICKEN FARM?

It can be expected that development consent will be required from the consent authority (usually the local council) to establish or expand a commercial meat chicken farm in NSW under Part 4 of the Environmental Planning and Assess-

ment Act (EP&A Act). Other approvals in relation to pollution control, water supply or road access may also be required. To clarify what approvals and requirements apply, it is best to contact the local council. Depending on its size and location and the other approvals required, a meat chicken farm development or expansion may be classed as one of the following:

State Significant and local development

Under the provisions of State Environmental Planning Policy (SEPP) No. 34, poultry farms that employ more than 20 people (full-time equivalent) or have a capital investment of more than \$20 million (excluding land value) are considered to be *State Significant* developments. The Minister for Infrastructure, Planning and Natural Resources is the consent authority for State Significant development, and the Department of Infrastructure, Planning and Natural Resources (DIPNR) undertakes the assessment. If the development is State Significant, the Major Development Assessment Branch of DIPNR in Sydney should be contacted at the outset.

Any development that is not State Significant is *local development*, and for this the DA must be lodged with the local council.

Designated and non-designated development

The EP&A Act has regulations that list or designate particular types, sizes and locations of developments with potential for causing significant environmental impacts (Schedule 3 of the EP&A Regulation).

If the proposal is a *designated development*, an Environmental Impact Statement (EIS) must accompany the DA lodged with the consent authority. If the proposal is *non-designated development*, a Statement of Environmental Effects (SEE) must accompany the DA lodged with the consent authority. For further information see Table 1 and section 4.6, *The development assessment and approvals process*.

Integrated developments

If the development also requires an approval listed in Table 2, the DA is considered to be an *integrated development* and is subject to specific planning processes.

Designated developments include poultry farms for the commercial production of birds (such as domestic fowls, turkeys, ducks, geese, game birds and emus), whether as meat birds, layers or breeders and whether as free-range or shedded birds:

- that accommodate more than 250 000 birds

or

- that are located
 - within 100 metres of a natural waterbody or wetland, or
 - within a drinking water catchment, or
 - within 500 metres of another poultry farm, or
 - within 500 metres of a residential zone or within 150 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.

(Extract from the Environmental Planning and Assessment Regulation 2000, Schedule 3)

Table 1. Requirements for an Environmental Impact Statement (EIS) or Statement of Environmental Effects (SEE)

Schedule 2 of the EP&A Regulation sets out specific requirements for an EIS. These equally apply to SEEs. In either case, the level of assessment should match the level of impact of the proposed enterprise.

A) Executive summary

B) Description of the proposal

- objectives – reason for undertaking the proposal
- size of the operation – e.g., stock numbers or area under production; production targets
- production and/or processing facilities (if any)
- previous and existing operation on the site
- site layout plans, including any waste storage and disposal areas
- water and power supply, road access and proposed truck movements
- an outline of any construction to be undertaken
- plan for the storage and disposal of wastes; e.g., for livestock enterprises: dead animals, manure, sludge and effluent
- emergency contingency plans, e.g. for power failure, mass mortality events
- consideration of alternatives

C) Location description

- whether the proposal is consistent with any relevant SEPP, REP or LEP
- topography, drainage and flooding pattern, vegetation, soil type and ground water depth (particularly where there is on-site effluent/manure disposal)
- relationship with surrounding land uses, e.g., distances to any houses, property boundaries or watercourses

D) Identification of key issues

E) Assessment of environmental issues

- amenity issues, including noise, odour, dust and visual impacts
- water quality, drainage, flooding, and water supply impacts
- erosion and sedimentation
- traffic and road impacts
- waste management: on-site disposal of effluent, manure or dead animals
- health risks
- native vegetation and, if relevant, threatened species populations, ecological communities and their habitats
- economic and social effects

F) List of approvals and licences

G) Proposed environmental management plan and mitigation measures

- summary of how potential environmental impacts will be minimised or managed
- proposed actions to minimise and manage land-use conflicts

