



# **Planning Guidelines**

*Intensive Livestock  
Agriculture Development*



**2019**

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# 1. Summary

The development assessment process is a key mechanism to ensure the potential impacts of new intensive livestock projects are fully considered and gives the community an opportunity to have their say. This process does not need to be onerous or unnecessarily complex. It should be focused on ensuring developments are assessed at a level commensurate with environmental risks, providing clear opportunities for community input and supporting efficient, timely decision-making.

Feedback from industry is that it is seeking clear, straightforward information on the planning assessment process for intensive livestock projects and what practical steps they can take to make sure proposals are well planned and comprehensively assessed.

This guide is intended to assist applicants and planning authorities to understand the assessment requirements for intensive livestock developments, such as feedlots, poultry farms and pig farms.

This guide also aims to improve certainty by making sure that appropriate levels of assessment and relevant approvals are identified. This will help realise local employment and economic opportunities and reduce potential environmental impacts.

Many farmers already have considerable experience and expertise in successfully operating intensive livestock operations that are both economically and environmentally sustainable. In addition, many farmers undertake temporary activities based on seasonal and property conditions, such as supplementary feeding or use of stock containment areas, and may be considering opportunities to invest to make such operations permanent.

By building a better understanding of the planning assessment processes and how those requirements apply to new proposals or upgrades to existing intensive livestock operations, farmers will be better placed to plan for the future and make appropriate investment decisions.

Planning authorities, such as local councils, will also benefit from better information and guidance on how to assess an application to support well-informed, balanced decision-making. This includes improved understanding of key issues and risks, relevant government and industry assessment guidelines, and consideration of community feedback.

## 1.1 How this guideline will help

A new intensive livestock proposal, or an expansion or modification of an existing operation, will usually require development consent before it can proceed.

This guide will help farmers and council assessment staff understand what should be considered in the Development Application (DA) process. It also provides information on what to expect once an application has been submitted to the relevant planning authority.

Experience from previous projects suggests that applicants are more likely to proceed through the DA process in a timely and efficient way, when they invest effort into communication and consultation, and prepare comprehensive and thorough assessment documentation.

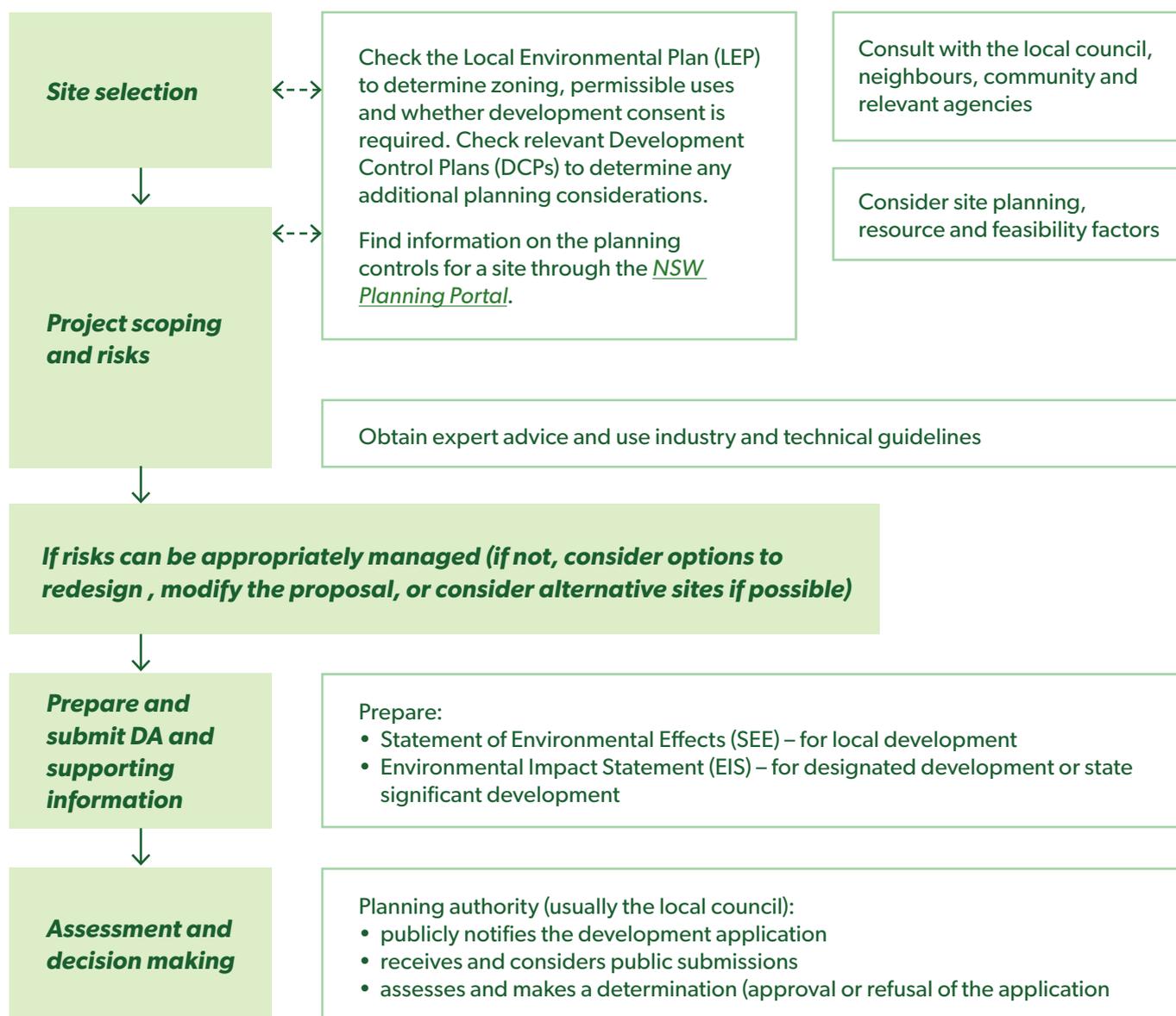
The guide therefore emphasises the importance of early, open and on-going consultation with neighbours, community, and the local council at all stages of the DA process, from initial site selection and project scoping, through to the formal submission and decision-making stages. Depending on the size, complexity and potential impacts of a project, NSW Government agencies such as the Environment Protection Authority (EPA) may also need to be consulted early and may have an approval role.

In addition, the NSW Department of Primary Industries is available to advise farmers on planning requirements and to provide guidance about recommended management practices to mitigate biosecurity risks.

Key steps in the development application process for intensive livestock projects are summarised in **Chart 1** below. Important early tasks include:

- determining whether the development is permissible and if approval is required
- consulting neighbours and the council and considering their views
- scoping the key issues and undertaking a risk assessment
- using appropriate expertise and relevant government and industry technical guidance.

**Chart 1 – overview of planning and assessment process**



## 2. Initial considerations

Site selection is a key planning consideration for intensive livestock developments and a critical factor in the development assessment process. Applicants should carefully consider the limitations and opportunities of land they already own or manage, or land they may be seeking to purchase with a view to future development, as they may affect the viability of their proposed development and the likelihood of consent being provided.

As part of this process, the attributes and features of both the proposed development site and surrounding land uses should be considered, and the size, siting and design of the facility planned accordingly.

Applicants should always carefully assess whether the site is appropriate for the intended use and consider the need for buffers between the development and other nearby land uses, such as neighbouring dwellings, other agricultural operations, or sensitive

locations such as water courses (a buffer is an area of land set aside to minimise the impact of land uses on each other). Other considerations include access to usable water, power and transport requirements.

As constraints and opportunities are identified, it may be necessary for the applicant to adjust a proposal or consider alternative sites.

An important core matter to consider at this early stage in the planning process is any potential land use conflict between the proposed development and nearby land uses. That includes any potential biosecurity risks.

Key initial considerations are outlined below.

**Table 1** also provides a summary which will help applicants in undertaking initial site selection and planning.

### 2.1 Project siting and land use conflict

The first step is always to check the zoning and permitted land uses within the council's local environmental plan (LEP). The LEP will identify whether "intensive livestock agriculture" development can be undertaken with or without consent, or whether it is prohibited in a land use zone.

Intensive livestock developments are typically permitted on land in the following zones:

- RU1 – Primary Production
- RU2 – Rural Landscape (subject to each LEP)
- RU4 – Rural Small Holdings (subject to each LEP)

Council's development control plan (DCP) may also identify specific requirements that need to be addressed in planning a new project. That may include specific controls or matters to be addressed in the development application, such as buffers and setback distances from property boundaries to the proposed development.

Buffers are areas of land set aside to minimise the impacts of land uses on each other. They can play an important role in reducing the impacts of a proposed development to the environment and

community amenity. They also support biosecurity objectives. Typically, there is not a standard one-size-fits-all approach to working out an appropriate buffer. Instead, this requires consideration of the size, siting and design of the intensive livestock facility, specific site characteristics, adjoining land uses, and nature of the development proposal.

Information on the planning controls for a property is available on the [NSW Planning Portal](#).

Expert technical advice and assessment may assist in planning the project, through improved understanding of potential impacts and deciding on suitable mitigation measures. For example, modelling of noise and odour will identify measures to lower the risk of impacts to adjoining landowners or sensitive receivers, which may include nearby homes, schools, community centres, health centres, threatened species, conservation areas and other uses important to the community.

