

*Enquiries:*

Annemaree Docking  
Agribusiness Officer  
City of Whittlesea  
Phone: 0392172593  
Email: [Annemaree.Docking@whittlesea.vic.gov.au](mailto:Annemaree.Docking@whittlesea.vic.gov.au)

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**Planning for Sustainable Animal Industries – City of Whittlesea Submission**

Thank you for the opportunity to comment on the proposed reforms to planning controls for Victoria’s animal industries. While we welcome reform in this area, we are concerned about the unintended impacts of the proposed approach. We have outlined these concerns and possible solutions in this submission.

We would also welcome the opportunity to work with Agriculture Victoria to ensure the best outcomes from this reform process, with the key contact being the Agribusiness Officer, Annemaree Docking.

The City of Whittlesea is one of Melbourne’s ten outer-metropolitan Interface Councils. We are located on Melbourne’s metropolitan fringe, approximately 20 kilometres north of the central business district. Covering 490 square kilometres, it is a large municipality with established urban, growth and rural areas. The City of Whittlesea is experiencing rapid population growth: In 2017 the estimated resident population of the City of Whittlesea is 209,118, which is expected to grow to 379,342 by 2041 – an 81.4 per cent increase.<sup>1</sup>

Being on the peri-urban fringe, the municipality remains 70 per cent rural. Even once the Urban Growth Zone is fully developed over the next 30 years, 60 per cent of the local government area will be rural, with over 15,000Ha zoned Green Wedge or Green Wedge A within close proximity to the Melbourne Wholesale Fruit Vegetable and Flower Market in Epping and the growing Food Manufacturing sector in Melbourne’s North.

The City of Whittlesea has made ongoing support for the agribusiness sector a high priority through its adopted *Green Wedge Management Plan 2011 – 2021* and the subsequent Agribusiness program. Actions as a part of this program include increasing the Farm Rate differential to 40 per cent (the highest farm rate discount in the state), the development of

**Council Offices**

25 Ferres Boulevard  
South Morang VIC 3752

Locked Bag 1  
Bundoora MDC VIC 3083

ABN 72 431 091 058

**Tel** 03 9217 2170

**Fax** 03 9217 2111

**TTY** 133 677 (ask for 9217 2170)

**Email** [info@whittlesea.vic.gov.au](mailto:info@whittlesea.vic.gov.au)

[www.whittlesea.vic.gov.au](http://www.whittlesea.vic.gov.au)

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Land Capability Mapping, in partnership with Deakin University<sup>ii</sup> and the significant inclusion of agriculture in the recently approved *Economic Development Strategy*. We are concerned that the proposed reforms are in direct contrast to Council's stated intent to provide greater support for current and emerging agribusiness sectors. The proposed reforms also have the potential to undermine the protection and strengthening of the green wedges outlined in *Plan Melbourne 2017 – 2050* and the State Government's broader commitment to Smart Planning Reform.

Our local agribusiness sector has showed positive growth over the last decade. Increasing the productivity and profitability of farming in the peri-urban space through innovative land use such as multifunctional agriculture, agritourism, agroecological farming systems and paddock to plate approaches has clear economic, social and environmental benefits. By fostering innovation and entrepreneurship in agriculture, we can:

- increase food security
- shorten supply chains, reduce 'food miles' increasing sustainability and climate resilience
- generate local employment
- encourage and create opportunities for the younger generation in the sector
- protect land resources and biodiversity.

It is noted that, although the City of Whittlesea has complied with the consultation timeframes, the time allowed for consultation has been limited and at an inopportune time of year for engaging with the farming community given that Spring is a very busy time of year in farming businesses. This has restricted Council's ability to liaise and consult with the local farming community and interest groups in the region. As such, the City of Whittlesea supports the Municipal Association of Victoria's State Council resolution calling for an extension of the consultation period to 1<sup>st</sup> March, 2018.

Our responses to the specific questions in the consultation document are contained in Appendices 1 - 3.

## OUR CONCERNS

### 1. **Increased Ambiguity**

We are concerned that the proposed reforms will increase ambiguity on how farming systems are regulated, which undermines the intent of these reforms and the broader Smart Planning Reforms. It could result in increased regulation with minimal benefits to the agribusiness sector and community. Benefits that should arise from regulation (but are absent from the proposed reforms) include:

- encouraging innovative farming practices
- responding to the challenges of emerging markets
- increasing the sustainable, environmentally responsible productivity of the landscape
- reinforcing the purpose of the rural zones to produce food and fibre.