H) Justification for the proposal

Table 2. Additional approvals and licences that may be required

Approval body	Legislation	Approval
Department of Environment and Conservation	<i>Protection of the Environment Operations Act 1997</i>	Licence authorising the carrying out of a scheduled activity, or the work designed to enable such activities to be carried out
	<i>National Parks and Wildlife Act 1974</i>	Licence to control water pollution from a non-scheduled activity Consents to destroy Aboriginal artefacts, relics or places
Department of Infrastructure, Planning and Natural Resources	<i>Water Act 1912: Part 2, Part 5, Part 8</i>	Surface water licences Ground water and bore licences
	<i>Water Management Act 2000</i>	Approvals for works on floodplains and banks of rivers and lakes Approvals for works that affect the flow of water to or from a river or lake Water-sharing plans Water management plans
	<i>Rivers and Foreshores Improvement Act 1948</i>	Approval for works within 40 m of the bed or bank of a river or lake
	<i>Native Vegetation Conservation Act 1997</i>	Clearing of native vegetation
The Heritage Office	<i>Heritage Act 1977</i>	Approval to undertake works affecting an item protected by a conservation order
Local council (and Roads and Traffic Authority)	<i>Roads Act 1993</i>	Approval to undertake work in a road corridor (may also be subject to concurrence of RTA)
Mine Subsidence Board	<i>Mine Subsidence Compensation Act 1961</i>	Approval to undertake works in a Mine Subsidence District
NSW Fisheries	<i>Fisheries Management Act 1994</i>	Approval to cut, remove or damage marine vegetation Approval to dredge or reclaim land Approval of aquaculture enterprises
NSW Rural Fire Service	<i>Rural Fires Act 1997</i>	Approval to subdivide or develop bushfire-prone land

If the application involves development of land that is part of critical habitat or is likely to significantly affect a threatened species, population or ecological communities, or their habitats, a Species Impact Statement (SIS) will need to be prepared in accordance with the *Threatened Species Conservation Act 1995*.

For poultry developments within Sydney's drinking water catchments the Sydney Catchment Authority has a concurrence role, in accordance with State Environmental Planning Policy 58 – Protecting Sydney's Water Supply.

The consent authority must consult with the relevant approval body during the assessment of the project and integrate the requirements of the subsequent approval into the development consent to ensure a consistent and integrated approach to regulation of the poultry farm. For meat chicken farms, additional licenses and approvals will most likely be required under the *Protection of the Environment Operations Act 1997* (PoEO Act) (see section 7 *Legislation affecting chicken meat farms*.)

Complying development

The LEP may also list certain types of local developments that have predictable and minor environmental impacts as *complying developments*. Complying developments are required to comply with specified predetermined development standards. Meat chicken farms are generally not considered to have predictable and minor impacts and would not be identified as complying developments. However, minor additions to farm structures may fall into this category of development. Again, consult the council to determine the development approval requirements for any changes to the physical layout of the farm.

Developments not requiring consent

In exceptional circumstances development consent may not be required. However, the farm should still comply with industry best practice, especially in relation to odour, noise, dust and waste management. Local councils can still regulate these premises by using their powers under the PoEO Act.

In circumstances where development consent is not required, but an approval is required under other legislation (for example, for water supply or pollution control), the provisions of Part 5 of the EP&A Act apply. This means that before

granting the approval or licence under the other legislation, the government authority must consider whether the proposed meat chicken farm is likely to significantly affect the environment. If the government authority decides that this is the case, an EIS must be prepared. If not, the approval authority will usually require a *Review of Environmental Factors* to be prepared by the applicant. This document will be similar to the SEE.

4.6 THE DEVELOPMENT ASSESSMENT AND APPROVAL PROCESS

The key steps in the planning assessment process (Figure 1) are outlined below.