The NSW Environment Protection Authority's [website](#) provides further information on this issue. Early consultation with council and neighbours can also identify specific impacts from the

proposed development that may require specialist technical expertise or a planning solution such as a buffer or setback to manage the impacts.

Many projects may also require expert consideration of potential biosecurity risks. Biosecurity risks may come from a variety of different sources, such as adjoining

land uses, which includes proximity to other industries, dwellings, vehicle movements and domestic and stock animals. They may also come from the importation of animals or animal parts, or from the environment, such as waterbodies containing waterfowl. NSW DPI is able to provide guidance about recommended management practices to mitigate biosecurity risks.

## 2.2 Liaison with local council and relevant agencies

These guidelines and the local council provide information on the requirements for a development application and how the assessment process works. In particular, where to find technical guidance or requirements for specific issues, and where

to obtain appropriate expertise and advice. Early and on-going communication with planning authorities and other regulators is beneficial so that the assessment criteria and expectations are clear.

### Pre-lodgment meeting

Most councils offer applicants the opportunity to request a pre-lodgement meeting before the development application (DA) is submitted. This is an important way to introduce the council to the proposal, to obtain their initial feedback on key issues, and for the council to inform the applicant of the regulatory process.

Council officers may use this meeting to give early feedback on the proposal, identify key assessment issues, and whether expert advice might be required to assist in council's decision-making. It is also an opportunity for applicants to find out information about any rural planning strategies that may be in place or underway in the area and any

relevant agricultural land mapping projects. Following the pre-lodgement meeting, the applicant may need to adjust the proposal or consider alternative sites if planning constraints are identified.

Applicants are also encouraged to engage with council outside of the DA process. For example, participating in council advisory groups, holding open days and site tours for council staff/councillors and the community, or by offering briefing sessions for council staff on intensive livestock techniques.

Contact the local council:

<https://www.olg.nsw.gov.au/find-my-council>

### Planning focus meeting

Depending on the type and scale of project, it may be useful to hold a joint meeting with the applicant, council and relevant NSW agencies that may also have a role in approving or regulating the project. A planning focus meeting is an effective way to ensure that all parties get to hear and discuss the range of issues for the project at the same time. It also supports the provision of informed feedback to applicants.

The NSW Environment Protection Authority (EPA), for example, has a role in assessing and licensing applications for large developments which exceed certain livestock number thresholds. These are set out in Schedule 1 of the *Protection of Environment Operations Act 1997* (see section 4.4). Applicants planning a large-scale intensive livestock project should make early contact with the relevant regional EPA office.

Contact the local EPA office:

<https://www.epa.nsw.gov.au/>

## **Advice and assistance – Department of Primary Industries and NSW Water**

The Department of Primary Industries (DPI) is available to provide advice to applicants on the planning process for a range of agricultural developments, and provide guidance about recommended management practices to mitigate biosecurity risks.

Contact DPI: [landuse.enquiries@dpi.nsw.gov.au](mailto:landuse.enquiries@dpi.nsw.gov.au)

Contact Water NSW in relation to water management issues: <http://www.waternsw.com.au>

## **State significant development – Department of Planning and Environment**

Intensive livestock agriculture projects with a capital investment value exceeding \$30 million are “state significant development”. These projects are subject to specific assessment requirements under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Minister for Planning and the Environment is the consent authority.

Applicants proposing to undertake state significant development should contact the Department of Planning to discuss and confirm the assessment process. More information on state significant development is available at <https://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Planning-Approval-Pathways/State-Significant-Development>

Contact DPE:  
<http://www.planning.nsw.gov.au/Contact-Us>

### **2.3 Consultation with community**

Applicants wishing to construct a new intensive livestock facility, or to expand or upgrade an existing operation, are encouraged to make early contact with relevant stakeholders, including neighbours, their local council and others in their community, to discuss their proposal. Ongoing, regular and genuine consultation is important during the DA process.

Common ways to consult prior to formal exhibition can include:

- directly approaching neighbours
- open days and groups of neighbour meetings
- council and agency site visits
- information in local papers or community social media networks.

Early and open communication during the planning process, particularly at the local level, can help build understanding of the project, identify potential impacts and address their management. This can also help interested parties prepare informed submissions during the public notification period and reduce the prospect of objections that are based on misunderstandings or lack of information. It is useful to keep accurate records of any meeting and discussions, including issues raised, any responses taken and any subsequent actions taken. All this information informs the eventual development application and can be included in the documentation submitted to the planning authority.

### **2.4 Expert advice**

Applicants will also benefit from obtaining appropriate expert technical assistance during initial project scoping, risk and hazard assessment (including biosecurity), and for preparation of the development application. While councils and NSW agencies cannot recommend specific consultants, they may be able to provide information on the types of consultants that have done similar work in an area or direct applicants to

relevant professional organisations for further advice.

An investment in obtaining the right expert advice can produce significant dividends in terms of the quality of the development application documentation and the ease and efficiency of assessment. In turn, applications that are comprehensive and well-prepared will support faster and more streamlined decision-making.

# Site selection checklist

The following table summarises some of the key factors to consider early in the planning for an intensive livestock development. It is not intended to be definitive. Many proposed sites will have unique issues that may not be listed in the table that will require consideration and specific assessment.

In planning a new intensive livestock project, all aspects of the operation should be considered, including all the necessary supporting infrastructure. A development application will need to identify and document all parts of the project. For example, a new feedlot proposal will require facilities to house and feed animals, but may also need new structures to store feed, pipelines

to distribute water, waste disposal arrangements and result in additional truck movements on local roads.

Applicants should consider both planning and business feasibility factors. Planning considerations are based on relevant legislation (such as the local environmental plan) that aim to minimise environmental and community amenity impacts. Feasibility considerations, such as product distribution logistics, transport and other infrastructure needs, are important in helping to ensure business viability. These matters may also have potential environmental impacts, and may require assessment as part of the development application (DA).

**Table 1 Planning considerations for site selection**

| Issue                                                                | Task                                                                                                                                                                                                                                                                                                                                       | Supporting information                                                                                                                                                                                                                 |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Land use zone and permissible uses</b>                            | Check the zoning under the local environmental plan (LEP) and that the activity is permissible.                                                                                                                                                                                                                                            | “Intensive livestock agriculture” development is defined in the Standard Instrument LEP and is usually only permissible in rural zones RU1 – Primary Production, certain RU2 – Rural Landscape and certain RU4 – Rural Small Holdings. |
| <b>Buffer or separation distances</b>                                | Buffers or setbacks may be required to avoid or mitigate potential impacts to other land uses or to manage biosecurity risks.                                                                                                                                                                                                              | Technical advice may be needed to undertake relevant assessments or modelling (such as for odour and noise), in accordance with relevant guidelines (see Section 6 – Planning Documents).                                              |
| <b>Community amenity, including proximity to adjoining dwellings</b> | <p>Check whether there are any dwellings or other sensitive receivers that may be affected by noise, dust, odour and other aspects of the proposal.</p> <p>Sensitive receivers may include nearby homes, schools, community centres, health centres, threatened species, conservation areas and other uses important to the community.</p> | As above                                                                                                                                                                                                                               |

### Planning considerations for site selection (cont.)

| Issue                                                        | Task                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Supporting Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Water quality and water flows, and groundwater</b></p> | <p>Consider whether the proposed siting of the development may adversely affect water, including groundwater and whether there are any risks of water pollution or flooding.</p> <p>Development in some drinking water catchments may be required to show neutral or beneficial effects (NORBE) on water quality.</p>                                                                                                                                                                                  | <p>See Section 6 – Planning Documents for further details. Water NSW also has technical guidance that can assist (<a href="#">here</a>).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Soils</b></p>                                          | <p>Consider the type of soils on the proposed site, and whether they are suitable for both construction of the facility and future operation (including erosion risk, waste and effluent management).</p>                                                                                                                                                                                                                                                                                              | <p>EPA and industry guidelines provide information on the management of wastes and effluent (see Section 5).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>Surface water</b></p>                                  | <p>Intensive livestock facilities can impact surface waters through increased nutrient runoff and/or sedimentation. Consider how surface water and runoff can be managed to avoid these risks.</p>                                                                                                                                                                                                                                                                                                     | <p>Planning documents and national industry guidelines show how these risks can be reduced (Section 5).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Topography</b></p>                                     | <p>Consider landforms and slope when choosing an appropriate site. These can influence drainage, erosion, animal health and air quality impacts.</p>                                                                                                                                                                                                                                                                                                                                                   | <p>National industry guidelines provide recommended slopes for construction areas and pens, drains, basins and effluent utilisation areas (if applicable).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Biodiversity and vegetation</b></p>                    | <p>Clearing of native vegetation should be avoided as a first preference.</p> <p>Identify native vegetation present on the site and options to retain and enhance vegetation cover and quality.</p> <p>Identify if the Biodiversity Offsets Scheme applies to the proposal.</p> <p>The <i>Biodiversity Conservation Act 2016</i>, together with the <i>Biodiversity Conservation Regulation 2017</i>, outlines the framework for addressing impacts on biodiversity from development and clearing.</p> | <p>If vegetation clearing is required, specific biodiversity assessments may be required.</p> <p>The approval authority for clearing will depend on the assessment pathway, i.e. whether the development is local development, SSD or is regulated under the LLS Act.</p> <p>Measures to mitigate or offset impacts may also be needed (See section 4.4).</p> <p>If the Biodiversity Offsets Scheme applies to the proposal, a Biodiversity Development Assessment Report (BDAR) must be submitted with your application for consent or approval.</p> <p>More information on the <a href="#">Biodiversity Offsets Scheme</a>, including when it applies, can be found on the Office of Environment and Heritage (OEH) <a href="#">website</a>.</p> |