### 2. **Increased Regulation**

The proposed reforms will result in the planning system disproportionately capturing and regulating all aspects of animal production for some livestock species, some of which may be more effectively managed through other mechanisms or legislation. This could either increase the numbers of permits captured by the planning system and/or result in the planning system inadvertently capturing issues outside its scope, which is contrary to the State Government's commitment to Smart Planning Reform. It is noted that planning professionals do not have the necessary agricultural expertise or knowledge to make these assessments. The appropriate place for these assessments is by the agricultural professionals within State Government that administer compliance with the Environmental Protection Act, the Public Health and Wellbeing Act, the Catchment and Land Protection Act and the suite of Animal Welfare legislation.

### 3. **Economic impacts on farmers and the agribusiness sector**

The proposed reforms require a high level of evidence to progress through the permit process which may require the engagement of consultants. We are concerned that the extra costs associated with the proposed changes will jeopardise the long term economic viability of agriculture and agribusiness which is already under significant pressure with climate adaptation, commodity prices and an aging farming community. The added costs create a real barrier for entry by Small to Medium Enterprise (SME's) and new young farmers into the sector.

### 4. **Inequity**

The proposed reforms will operate in favour of large scale, industrial farming systems to the detriment of innovative, emerging farming approaches. This is because the proposed reforms maintain the status quo for industrial food producers, while seeking to impose equivalent application requirements for permit applicants whose production systems are significantly lower on the spectrum of risk, such as small to medium scale agroecological, free range and/or pasture based operations. As such, the reforms do not

achieve one of their stated objectives - a “graduated approach to planning controls based on risk”. Instead it offers an ‘approach for non-commercial scale production that is similar to the “Home Occupation” provision in planning schemes, in that there is an expectation that the enterprise remains below the threshold (i.e. does not grow). Other enterprises will receive a ‘catch-all’ approach, whether a 1500 bird poultry operation or 500,000 bird, for example in the case of poultry production systems.

#### **5. Inconsistency**

The proposed reforms treat different livestock species inconsistently. Certain agribusiness sub-sectors are exempted as a whole despite their potential for environmental impacts. An example is the specific exemptions for the production of horses and pigeons. These forms of production will avoid the effects of the new land use definitions because the animals are raised for recreation rather than food or fibre. However, the siting and management of these animals has a potential for offsite impacts that is equal to that of the production systems captured by the reforms.

#### **6. Impacts on Green Wedge and peri-urban areas**

Overall, the reforms have the potential to disproportionately impact peri-urban and green wedge areas more than rural and regional areas. Peri-urban areas tend to be characterised by closer (more fragmented) settlement patterns than that experienced in broad-acre farming regions. The failure to adapt the planning reforms for small to mid-size commercial animal production, in addition to the revised setback requirements, means planning permits will be triggered more often than is currently the case. This undermines the intent of the proposed reforms.

The smaller lots in green wedge and peri-urban areas are equally capable of supporting commercially viable and sustainable food production as they favour smaller scale, niche and boutique enterprises. The proposed reforms will result in these areas incurring a higher regulatory and planning burden disproportionate to the potential risks they pose. This outcome will undermine the protection and strengthening of the green wedges outlined in Plan Melbourne 2017-2050 (Direction 4.5) and Council’s objectives under its adopted Green Wedge Management Plan.

The proposed reforms will undermine the green wedge and peri-urban areas which have been identified as an important contributor to economic prosperity, local food security, climate resilience and community well-being on the basis of:

- a) the presence of rich soils and land capability;
- b) modelling and research that show the northern areas of Victoria are highly vulnerable to the impacts of climate change, while the southern peri-urban areas surrounding Melbourne are highly productive with capacity for further growth in food production, crucial to the food security of Melbourne;
- c) proximity to growing urban markets; and
- d) access to transport infrastructure.

The proposed reforms are also at odds with much of the innovative work that is being done in this space, including the FoodPrint Melbourne research and the land capability research of the City of Whittlesea conducted through CeRRF Deakin. These studies show that the peri-urban space is highly productive with capacity for further growth in food production, and is crucial to the food security of Melbourne both now and in a climate constrained future. Agriculture in these areas needs to be supported with appropriate policy and planning frameworks if it is to play this pivotal role in the long term resilience, liveability and viability of our city and state. Much great work has been done by the incumbent Government, including the support of farmers markets and paddock to plate programs. It would be disappointing if these planning reforms inadvertently damaged the businesses they were actually seeking to support.