Deciding what needs to be included in the development application

Before preparing a development application (DA), the applicant should meet with the consent authority and other key regulatory or advisory government agencies so that issues can be discussed and government authorities can indicate what issues they consider should be assessed and the appropriate assessment methodology.

For major proposals for farm development in sensitive locations (for example, new residential areas) where there are a large number of issues to be considered, a Planning Focus Meeting (PFM) is recommended so that relevant parties can meet and discuss the proposal. A PFM should include a site visit and would normally include:

- the applicant
- the applicant's consultants
- representatives from the local council
- DEC, DIPNR, NSW Agriculture and other appropriate State Government agencies
- other potentially involved parties.

The PFM is usually organised by the consent authority or NSW Agriculture's Agricultural Environment Officers. The applicant should provide the PFM organiser with a Project Outline (a six- to 10-page document including a map and project specification) about 2 weeks before the PFM. The PFM organiser should send this to the participants so that they have time to consider the relevant issues. The PFM will help identify the issues to be covered in the DA and will often save time and money.

If the project is a designated development, the proponent must consult with DIPNR for the *Director-General's Requirements* for the EIS. The minutes of the PFM should be sent to DIPNR when you request the Director-General's Requirements. If the development is an integrated development, DIPNR will contact the approval authorities so that their requirements can be integrated into the Director-General's Requirements.

NSW Agriculture can provide technical advice on the siting, design and management of intensive agricultural enterprises and can help coordinate input from State agencies and consent authorities.

Preparing the development application

The proponent or their consultant must prepare supporting documentation (either an EIS or SEE) to accompany the DA. The documents should provide an outline of the size and nature of the proposed development and the management practices and environmental impact mitigation strategies to be employed. Also, a description of the site and surrounding environment and an assessment of the likely impacts of the proposal on the environment should be included, in addition to justification for the undertaking of the enterprise.

The purpose of these documents is to allow the applicant, members of the public, the appropriate regulatory authority and relevant government agencies to properly understand and consider the environmental consequences of the proposed development. Support the application with maps, plans, diagrams and photographs where appropriate.

To help in the preparation of supporting documentation for the DA, DIPNR has EIS guidelines for poultry farms. In addition, agencies such as the DEC have guidelines in relation to assessment and management of environmental issues. These can help in the development of the project and in the preparation of the EIS or SEE. Generally details of the issues that agencies require you to address will be supplied during the PFM. If a PFM is not required, or has not been organised, the agencies should be consulted about their requirements.

The EP&A Act requires the consent authority (usually the local council) to determine whether threatened species, populations or ecological communities are likely to be significantly af-

ected. An assessment of flora and fauna must be performed and submitted to the consent authority to determine whether a species impact statement (SIS) needs to be prepared. To avoid delays, this should be undertaken before the finalisation of the SEE or EIS. It is advisable to consult the DEC and/or NSW Fisheries if an SIS is likely to be required.

During the preparation of the SEE or EIS, the proponent should consult with neighbours and the broader community to ensure that issues of importance to the community are appropriately addressed in the assessment. In addition, the community may have information that will help in the preparation of the assessment.

The burden of justification rests with the applicant (the farmer). The better the quality of the supporting information the easier it is for the consent authority to make its assessment and subsequent decision.

Lodging the development application

The DA and supporting documents must be submitted to the consent authority. You should check with the consent authority about the number of copies of the supporting documents needed for exhibition and consultation purposes.