### Planning considerations for site selection (cont.)

| Issue                           | Task                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Supporting Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Biosecurity</b>              | <p>Consider the proximity to other intensive livestock operations and other potential risk sources, such as nearby dwellings, transport routes, stock animals, waterbodies and native and pest animals present in the local environment.</p> <p>It is the responsibility of individuals to ensure they discharge their general biosecurity duty to manage the biosecurity risks of their development proposal. More information can be found on the <a href="#">NSW DPI website</a>.</p> | <p>A number of industry developed guidelines, particularly for hatcheries and the poultry industry, include recommended biosecurity separation distances for the protection of livestock (See Section 5.4).</p> <p>A thorough risk assessment and risk management plan is a critical requirement for new enterprises that might pose a biosecurity risk to existing agricultural businesses, or vice versa. The Department of Primary Industries is able to provide guidance about recommended management practices to mitigate biosecurity risks.</p> |
| <b>Strategic land use plans</b> | <p>Consider any regional plans, agricultural land use maps or industry development plans for the area.</p>                                                                                                                                                                                                                                                                                                                                                                               | <p>Department of Planning and Environment (DPE) regional plans are available <a href="#">here</a>. Council can advise on any applicable local rural land use strategy.</p>                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Heritage</b>                 | <p>Determine if the proposal could harm Aboriginal cultural heritage.</p> <p>Identify Aboriginal cultural heritage values on the site and options to avoid impacts.</p> <p>If the proposal involves an item or area listed on a statutory heritage register, covered by an interim heritage order or might disturb an archaeological relic, approval may be required unless an exemption applies.</p> <p>Impacts on heritage should be avoided as a first preference.</p>                | <p>Office of Environment and Heritage (OEH) guidelines provide information on how to identify heritage values and determine whether the proposal is likely to harm Aboriginal cultural heritage (see Section 6 – Planning Documents).</p> <p>All publications, guidelines and info sheets produced by the OEH Heritage Division can be found <a href="#">here</a>.</p>                                                                                                                                                                                 |



## Resource and feasibility considerations

| Issue                                   | Task                                                                                                                                                                                                                                                                                                                                                          | Supporting Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Access to feed (grain) and water</b> | Check distribution and supply networks to the site, and suitability of on-site storage locations. Consider potential impacts of vehicle movements, such as noise and dust, on neighbours and surrounding land uses.                                                                                                                                           | Industry guidelines will provide useful information. See above for information related to buffers and setbacks to minimise impacts to neighbours.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Animal welfare</b>                   | Confirm ability to meet relevant industry standards for animal welfare.                                                                                                                                                                                                                                                                                       | See section 5.5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Climate</b>                          | <p>Consider relevant information regarding existing climatic conditions and future projections. This includes making adjustments in consideration of the impact of climate change on agricultural systems.</p> <p>Climate variability needs to be considered in the planning for bushfires, droughts, floods, infrastructure and plant and animal health.</p> | <p>The <a href="#">Department of Primary Industries</a> website has a range of information and data about climate variability, projections, research and other useful information for farms.</p> <p>Climate and weather information is available on the Climate and weather information is available on the <a href="#">Climate projections for NSW website</a>.</p>                                                                                                                                                                                                                                        |
| <b>Transport infrastructure</b>         | Consider the proximity to processing facilities, distribution points and key markets. Identify any access or related transport infrastructure improvements (e.g. load and width limits on roads and bridges) that will be required to support the development.                                                                                                | <p>The council and other agencies (such as Roads and Maritime Services) will consider the impacts of the proposal on public infrastructure. They may determine, for example, that the provision or upgrade of road infrastructure is required.</p> <p>A development consent may be subject to conditions requiring the dedication of land or the payment of a monetary contribution towards meeting the infrastructure needs that occur as a result of the development.</p> <p>Early discussion with council and other agencies will help determine whether a development contribution may be required.</p> |
| <b>Utility infrastructure</b>           | Identify existing and future utility needs, including water, sewage, electricity, gas and telecommunications.                                                                                                                                                                                                                                                 | The local council and relevant utility operators can provide advice on existing available services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

### Resource and feasibility considerations (cont.)

| Issue                                 | Task                                                                                                                                                                                                                                                  | Supporting Information                                                                                                                                                                                                                                                                                   |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Labour supply and amenities</b>    | Consider the availability of labour, including the different needs that may arise during construction and operation of the facility. Also identify any supporting amenities needed for staff, such as bathroom and eating facilities and car-parking. | The local council or business organisations may be able to provide advice. In addition, the Department of Industry provides services and support for businesses wanting to launch or expand in NSW. The Department's website provides information on <a href="#">regional assistance opportunities</a> . |
| <b>Potential for future expansion</b> | Consider whether the site has capacity for further future expansion.                                                                                                                                                                                  | Future expansion proposals will also need to consider the above factors.                                                                                                                                                                                                                                 |



# 3. Project scoping and risk identification

Every intensive livestock project is unique; in terms of size, scale, ownership type, location and industry. Particular risks and opportunities are influenced by the type of industry and activity proposed, the location, and environmental attributes of the site and surrounding area.

While not a substitute for a full consideration and documentation of environmental impacts and management measures, a project scoping and risk assessment can help define expectations about the level of environmental assessment that may be required.

Scoping and risk assessments can therefore play an important role in the initial planning of a development proposal, and can inform the final development application submitted to council for assessment and approval. A well-prepared risk assessment can help identify the key issues that require more detailed assessment, expert advice or discussion with the local council or government agencies.

Typical areas of risk that are associated with intensive livestock projects include:

- air quality (odour and dust)
- water, such as impacts to surface water, wetlands, and groundwater
- noise, including operations on-site and off-site (such as truck movements)
- waste management, such as animal effluent, reuse opportunities and safe disposal
- light pollution (for example, refer to the [Dark Skies guideline](#))
- visual amenity
- biosecurity.

**Appendix A** sets out one approach to undertaking a risk assessment. This information is adapted from the [Land Use Conflict Risk Assessment Guide](#) which provides a good overview on how to conduct risk assessments for livestock developments.

For larger or more complex proposals, a more detailed risk assessment may be useful. An example of a more comprehensive scoping worksheet is provided in the [Draft Environmental Impact Assessment Guidance Series](#).

## 3.1 Matching the level of assessment with the scale and risk of the proposal

Anticipating the potential risks for any development proposal and likely community interest is important. A focus for applicants should be to firstly avoid adverse impacts, and where that is not practicable, then minimise and mitigate any unavoidable impacts.

Not all projects are suitable to proceed to submission of a development application. Applicants should be prepared to redesign or modify a proposal so that it better suits the site or reduces potential environmental risks to a manageable and acceptable level. Some development proposals may ultimately be unacceptable due to excessive environmental risk or legitimate community concerns.

Early scoping studies and risk assessments with the input of neighbours, community stakeholders, planning authorities and regulators can help determine whether the risk level for the project is appropriate and the type and nature of environmental assessment required. For example, while most projects will need to consider odour and dust issues, not all will need to conduct detailed modelling.

Similarly, input from biosecurity experts early in the process will help ensure that biosecurity risks are identified promptly, including whether specific management responses or modifications are needed or if consideration should be given to re-assessing site selection. NSW DPI is able to provide guidance about recommended management practices to mitigate biosecurity risks.

## 4. The development application process

The following sections provide information on the planning process and requirements for intensive livestock agriculture developments. They outline key steps in the development application process, how long the process takes, and the roles of both the applicant and the council.

**Chart 2** summarises this information.

The Department of Planning and Environment is also undertaking an [\*Environmental Impact Assessment \(EIA\) Improvement Project\*](#) to review processes and provide guidance materials, with a focus on larger-scale state significant development. In addition, the [\*Development Assessment Best Practice Guide\*](#) provides assistance to councils to ensure an efficient assessment process, and contains useful information to help applicants and the community understand the assessment process.

### 4.1 Is my development intensive or extensive agriculture

To identify if a proposal is classified as extensive or intensive agriculture under a local environmental plan (LEP) it is important to look into the LEP Dictionary. This will assist in determining if the proposal is permissible and if it needs development consent. For example, 'extensive agriculture' is generally permitted without consent in rural zones. On the other hand, 'intensive livestock agriculture' may require consent from council in most circumstances.

Intensive agriculture and extensive agriculture are mutually exclusive definitions. A development that falls into the definition of intensive livestock agriculture cannot also be extensive agriculture and vice versa.

The LEP definition of intensive agriculture generally includes the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, sheep, horses or other livestock, and specifically includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms.

