



**KEMPSEY**  
Shire Council

**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES SUPPLEMENTARY REPORT**

13<sup>th</sup> November 2007

**DSDS12 COURT PROCEEDINGS: CATTLE FEED LOTS**  
**SUPP. FILE: T6-07-190 RBP {Folio No. \*}**

**SUMMARY:**

Reporting on the outcome of Court proceedings relating to the operation of cattle feedlots at Bellimbopinni and Kinchela.

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**DESCRIPTION:**

Council has previously been advised of the progress of Class 4 proceedings in the Land and Environment Court relating to the operation of cattle feedlots at Sutherlands Lane, Bellimbopinni and Back Creek Road, Kinchela.

Council commenced action in response to complaints from residents seeking orders that the feedlots were being operated without development consent in contravention of KLEP 1987.

Council would be aware that the owner previously submitted Development Application's for the feedlots that were subsequently withdrawn.

The matter was heard by Justice Jagot on 1<sup>st</sup> November 2007, whereby Council's application was dismissed.

In dismissing Council's application, Justice Jagot found that in the overall context of KLEP 1987, the holding and feeding of up to 170 head of cattle in five (5) acre pens with up to 340 head being pasture fed on the remainder of the land, and overall stocking rates being up to twice the normal rate, did not constitute either a "feedlot" or "intensive animal husbandry" within the meaning of KLEP 1987.

A stay of 28 days was allowed in respect to the costs order to enable Council to present an argument in respect to costs.

A report is being prepared by Council's Solicitor concerning the judgement, including whether there are grounds for an appeal, which must be lodged within 28 days of the judgement.

**RECOMMENDATION:**

**That Council delegate its authority to the General Manager to determine whether to lodge an appeal following receipt of legal advice.**

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**R B Pitt**  
**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**