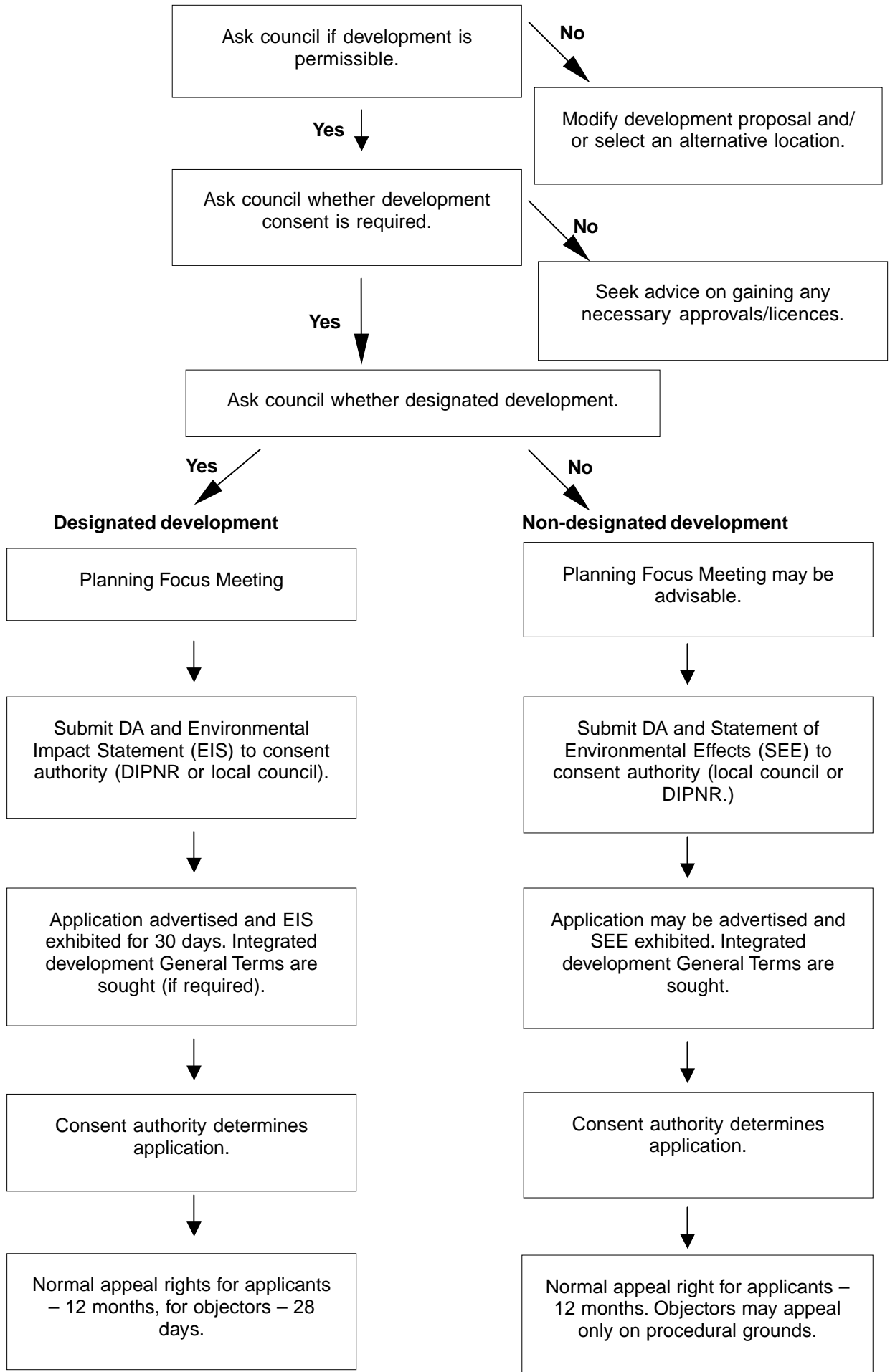
Depending on the scale of the development, the consent authority will be either the local council (for local developments) or the Minister for Planning (for State Significant developments). If the Minister is the consent authority, DAs should be lodged with DIPNR. For local developments the application should be lodged with the local council.

The application should be accompanied by the *land owner's* consent if the land is not owned at the time of the DA being lodged or is to be leased. If any of the land is Crown land, DIPNR's permission must be obtained. A DA fee must be paid; the amount is based on the estimated capital value of the project. Additional charges are levied if the DA must be advertised and if the project is integrated development. The consent authority will receipt the application, date it, and issue a DA number.