The LEP definition of extensive agriculture includes:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes, where the animals eat plants growing on the land as the main source of dietary requirements,

- (c) bee keeping,
- (d) a dairy (pasture-based), where the animals eat plants growing on the land as the main source of dietary requirements,
- (e) supplementary and emergency feeding, and temporary penning or housing of animals for weaning, dipping or related purposes, that is incidental to the grazing of livestock or a dairy (pasture-based)

It is important to note that these are legal definitions, intended to create certainty for applicants and councils about the permissibility of proposals and the requirements for consent. They do not necessarily align with the everyday use of the words. For example, all pig farms and poultry farms, regardless of whether they are housed or not, are considered to be intensive livestock agriculture, for the purposes of the LEP. Similarly, if the development relates to the grazing of livestock for commercial purposes, where the animals eat plants growing on the land as the main source of dietary requirements, the development is considered to be extensive agriculture. However, if the animals do not eat plants growing on the land as the main source of dietary requirements, it is considered intensive livestock agriculture.

Most councils offer applicants the opportunity to request a pre-lodgment meeting before the development application (DA) is submitted. A pre-lodgment meeting may be helpful to clarify aspects of the proposal that are unclear in relation its classification under the LEP.

## 4.2 Is an intensive livestock agriculture development permissible on my property?

As noted in section 2.1, intensive livestock agriculture activities such as feedlots, piggeries, poultry farms and dairies are commonly permitted with consent and require a development application, typically in the following land zones:

- RU1 – Primary Production
- RU2 – Rural Landscape (in certain areas)
- RU4 – Primary Production Small Lots in certain areas.

While most intensive livestock agricultural developments will require development consent,

some smaller-scale, lower risk developments may be identified as exempt development, meaning that no planning approval is required.

Some activities may also be identified as not permissible or prohibited in certain zones or locations. Where this occurs, these activities cannot be undertaken.

The NSW Planning Portal [Find a Property](#) search tool provides information on the planning and zoning rules that affect a property. Local councils can provide confirmation.

## 4.3 Does my project need development consent?

Permissible developments fall into two categories; permissible with or without consent. The council LEP will state whether the development requires consent.

In most LEPs, intensive livestock projects require consent in the RU1 zone. In RU2 and RU4 zones, projects sometimes require consent or may be prohibited.

Where intensive livestock development is permissible, it is a requirement for the local environmental plan (LEP) to require consent for the following projects:

- a cattle feedlot or dairy (restricted) able to accommodate 50 or more head of cattle
- a pig farm able to accommodate 200 or more pigs or 20 or more breeding sows
- sheep or goat feedlots with capacity to accommodate 200 animals or more
- egg or poultry production facilities able to accommodate 1000 or more birds
- any cattle, sheep or goat feedlot, dairy (restricted), pig farm, or egg or poultry production facility located within 500 metres of a dwelling not associated with the development or in an environmentally sensitive area.



# What is an environmentally sensitive area?

An environmentally sensitive area is defined in the Exempt and Complying Development SEPP and includes any of the following (subject to legislative references being updated):

- a) coastal waters of the State
- b) a coastal lake identified in Schedule 1 to State Environmental Planning Policy (Coastal Management) 2018
- c) and identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map (within the meaning of State Environmental Planning Policy (Coastal Management) 2018),
- d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*
- e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the *World Heritage Convention*
- f) land within 100m of land to which (c), (d) or (e) applies
- g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance
- h) land reserved under the *National Parks and Wildlife Act 1974* or land to which Part 11 of that Act applies
- i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes
- j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

## Exempt Development

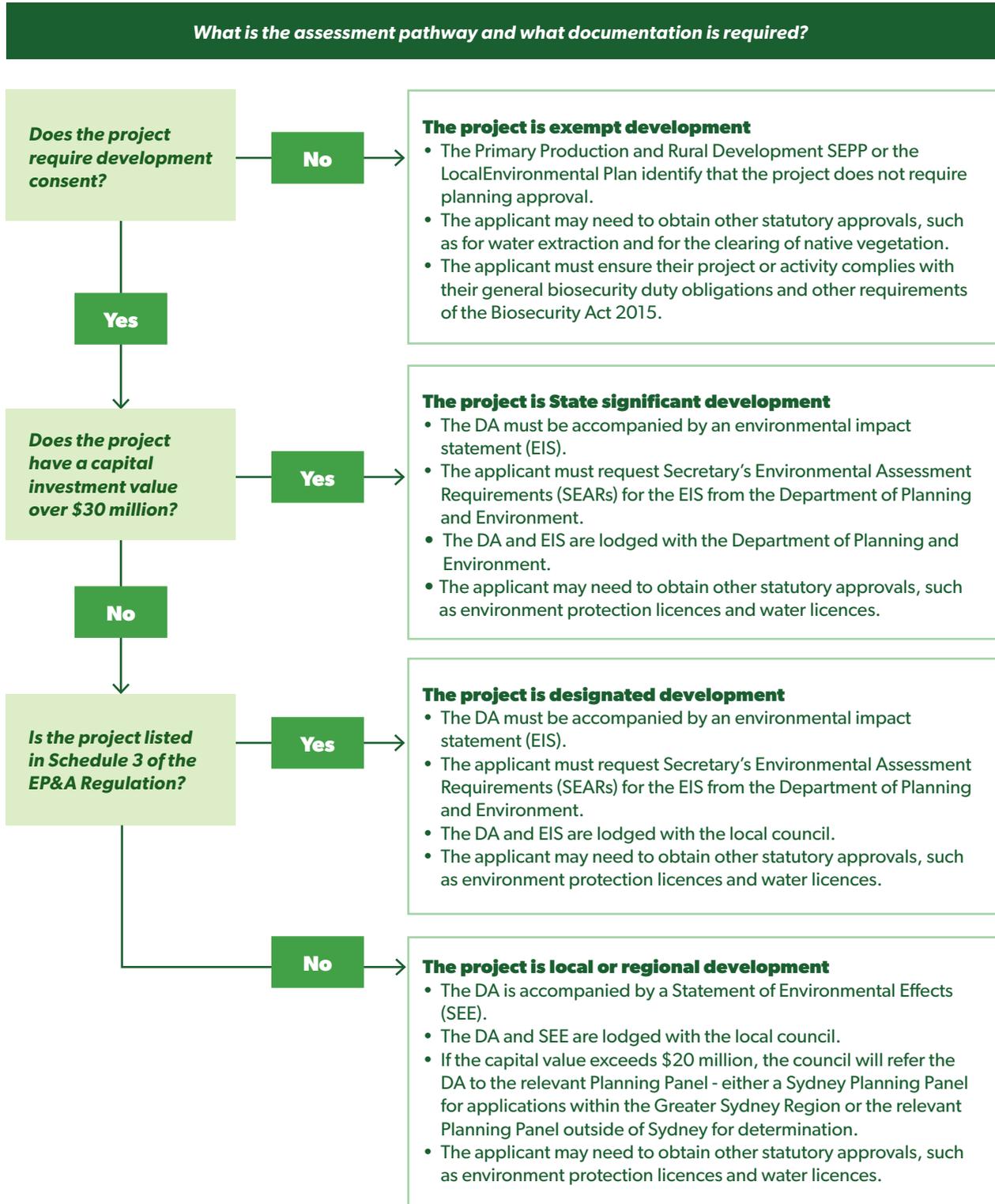
Some smaller-scale, lower risk projects may be identified as exempt development, meaning that no development consent is required. For example, under the Primary Production and Rural Development State Environmental Planning Policy, temporary livestock agistment or housing after emergency events (drought, fire and floods) and temporary use of stock containment areas, are exempt development.

Always check first with the local council to confirm whether a development requires consent or is exempt.

A project that does not require development consent may require another statutory approval. For example, to clear native vegetation. Refer to section 4.4 for more information.

It is important to be aware that projects, whether or not they require development consent, are still subject to provisions under the *Biosecurity Act 2015* and *Biosecurity Regulation 2017*. Proponents of these developments should assess whether their activities and operations comply with their Shared Responsibility and General Biosecurity Duty **obligations**.

**Chart 2 Development application process**



**4.4 Potential development application process scenarios**

The following examples are included for information purposes only. They do not reflect a preferred type of development or recommended pathway. It is recommended that proponents seek advice regarding the appropriate type of pathway for the assessment and approval of their project.

### ***A potential scenario of exempt development***

Ms Smith is interested in setting up a pig farm of up to 100 pigs, including 5 breeding sows. She has found a site for her new pig farm that is:

- 520 metres from an existing residence (measured from the edge of the existing neighbouring dwelling to the boundary of the pig farming facilities),
- 120 metres from a local natural creek (measured from the top of the high bank of the creek).

There are no other existing or proposed residences within 500 metres of the site and there are no other waterbodies within 100 metres of her property. Her property is not located in a gazetted or declared drinking water catchment or an environmentally sensitive area.

Ms Smith does not need development consent for her proposed new pig farming facilities because: her pig farm will not accommodate more than 200 pigs or 20 breeding sows, it will be located more than 500 metres from a residence not associated with the development, it is more than 100 metres away from a waterbody, and it is not located in a gazetted or declared drinking water catchment or an environmentally sensitive area.

If Ms Smith needs to expand her pig farm in the future to be able to accommodate more than 200 pigs or 20 breeding sows, her operation will no longer be exempt development and she will need to apply for consent.