Of particular concern is the prohibition of all forms of agriculture in the Urban Growth Zone regardless of scale or risk profile. Although existing use rights will protect some uses, there are still distinct risks of this zone becoming far less viable with any new proposals being prohibited with no space for discretionary decisions from Council. This is essentially farming land, therefore there is the risk that during the transition period for these areas being developed for urban purposes (which could take up to 20 years), they will become derelict and harbours for weeds, vermin and uncontrolled fuel loads impacting adjacent farming enterprises and residential developments alike.

#### **7. Changes to home-based animal production**

The prohibition of food and fibre production for home use in residential zones is unexpected and unlikely to be supported by the community. Despite the proposed reforms being intended for “farmers,” they will have the effect of prohibiting food and fibre production for home use in residential zones. This measure is entirely outside the Terms of Reference of the Animal Industries Advisory Committee, was not reflected in public submissions received during the Advisory Committee process, and was not flagged in the Victorian Government Response of October 2016. This aspect of the reforms has not been subject to the same level of consultation and consideration as the measures examined by the Animal Industries Advisory Committee.

## RECOMMENDATIONS

### *A graduated approach to planning controls based on risk (Action 4)*

1. Revise the proposed Section 1, 2 and 3 uses to ensure that commercial production opportunities are assessed in accordance with performance objectives and their associated risk, rather than being ruled out because they default to the land use definition “intensive animal production.”
2. Remove the recommendation that Animal Production should be a prohibited use in the Urban Growth Zone.
3. Consider the inclusion of pigs and poultry into the ‘Grazing Animal Production’ definition if the systems are low impact, pasture based, rotational and have stocking densities and nutrient loadings below suitable thresholds, rather than the arbitrary numbers of stock that have been specified regardless of land size used for the production system.
4. Consider removing the permit exemption for categories of Pig and Poultry Farms that do not represent viable, commercial production systems. Broaden the range of farming systems that require no permit or qualify for the streamlined application process to include those that are low risk (and include animals other than pigs and poultry).
5. Adopt the Animal Industries Advisory Committee approach that confined the scope of the reforms to commercial food and fibre production (and avoid capturing home production systems). At the very least, the proposed prohibition of Animal Production in residential zones should undergo a consultation process that includes the individuals that it is most likely to affect. The current consultation process is directed at farmers. This proposed change will directly affect non-farmers.
6. Revise the Supplementary Feeding requirements to ensure that they do not have the effect of discouraging sustainable land management practices. The performance objective should relate to maintenance of groundcover and amenity impacts within setbacks rather than the use of feeding infrastructure.

### *Better applications (Action 12)*

7. The list of “application requirements” should be used as a guide rather than a “requirement”. The draft list of “information to support permit applications” is pitched at high risk applications rather than the broad range of applications that will be triggered by these reforms, particularly relatively low-scale commercial production on small rural lots.

Applications should be within the scope of the general farming community to complete. Expensive, professionally prepared modelling and reports should not be a default requirement for all applications that relate to animal production.

- 8.** Ensure the appropriate resourcing of the supporting officers in the department to keep any reference documents to the planning scheme, such as the Codes of Practice, up to date, industry relevant and accommodating of innovation within the farming sector. Consider the funding of local government officers within municipal economic development departments to offer specific agribusiness support for the farming community, such as the City of Whittlesea Agribusiness Program.
  
- 9.** A permanent advisory panel as a referral body should be considered to assess complex applications as a support mechanism to municipal planning.

## APPENDIX 1:

### RESPONSE TO ACTION 3: CLEAR LAND USE DEFINITIONS

#### ***What do you think about the proposed land use definitions?***

The removal of the proportion of supplementary feeding from the definition for intensive animal production has the effect of simplifying it. However, the introduction of the “Animal Production” definition and its application across the zones will broaden the range of farming systems that require a planning permit. As such, the measures are contrary to the State Government’s commitment to Smart Planning reform and the reduction of “red tape” for small business.

Additional clarification is required around the separation of commercial from domestic production – presently the definition captures both (see below).

#### ***Is it clear what types of animal production systems the definitions apply to?***

The summary of proposed reforms promotes the new definitions as including “land use definitions that do not capture animal industries with negligible off-site impacts”. This definition does not determine the effect of the controls, but the way they are treated in the zones. For this reason, it may not be a reasonable approach.

Inclusion of all animal production within the definition, and then the prohibition of this use in residential zones is a good example. The land use definition *animal production* captures a use currently defined within “animal husbandry” – the raising of animals for non-commercial production of food and fibre. We note that the definition proposed by the Animal Industries Advisory Committee made the distinction between commercial and non-commercial animal production, however, this approach was not adopted in these reforms.