Public consultation

The consent authority must notify neighbours of the proposal and invite them to comment on it. If the project is a State Significant development, designated development or integrated development, the DA must be advertised in the newspa-

Figure 1. The planning assessment process



per and the documentation exhibited with an invitation to comment on the proposal. The consent authority may also send copies of the documentation to other agencies to seek their views.

If the project is an integrated development or requires concurrence, copies of the DA and the documentation must be immediately sent to the integrated approval and/or concurrence authorities. These authorities along with the consent authority can 'stop the clock' and request additional information if appropriate information is not provided in the EIS or SEE.

Assessment

The consent authority (and any integrated approval authorities) will assess the impact of the proposed development on the physical environment, the community, and the economy of the local area. Integrated and concurrence authorities will assess the proposed development against their specific requirements. The consent authority is required to incorporate the requirements of integrated and concurrence authorities. Following this assessment they will then decide to grant consent, grant consent with some conditions, or refuse consent for the application. Matters taken into account include:

- the requirements of any local, regional or State planning instrument, development control plan and planning legislation that relates to the site or the proposed development
- the impact that the proposed development is likely to have on the natural environment, the built environment and the local community
- whether the site is suitable for the proposed development
- any submissions made by neighbours, the wider community and government agencies after the DA was advertised
- the public interest.

In determining a DA for a meat chicken farm, the consent authority may seek advice from NSW Agriculture, the DEC, DIPNR and other State government agencies.

The decision

The consent authority will either approve or refuse the DA. If the application is approved, the

consent authority will usually set out conditions that the applicant must meet in the construction and operation of the project.

Right of appeal

If the applicant is unhappy with the decision, they may ask the consent authority to review the application. This must be done within 28 days of the decision being made. In addition, any applicant who is dissatisfied with the consent authority's decision may also appeal to the Land and Environment Court, asking it to review the decision. This appeal must be made within 12 months of the decision being made.

If the project is a designated development, a person who objected in writing to the proposal during the exhibition period may appeal to the Land and Environment Court on the merits of the proposal. This must be done within 28 days of the decision being made. For non-designated developments, the merits of the decision cannot be appealed in the Land and Environment Court.

However, anyone may appeal to the Court to remedy or restrain a breach of the EP&A Act that may have occurred in determining the DA. If a consent authority notifies the decision, this appeal can only be lodged within 3 months of the decision.

Approval to begin building works

If the development involves building works (for example, a building, road or stormwater system), the applicant must apply to the council, the Minister or an accredited certifier for a construction certificate. The construction certificate certifies that the work the applicant intends to do will comply with required standards. The applicant needs to provide detailed designs and documentation with their application. These must be consistent with the plans lodged with the DA, and it must be clear that any building work will comply with the Building Code of Australia.

Before any work may start, the applicant must choose a principal certifying authority (PCA). This can be the council, the Minister (for DIPNR) or an accredited certifier. The PCA will make sure that the work is done in accordance with the development consent and approved construction plans. At least 2 days before starting work, the applicant must notify the council that work is going to start and must also tell council the identify of the PCA, if it is not the council.

Approval to occupy

The applicant must obtain an occupation certificate from the certifying authorities before occupying or using a new building or changing the use of an existing building.

Compliance check

The authority that has approved the development will monitor the development to make sure that the approval conditions are being complied with. If the development does not comply, the applicant may be:

- fined (given a penalty notice)
- ordered to make changes to the development or the activities carried on at the premises
- taken to the Land and Environment Court. The court may order the applicant to carry out necessary works (such as altering the development or making repairs), or may forbid the applicant to use the premises in certain ways.



NSW DEPARTMENT OF
PRIMARY INDUSTRIES

This document is part of a larger publication and is subject to the disclaimers and copyright of the full version from which it was extracted. The remaining parts and full version of the publication, as well as updates and copyright and other legal information can be found at:

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