### ***A potential scenario of local development***

The Browns are planning to establish a new dairy farm. They have identified that their site has a capacity to accommodate 150 cows.

Their site is not located within a gazetted or declared drinking water catchment or other environmentally sensitive areas and it is not in proximity to a natural waterway. However, there is an existing house on a neighbouring property, 480

metres from the edge of the site where the Browns are planning to operate the new dairy farm.

The Browns will need to submit a development application to their local council for them to operate their proposed new dairy farm. This is because the proposed farm will have more than 50 head of cattle and will be located within 500 metres of a residence not associated with the development.

### ***A potential scenario of designated development***

A poultry company would like to set up a new meat chicken farm with eight sheds, each holding 15,000 chickens (120,000 birds). The proposed location for the sheds, where most activity will occur, is within the Sydney drinking water catchment, and 4.8 kilometres from a new residential estate. The company has calculated that the total capital investment value (CIV) to set up the new meat chicken farm will be less than \$10 million.

As the proposed farm is within a gazetted or declared drinking water catchment, and 5 kilometres of a residential area, it is classified as Designated Development. The company must apply to the Department of Planning and Environment to

receive the Secretary's Environmental Assessment Requirements (SEARs) for the proposed development.

The company engages a specialist consultant to assist them with the preparation of the Environmental Impact Statement (EIS) and other relevant documents for consideration as part of the development assessment process. After the SEARs is received, the company submits a development application accompanied by an EIS to local council.

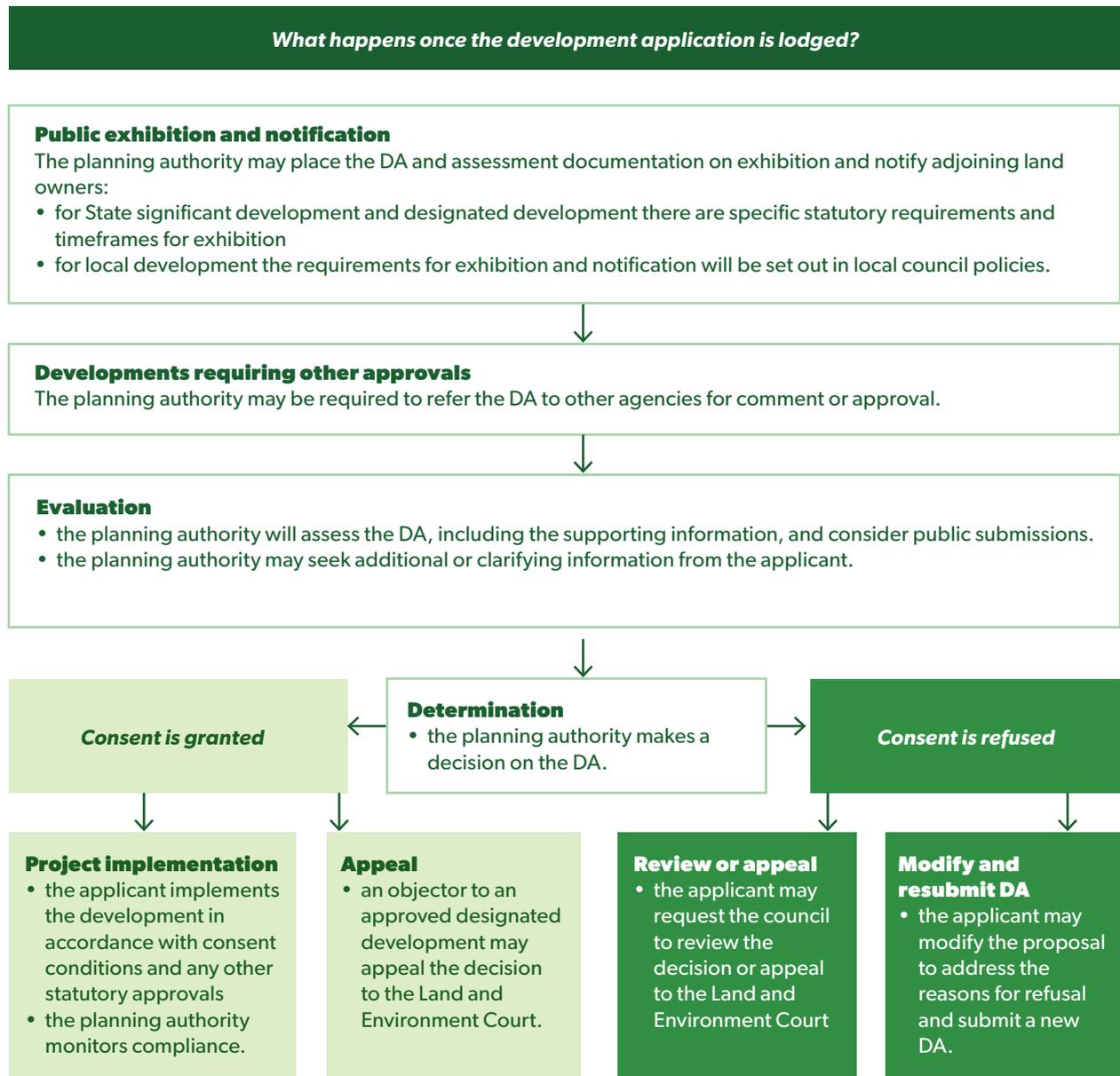
The EIS will provide a comprehensive assessment of the potential impacts the development may have on drinking water quality and the residential estate.

## A potential scenario of state significant development

The owner and operator of a cattle feedlot would like to expand operations on site by significantly increasing the number of cattle and building the necessary structures to support this. It is estimated that the development will have a capital investment value of \$35 million. Under the State and Regional Development SEPP, developments that exceed \$30 million are considered to be State significant and are determined by the Minister. This makes this development a State significant development.

The owner and operator of the cattle feedlot must apply to the Department of Planning and Environment to receive the Secretary’s Environmental Assessment Requirements (SEARs) for the proposed development and submit a development application accompanied by an Environmental Impact Statement (EIS) to the Department of Planning and Environment. They could engage a specialist consultant to assist them with the preparation of the EIS and other relevant documents for consideration as part of the development assessment.

### Chart 2 Development application process



## Assessment timeframes

Assessment timeframes depend on the complexity of the development application, which is reflected in the development assessment pathway (e.g. exempt, complying, local, regionally significant, designated, state significant). Intensive livestock agricultural developments are assessed under a different assessment pathway depending on triggers related to the nature and location of the proposal,

including proposed operation size, the proximity of the development to a gazetted or declared drinking water catchment or capital investment value of the proposal.

More information on development assessment processes, can be found on the [Development Assessment Best Practice Guide for Councils](#).

## 4.5 How much information should I submit?

The size and level of risk from a proposed activity will determine the scope of information required to be submitted with a development application (DA). Larger development, complex development or development in sensitive locations may have additional requirements that must be considered.

The scoping and risk assessment process and pre-DA meeting with council will help to refine a proposal and clarify the type of information required, and

whether technical expertise and advice is needed.

Note that the Biodiversity Offset Scheme may also apply to development that exceeds the Biodiversity Offsets Scheme threshold or is likely to significantly affect threatened species based on the test of significance in section 7.3 of the *Biodiversity Conservation Act 2016*. More information on the Biodiversity Offsets Scheme threshold can be found [here](#).

## Local development

A development application is submitted to council and should be accompanied by a Statement of Environmental Effects (SEE) or an Environmental Impact Statement (EIS). This document is prepared by the applicant (or a consultant on their behalf) and should address all relevant planning issues that are applicable to a proposal. The SEE or EIS identifies potential

environmental impacts and describes how such impacts will be managed. It may also outline any community consultation that has been undertaken or is proposed to be undertaken during project planning.

Many councils have SEE templates available on their websites.

## Designated development

Certain intensive livestock developments will require a more comprehensive and detailed environmental assessment. That includes projects that are identified as “designated development” in Schedule 3 of the Environmental Planning and *Assessment Regulation* and thresholds for designated development in SEPPs.

Developments that exceed these thresholds are required to submit an environmental impact statement (EIS) to the council, and a range of approvals under other legislation may also be required

Applicants whose project reaches these thresholds should discuss their proposal with the local council early. If a project is designated development, the applicant will be required to write to the Department of Planning and Environment to obtain Secretary’s Environmental Assessment Requirements (SEARs) for the EIS.

If an EIS is required, it is strongly recommended that applicants engage a suitably qualified consultant to prepare this information and address the relevant development assessment criteria. Note that other approvals and licensing requirements may also be required (See section 4.4).

## **Regionally Significant Development**

Certain intensive livestock developments may be assessed by a Sydney Planning Panel or Regional Planning Panel as regionally significant development.

A regionally significant development will be notified and assessed by a council and then determined by the relevant Planning Panel - either a Sydney Planning Panel for applications within the Greater Sydney Region or the relevant Regional Planning Panel outside of Sydney.

## **State significant development**

Intensive livestock developments with a capital value over \$30 million are identified as State significant development (SSD) under State Environmental Planning Policy (State and Regional Development) 2011.

Like designated development, these projects will also require an EIS prepared in accordance with SEARs issued by the Secretary of the Department of Planning and Environment. State significant development applications are submitted to the Department of Planning and Environment for assessment and determination, rather than the local council.