We also note that the FAQ document states the reforms will only apply to “farmers.” It is appropriate that the definitions do not distinguish industrial systems from non-industrial, if the performance objective relates to amenity and environmental impacts. However, the proposals appear to include backyard chickens, sheep, rabbits, pigeons, and goats which are not raised by farmers in the definition of animal production – an approach we do not support.

Prohibition of animal production is proposed in all residential and commercial zones, including the Urban Growth Zone. The prohibition of this form of animal husbandry, as it is currently defined, has moved beyond the original Terms of Reference for the Animal Industries Advisory

Committee and is beyond what the community expected from the Government response. It will also impact resourcing for planning compliance in Councils.

In peri-urban areas, the small scale production of animals for food and fibre is particularly common in both rural and residential zones, with the number of animals kept on a residential lot currently regulated by local laws. From a planning perspective, the use of the land for animal husbandry is considered to be ancillary to the accommodation use and a planning permit is not required unless the animal husbandry use starts to overtake the primary use (usually when the use overtakes the limits set under Municipal Laws and causes complaints). However, Animal Husbandry is currently a permissible use in residential zones. Once the use (re-defined as Animal Production) is specifically prohibited, the level of tolerance must inevitably change.

If this was not the intention, there are two options:

1. Separate production for domestic use from commercial production within the definition, for example:

*Animal Production:*

*Land used to keep or breed poultry or mammals, other than rodents, for the commercial production of eggs, fibre, meat, milk or other animal products.*

Exemptions:

*Animal Production does not include:*

- *The production of edible snails and insects, rodents bred for pet food;*
  - *Poultry and mammals kept or bred for other purposes (eg. racing pigeons, racing horses).*
2. Alternatively, retain “Agriculture/Animal Production” as a permissible use in residential and commercial zones.

***Do you think the definition of animal production should include other types of animals?***

Emerging markets

These reforms impact the prosperity of an emerging agricultural approach which takes an agroecological, regenerative, ethical approach to food production and markets it directly to the community. This emerging industry has been actively fostered by the incumbent government through the support of farmers markets, paddock to plate programs etc. and it has been embraced by the community, reconnecting them with their food, the landscape and the farming community.

As outlined above, the revised definitions and their classification within Section 1, 2 and 3 uses, have not achieved “a graduated approach to planning controls based on risk.”

For example, the raising of rabbits for commercial meat production in the Rural Living Zone continues to be prohibited under the revised controls. Rabbits must be confined due to the risk of contracting viruses that are in the environment and, as such, they do not graze in the open. At the appropriate scale, amenity issues can be managed. Despite this, raising rabbits for meat would be defined under the reforms as Intensive Animal Production and would be prohibited in the Rural Living Zone.

In contrast to this, under the revised controls a Pig Farm or Poultry Farm (each with greater or equivalent potential for amenity impacts) is capable of receiving a planning permit in the Rural Living Zone.

Another problematic outcome of the proposed reforms is that a permit is required for a small scale pastured egg production system of 450 birds with soft infrastructure, but an existing industrial operation can expand its operation and associated hard infrastructure by 150,000 birds without a permit. In the Farming Zone or Rural Activity Zone, a pig farm with more than eight sows will require a permit, but a cattle feedlot does not require a permit if under 1000 head. All regardless of stocking density, nutrient loadings and risk profile.

Animals raised for recreation

In contrast to the proposed increased regulation of food and fibre production, the reforms have excluded animals raised for recreation which are capable of equivalent off-site impacts. Amenity and environmental management impacts are determined by the number of animals, stocking densities and their management rather than the animal’s purpose. This approach is inconsistent, and is not supported by evidence.

***Are the setback requirements for supplementary feeding associated with grazing animal production clear?***

Setbacks from waterways

The revised planning controls restrict activities within a defined setback from waterways and wetlands. The definition of “waterways” in the Water Act is quite broad and could include drainage lines, whether or not there is water in them. The report from the Animal Industries Advisory Committee did not reflect a strong emphasis on this issue, referring briefly to surface waters but dealing with potable water catchments in more detail. We suggest that “waterway” should be better defined in this context.

Supplementary feeding within setbacks

The provision relating to feeding infrastructure for supplementary feeding within setbacks should be revised. Many types of feeding infrastructure used to supplement grazing are portable and currently would not trigger a planning permit for buildings and works. Given they are portable, it is unclear whether they are considered “existing feeding infrastructure”.