## **4.6 What other approvals may be required?**

The following is a list of common approvals that may be required in relation to intensive livestock agriculture. In certain circumstances other approvals may be required, depending on the nature of the proposal (e.g. licence from NSW Food Authority). Having a pre-lodgement meeting before the development application (DA) is submitted is a good way to confirm if other approvals may be required prior to lodgement.

### **Environment protection licence**

Larger intensive livestock activities are scheduled developments under the *Protection of the Environment Operations Act 2009* and require an additional licence through the EPA. The thresholds for scheduled activities are the same as for those designated developments.

The EPA assesses these applications and determines whether to issue the licence.

### **Native vegetation and threatened species**

Proposals requiring the clearing of native vegetation may need additional approval or assessment. The *Biodiversity Conservation Act 2016* together with the *Biodiversity Conservation Regulation 2017*, outlines the framework for addressing impacts on biodiversity from development and clearing. It establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme. If the Biodiversity Offsets Scheme applies to the proposal a Biodiversity Development Assessment Report (BDAR) must be submitted with the application for consent (see section 4.3 above).

The *Local Land Services Act 2016* regulates clearing of native vegetation that does not require development consent on land that is rural zoned.

Applicants should identify risks to native vegetation during the project scoping and risk assessment stage, and whether an additional approval or assessment is required in accordance with any of the above legislative instruments. The aim is to first avoid impacts, then minimise and offset unavoidable impacts.

Where a development impacts native vegetation, early consultation should occur with the planning authority or Local Land Services to determine assessment and approval requirements. Specialist biodiversity assessment advice may also be needed. The [Land Management website](#) and [Office of Environment and Heritage website](#) have more information on the regulation of native vegetation and threatened species and the [Biodiversity Offset Scheme](#).

## **Water extraction and dams**

Approvals may also be required under the *Water Management Act 2000* to construct a dam or extract water from rivers or aquifers for commercial purposes. Water licensing is regulated by Water NSW. More information can be found at their [website](#) or by contacting [Water NSW](#).

## **Aboriginal cultural heritage**

The *National Parks and Wildlife Act 1974* protects Aboriginal objects and declared Aboriginal places. Applicants should identify risks to Aboriginal cultural heritage during the project scoping and risk assessment stage, and whether a permit under the *National Parks and Wildlife Act 1974* is required.

Proposals that may directly or indirectly harm Aboriginal cultural heritage should be accompanied by an Aboriginal Cultural Heritage Assessment Report

prepared in accordance with the Office of Environment and Heritage's [Guide to investigating, assessing, and reporting on Aboriginal Cultural Heritage in NSW](#).

The [Office of Environment and Heritage website](#) has more information on the protection and regulation of Aboriginal cultural heritage.

See also **Table 1** above regarding non-Aboriginal heritage.

## **Commonwealth requirements**

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides protection of nationally and internationally important flora, fauna, ecological communities and heritage places. Where the proposed development impacts on matters protected under the EPBC Act, the development may require referral to the relevant Australian Government agency.

The [Protected Matters Search Tool](#) can assist in determining whether a development is in proximity to matters of national environmental significance. Further information on the requirements of the EPBC Act is available at: <http://www.environment.gov.au/epbc>



#### 4.7 Who should I submit my application to?

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For most intensive livestock agriculture developments, the local council is the consent authority and applications should be submitted to them. To find out which council area the development is in, go to: <https://www.olg.nsw.gov.au/find-my-council>

However, some types of development are considered to have regional significance, based on their capital value. Development applications for these projects are still submitted to the local council, who will then refer the proposal to the relevant Planning Panel. The Department of Planning and Environment website provides further information on what is considered regional development.

As noted above, intensive livestock agriculture developments that have a capital investment value of more than \$30 million are State Significant Development (SSD). State significant development applications are lodged directly to the NSW Department of Planning and Environment, and require preparation of an environmental impact statement (EIS). The applicant must contact the Department to obtain Secretary's Environmental Assessment Requirements for the EIS. The application can be lodged online [here](#).

#### 4.8 What is the role of the public exhibition and submissions process?

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Providing opportunities for community input on development proposals is a critical part of the NSW planning system, supporting transparency and open decision-making. The exhibition and submissions process allows the community to have a say on a project and for their views to formally be heard by decision-makers.

Most development applications for intensive livestock agriculture will be publicly exhibited. The local council will also notify adjoining neighbours and anyone potentially impacted by the development. Details of any public exhibition or notification requirements are set out in council policies or development control

plans. Requirements should be confirmed through early discussion with the local council.

For designated development and State significant development, there is a statutory requirement to publicly exhibit the development application and environmental impact statement for at least 30 days.

Planning authorities are required to demonstrate they have considered all submissions during the decision-making process. While it is only one part of the assessment process, careful consideration of submissions and clear documentation of the issues raised is essential.

#### 4.9 Who can make submissions about my development?

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Anyone can make a submission about a development application. The opportunity to make a submission is not restricted to local communities or affected neighbours. All submissions are treated equally.

Some projects can generate large numbers of submissions, while some will receive low numbers or none.

The number of submissions can be an important indication of community interest, but it is not the sole determinant of how a planning authority should assess a proposal or a particular issue.

Submissions are considered on the basis of the merits of the points they raise. These issues will help council form a view on whether an application should proceed, should be conditioned, or should be refused.

#### 4.10 Decision making

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The planning authority's role is to assess the impacts of the proposed development. This includes consideration of social, economic and environmental impacts.

The planning authority (whether that is the local council, a Planning Panel, or the Department of Planning and Environment) is to consider all information submitted by the applicant with their development application (DA), public submissions and any other relevant advice or information (such as expert assessment reports, recommendations from independent assessment panels, or government agency views).

The planning authority must then determine whether to grant or refuse consent to the application. If consent is granted, it can be issued either unconditionally or subject to conditions. Consents under the *Environmental Planning and Assessment (EP&A) Act* are usually issued subject to a range of conditions.

An applicant that is not satisfied with the decision may ask the consent authority to review the application, or may appeal to the Land and Environment Court. An objector to a designated development proposal may, under certain circumstances, also appeal to the Land and Environment Court.

#### 4.11 Monitoring and compliance

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For approved developments, the planning authority that granted the consent may monitor the development during the construction stage and once the facility is operational. The role of monitoring is to ensure that the development is being undertaken in accordance with the development consent and any relevant conditions included in the consent.

#### 4.12 Where can I find more information?

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Applicants are encouraged to contact the local council at the earliest possible stage to discuss the proposal and seek information on the assessment process.

The Department of Planning and Environment can be contacted for further information on state significant development. The Department's website also has information on development assessment processes,

including the [\*Development Assessment Best Practice Guide\*](#) and [\*Environmental Impact Assessment Guidance Series\*](#) for state significant development projects.

Relevant legislation and State Environmental Planning Policies (SEPPs) are available on the NSW Government legislation [\*website\*](#).



## 5. Industry guidance

The intensive livestock sector is very diverse. It spans many:

- types of animals (poultry, cattle, pigs and sheep)
- different products, including from the same animal (such as meat, eggs, milk, oils and skins)
- different farming techniques and infrastructure requirements
- labour force requirements
- geographic locations and attributes (coastal, inland, range, water and land-based).

This diversity is part of the strength of intensive livestock industries. However, it also increases the complexity of the planning and assessment process. In particular, such diversity can present challenges

for local councils that may deal with applications from a range of industries, each with their own set of unique issues and matters requiring assessment.

A range of government and industry developed guidance material is available to assist applicants and council assessment staff in dealing with different types of intensive livestock development applications. These address specific technical issues, risks and best practice approaches. This information is set out below.

Although it is not mandatory to follow or apply this guidance material, it will assist applicants to help frame their projects. Guidelines and technical information may also be considered by planning authorities as part of the decision-making process.

### 5.1 NSW Department of Primary Industries guidelines

The Department of Primary Industries (DPI) provides guidelines relevant for beef cattle, poultry, pigs, dairy, sheep and goats. These documents are relevant to animal husbandry (breeding, feeding and nutrition, and health and disease), business management and environmental and planning matters. This information is available at the following links.

- [Beef Cattle](#)
- [Sheep](#)
- [Poultry](#)
- [Pigs](#)
- [Dairy](#)
- [Goats](#)

DPI also provides advice to applicants to assist in the planning and assessment process, and the DPI website provides agricultural land use planning information.

For more information contact DPI Agriculture:  
[landuse.ag@dpi.nsw.gov.au](mailto:landuse.ag@dpi.nsw.gov.au)



### 5.2 Environment Protection Authority guidance

The EPA provides industry guidance on the assessment and management of odour, noise policy for industry and information regarding environment protection licences. Links to relevant information are provided across.

- [Odour](#)
- [Noise](#)
- [Licensing](#)
- [Effluent Irrigation](#)

### 5.3 Industry developed guidelines

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Guidelines have been developed by peak industry organisations to detail good facility design and how environmental and community amenity impacts can be managed to comply with relevant standards and legislation. These documents are useful resources for industry and for planners assessing intensive livestock applications.

An overview of some of the key guidelines is provided below, together with web-links.

#### **Beef Cattle Feedlots**

The National Beef Cattle Code of Practice summarises nationally consistent requirements under state regulation. The National Guidelines for Beef Cattle Feedlots is another important document which summaries how the requirements listed in the Code of Practice can be achieved. The Beef Cattle Feedlot Design Manual then describes various aspects of feedlot design and management.

- [National Guidelines for Beef Cattle Feedlots in Australia \(2012\)](#)
- [National Beef Cattle Environmental Code of Practice \(2012\)](#)
- [Beef Cattle Feedlot Design Manual \(2016\)](#)
- [Beef Cattle Feedlots: Waste Management and Utilisation \(2016\)](#)

#### **Sheep and Goats**

The national procedures and guidelines for intensive sheep and lamb feeding systems provide useful information for industry and planners.

- [National procedures and guidelines for intensive sheep and lamb feeding systems \(2011\)](#)

#### **Eggs**

The environmental guidelines for the Australian egg industry is a useful document for industry and planners. For specific information relating to composting, it is best to refer to the NSW composting and related organics processing facilities [guidelines](#).

- [Environmental Guidelines for the Australian Egg Industry \(2008\)](#)

#### **Meat Chickens**

The National Environmental Management System for the Meat Chicken Industry (2014) is a well-developed document for industry and planners. The document provides useful information on Environmental Management Plans (EMP's) and details the energy and water requirements of meat chicken farms.

The Best Practice Management for Meat Chicken Production in NSW Guidelines (2012) provide guidance for the planning, design, construction, and management of meat chicken farms in NSW, with a particular focus on minimising environmental impacts.

- [National Environmental Management System for the Meat Chicken Industry \(2014\)](#)
- [Best Practice Management for Meat Chicken Production in NSW \(2012\)](#)

## Pigs

The National Environmental Guidelines for Piggeries (NEGP) and NEGP for Rotational Outdoor Piggeries are comprehensive documents which have received positive feedback from industry and planners. They provide comprehensive information on the nutrient concentrations of piggery wastes and by-products, which is particularly important in planning for the effective management of organic materials.

- [National Environmental Guidelines for Piggeries \(2010\)](#)
- [National Environmental Guidelines for Rotational Outdoor Piggeries \(2013\)](#)

## 5.4 Biosecurity

Protecting the economy, environment and community from the negative impacts of animal and plant pests, diseases and weeds is a shared responsibility of the government, industry and people of NSW.

The *NSW Biosecurity Act 2015* emphasises a number of “biosecurity duties”:

- a general biosecurity duty
- duties relating to prohibited matters
- a duty to notify biosecurity events.

The planning system plays an important upfront role in supporting biosecurity efforts in intensive livestock agriculture. Decisions on land use and development proposals can help to minimise the risk of biosecurity issues arising later on, once a facility is operational.

Planning considerations, such as siting and setback or buffer distances, can be particularly important for industries such as pigs and poultry. For example, a

disease risk may increase if a new pig farm is established near an existing livestock facility. Similarly, if a free-range poultry farm is proposed next to an existing poultry farm, the existing operator may have concerns about an increased biosecurity risk to their farm. Also, concentrations of wildlife such as waterfowl or feral pigs pose a disease risk to poultry and pig farms, most notably to outdoor operations

Assessing and managing biosecurity risks in the planning and operation of intensive livestock facilities will often require expert technical advice, provided by a person or organisation with extensive experience and knowledge of the particular industry. The Department of Primary Industries is able to provide guidance about recommended management practices to mitigate biosecurity risks.

Links to further information and guidance material are provided below.

### State guidance

- NSW Biosecurity Act and NSW Biosecurity Regulation 2017
- NSW Biosecurity Strategy 2013-2021
- Biosecurity and Food Safety

### National guidance

- Biosecurity Act 2015
- Biosecurity Regulation 2016

### Beef Cattle

- [National Biosecurity Manual for Beef Cattle Feedlots \(2013\)](#)

### Poultry

- [Best Practice Management for Meat Chicken Production in NSW \(2012\)](#)
- [National Water Biosecurity Manual – Poultry Production \(2009\)](#)
- [National Farm Biosecurity Manual for Chicken Growers \(2010\)](#)
- [National Farm Biosecurity Manual – Poultry Production \(2009\)](#)
- [Biosecurity of Mass Poultry Mortality Composting \(2014\)](#)

### Pigs

- [National Farm Biosecurity Manual for Pork Production \(2013\)](#)

## 5.5 Animal welfare

Australian governments and industry have been working together to develop national standards and guidelines for animal welfare. Information on adopted and draft Australian Animal Welfare Standards and Guidelines is available at the following link.

- [Australian Animal Welfare Standards and Guidelines](#)

The NSW Department of Primary Industries website includes additional information on [general animal welfare](#).

## 5.6 Interstate industry and planning guidance

For operators with cross-border intensive livestock operations, guidance material specific to Victoria, Queensland and South Australia can be found on the following links. These documents address planning considerations, including permissible zoning codes for intensive agriculture, land use planning, environmental and community amenity impacts and checklists for planning applications.

### **Victoria**

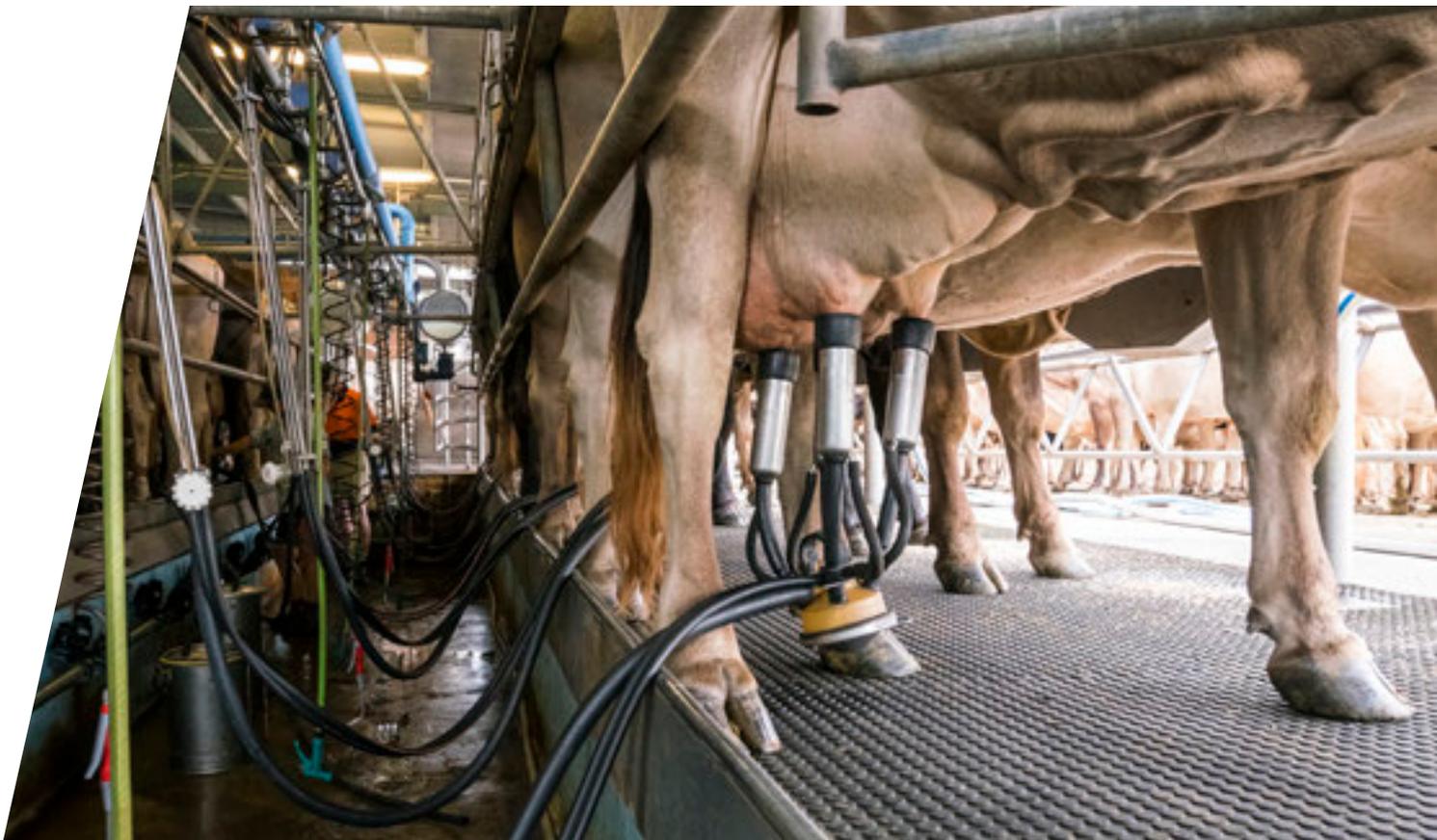
- [Planning applications in rural areas](#)
- [Guidelines for planning applications in rural areas](#)
- [Checklists for rural planning applications](#)
- [Land use, planning and subdivision rules](#)

### **Queensland**

- [Intensive livestock environmental management](#)
- [Guide for local government](#)

### **South Australia**

- [Agriculture and Food Industry Legislation](#)



## 6. Planning documents

Planning documents and material that is relevant to preparation of an intensive livestock development application are listed below.

### 6.1 Acts and Regulations

- Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017
- Environmental Planning and Assessment Regulation 2000
- Heritage Act 1977
- Local Land Services Act 2013
- Protection of the Environment Operations Act 1997
- National Parks and Wildlife Act 1974
- Water Management Act 2000
- Water Act 1912
- Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

### 6.2 Environmental Planning Instruments

- State Environmental Planning Policy (Primary Production and Rural Development) 2018
- Sydney Regional Environmental Plan 8 – Central Coast and Plateau Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

For local planning controls including zoning and permissible land uses, refer to the relevant Local Environmental Plan (LEP).

The following SEPPs also contain provisions that are relevant to the planning and assessment of proposed intensive livestock development:

- State Environmental Planning Policy No 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (State and Regional Developments) 2011

### 6.3 EPA guidance

Relevant NSW EPA industry guidance includes the assessment and management of odour, industrial noise, water quality and river flows and information regarding environment protection licences.

- [Odour](#)
- [Noise](#)
- [Water](#)

Licensing: <https://www.epa.nsw.gov.au>

Effluent Irrigation: <http://www.epa.nsw.gov.au/resources/epa/effguide.pdf>

## 6.4 Planning and Development Assessment Processes

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The Department is currently developing guidelines to assist in the **scoping** and **preparation** of an EIS. The guidelines are currently open for public consultation. More information is available at the Department's [website](#).

- Department of Planning and Environment (2017), Draft EIA Guidance Series
- Department of Planning and Environment (2017), [Development Assessment Best Practice Guide](#)
- Department of Primary Industries (2011), [Land Use Planning](#) (LUP)
- Department of Planning and Environment, [Environmental Impact Statement \(EIS\) Industry](#)

### Guidelines

- Office of Environment and Heritage, [Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW](#)
- Office of Environment and Heritage [Code of Practice for Archaeological Investigation of Aboriginal objects in NSW](#)
- Office of Environment and Heritage [Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW](#)
- Office of Environment and Heritage [Aboriginal cultural heritage consultation requirements for proponents](#)



# Appendix A: Assessing and documenting risks

As discussed in section 3, the following is a simplified process for assessing the risks of an intensive livestock development proposal. This is adapted from the [Land Use Conflict Risk Assessment Guide](#).

## How do you assess potential risk?

Risk is measured by considering the probability of an event occurring and the likely consequences if the event were to actually take place.

Risk probabilities may range from almost certain to rare (see **Table 1**).

**Table 1: Probability Table**

| Level    | Descriptor     | Description                                                |
|----------|----------------|------------------------------------------------------------|
| <b>A</b> | Almost certain | Common or repeating occurrence                             |
| <b>B</b> | Likely         | Known to occur, or 'it has happened'                       |
| <b>C</b> | Possible       | Could occur, or "I've heard of it happening"               |
| <b>D</b> | Unlikely       | Could occur in some circumstances, but not likely to occur |
| <b>E</b> | Rare           | Practically impossible                                     |

Risk consequences may then range from severe to negligible (see **Table 2**).

**Table 2: Consequences**

| Level    | Description                                          |
|----------|------------------------------------------------------|
| <b>1</b> | <b>Severe</b> - Severe and/or permanent damage       |
| <b>2</b> | <b>Major</b> - Serious and/or long-term impact       |
| <b>3</b> | <b>Moderate</b> - Moderate and/or medium-term impact |
| <b>4</b> | <b>Minor</b> - Minor and/or short-term impact        |
| <b>5</b> | <b>Negligible</b>                                    |

The risk probability and risk consequence score are then combined in a matrix to create an overall risk assessment matrix (see **Table 3**). This matrix may range from 1 (lowest risk) to 25 (highest risk). Developments should aim to achieve a low risk ranking (i.e. 1-8).

**Table 3: Risk Ranking Matrix**

| Probability | A  | B  | C  | D  | E  |
|-------------|----|----|----|----|----|
| Consequence |    |    |    |    |    |
| 1           | 25 | 24 | 22 | 19 | 15 |
| 2           | 23 | 21 | 18 | 14 | 10 |
| 3           | 20 | 17 | 13 | 9  | 6  |
| 4           | 16 | 12 | 8  | 5  | 3  |
| 5           | 11 | 7  | 4  | 2  | 1  |

 High Risk
  Medium Risk
  Low Risk

### Hypothetical example – odour

Using the above framework, the risk of odour impacts affecting nearby neighbours for a hypothetical new intensive livestock project may be assessed as follows:

- Step 1 Determine Probability – taking into account the type of industry, proximity to neighbouring dwellings and site topography, the probability of odour impacts arising is considered “Likely” (a B rating in the matrix table above).

- Step 2 Determine Consequence – the outcomes if the odour impacts were to arise is assessed as “Moderate” (a 3 score in the table).
- Step 3 Determine Overall Risk - by combining the probability and consequence scores using **Table 3** above, the odour impacts from the project are considered to represent an overall medium risk.

### How do you document and present risks?

**Table 4** shows a simple option for how risk assessment data for a project may be displayed. Applicants should determine the approach that is most appropriate for a project, with the aim being to provide the information in a format that is as clear and transparent as possible.

Where initial risk ratings are medium to high (see **Table 3**), follow up management strategies are recommended

to reduce the level of risk. The risk assessment table includes a final rating of risk, taking account of the implementation of proposed management strategies.

The [Land Use Conflict Risk Assessment Guide](#) has more information on how to set out the results of a risk assessment for agricultural developments

**Table 4 Displaying risk assessment data and responses (hypothetical examples)**

| <b>Risk</b>                | <b>Surface Water</b>                                                                                                                                                                                                                                                              | <b>Odour</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                            | Impact to watercourses and wetlands.                                                                                                                                                                                                                                              | Impact to community amenity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Adverse effect</b>      | Release of contaminants due to inadequate storage and handling of contaminants from: <ul style="list-style-type: none"> <li>• manure/effluent (nitrogen and phosphorous)</li> <li>• contamination from decomposing mortalities</li> <li>• chemical and fuel spillages</li> </ul>  | Nuisance to community and neighbour amenity resulting from odours produced at the site.                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Comments</b>            | Nitrogen and phosphorus from organic residues can contaminate surface waters and lead to eutrophication.<br><br>Decomposing mortalities may generate bacterial/viral contaminants if not properly managed.                                                                        | Buffer/separation distances may be required to mitigate impacts to community amenity.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Initial Probability</b> | Possible (C)                                                                                                                                                                                                                                                                      | Possible (C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Initial Consequence</b> | Moderate (3)                                                                                                                                                                                                                                                                      | Moderate (3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Initial Risk</b>        | Medium (13)                                                                                                                                                                                                                                                                       | Medium (13)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Follow up needed?*</b>  | Yes                                                                                                                                                                                                                                                                               | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Management Strategy</b> | Organic residue will be appropriately removed and contained<br><br>Mortalities will be collected daily and contained.<br><br>Chemicals will be stored in a bunded area on an impermeable base.<br><br>(refer to relevant National Guidelines to help detail the control strategy) | Odour modelling during the planning phase identifies appropriate buffer/separation distances. This minimises impacts to community amenity.<br><br>Mortalities are collected and managed on a daily basis.<br><br>Appropriate effluent and manure management to reduce odour. This may include frequent manure removal (where appropriate) and the minimisation of wet patches (for reduced odour emissions).<br><br>Livestock buildings have appropriate ventilation to minimise the build-up of gases (i.e. ammonia). |
| <b>Final Probability</b>   | Rare (E)                                                                                                                                                                                                                                                                          | Unlikely (D)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Final Consequence</b>   | Minor (4)                                                                                                                                                                                                                                                                         | Minor (4)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Final Risk</b>          | Low (3)                                                                                                                                                                                                                                                                           | Low (5)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## Abbreviations

|                  |                                                   |
|------------------|---------------------------------------------------|
| <b>CIV:</b>      | Capital Investment Value                          |
| <b>DA:</b>       | Development Application                           |
| <b>DCP:</b>      | Development Control Plan                          |
| <b>DPE:</b>      | Department of Planning and Environment            |
| <b>DPI:</b>      | Department of Primary Industries                  |
| <b>EIS:</b>      | Environmental Impact Statement                    |
| <b>EPA:</b>      | Environment Protection Authority                  |
| <b>LEP:</b>      | Local Environmental Plan                          |
| <b>LGA:</b>      | Local Government Area                             |
| <b>LLS:</b>      | Local Land Services                               |
| <b>LUCRA:</b>    | Land Use Conflict Risk Assessment Guide           |
| <b>OEH:</b>      | Office of Environment and Heritage                |
| <b>PFM:</b>      | Planning Focus Meeting                            |
| <b>POEO Act:</b> | Protection of the Environment Operations Act      |
| <b>RU1:</b>      | Rural Zone 1 – Primary Production                 |
| <b>RU2:</b>      | Rural Zone 2 – Rural Landscape                    |
| <b>RU4:</b>      | Rural Zone 4 – Primary Production Small Lots      |
| <b>SEARs:</b>    | Secretary’s Environmental Assessment Requirements |
| <b>SEE:</b>      | Statement of Environmental Effects                |
| <b>SEPP:</b>     | State Environmental Planning Policies             |
| <b>SSD:</b>      | State Significant Development                     |