The consultation document says that dropping a hay bale in a paddock is not considered to be “feeding infrastructure for supplementary feeding”. However, it would seem that dropping hay into a hay bale feeder would be because it involves the use of “equipment”. A hay bale feeder is a portable metal frame (transportable with a tractor, ute or on a small trailer) that contains hay within a smaller area, reducing waste and reducing the impact to groundcover and therefore reducing the risk of pugging, odour and contaminated runoff. By categorising “equipment” within feeding infrastructure, it would seem this commonly used device (particularly within smaller lots, where groundcover has to be carefully managed) would trigger a planning permit if it is to be located within setbacks.

Recognising that we are not talking about excluding animals from these setbacks, it seems the location of equipment of this type within the setback could be the only permit trigger. If this provision has the effect of encouraging farmers to throw the fodder directly on the ground rather than using feeding equipment, then this is potentially counter to animal welfare, increases wastage and is contrary to the stated planning objective of managing environmental and amenity impacts.

If the reforms are referring to permanent feeding infrastructure, such as feedpads, this should be made clear in the documentation.

***Are the setbacks adequate? If not, what are appropriate setbacks?***

Arbitrary setbacks are not applicable under all circumstances and vary depending on size and impact of infrastructure, topography, surrounding vegetation, stocking densities, odour, dust and nutrient loadings. Rather than hard and fast rules, setbacks should be given as a guideline with an outline of what impacts are to be mitigated by setbacks, with some discretion used by the farmer to ensure he or she is not creating off site impacts through the conduct of their operation.

***Do you agree with a single land use definition that encompasses both keeping and breeding poultry for eggs and meat production?***

By adopting a single land use definition around poultry, it becomes unclear what reference documents are relevant to what production systems.

***Do you agree that the Broiler Code should be applied to free range broiler farm applications?***

The Broiler Code was developed in 2001 and reviewed in 2009. Our estimation is that this document is at least eight years out of date. As stated in this document “A broiler farm is land used to keep large numbers of chickens that are housed permanently in sheds and reared for meat production.” Therefore, it is unclear how this very narrow document is to be applied to the wide range of emerging free range systems for chicken meat production in a meaningful way.

This is a consistent problem across the Codes. The current Code of Practice for Piggeries was originally developed in 1984 and reviewed in 1992 – 25 years out of date. National Environmental Guidelines for Rotational Outdoor Piggeries or NEGROP is the most relevant and up to date for free range pigs, but is still 5 years old. The National Beef Cattle Feedlot Environmental Code of Practice is from 2012.

If any of these industry codes – or a single Code as is apparently proposed - are to be used as reference documents to the planning scheme, there needs to be appropriate resourcing for annual reviews and specialist supporting staff to assist municipal and shire planners in applying these codes to an industry that planning staff often have little to no experience in when applying their discretion in permit issue.

***Do you agree with uses that will be in Section 1, 2 or 3 uses in the different zones?***

As already mentioned, the summary of proposed reforms states that the “land use definitions would not capture animal industries with negligible off-site impacts”. The inclusion of all animal production for food and fibre within the definition brings farming systems across the full range of the risk spectrum into the planning permit assessment regime.

Some types of production which could be managed for amenity impacts are automatically excluded from some rural zones because they default to the intensive animal production definition. Animal production systems suited to these environments and with little to no off site or amenity impacts should not be prohibited under these reforms just because they are within an emerging market rather than a traditional one.

***Animal Production in Residential Zones***

In peri-urban areas, the small scale production of animals for food and fibre is particularly common in both rural and residential zones, with the number of animals kept on a residential lot currently regulated by local laws. From a planning perspective, the use of the land for animal husbandry is considered to be ancillary to the accommodation use and a planning permit is not required unless the animal husbandry use approaches a scale verging on primary use (usually when the use overtakes the limits set under Municipal Laws or causes complaints). However, animal husbandry is currently a Section 2 Use in residential zones. Once the use (re-defined as animal production) is specifically prohibited, the level of tolerance must inevitably change.

It should be noted that this significant change to the way the planning system deals with “back yard” food production has not been subject to any form of targeted consultation with those who will be most affected by it.

***Animal Production in rural/semi-rural zones***

The reforms are supposed to clarify the Planning Schemes treatment of animal production enterprises and provide the opportunity to manage risks from productive rural uses in accordance with the scale of the use. Although revision of the definitions is required, the separation of poultry and pig farming from “intensive animal production” appears to reflect vested interest rather than a move to a more flexible approach to farming systems and emerging markets.

As an example, there are commercial production opportunities that could be appropriately managed in all rural zones, the Rural Living Zone, and the Urban Growth Zone. Nevertheless, once the use is defined as intensive animal production, it will be prohibited.

#### Urban Growth Zone

It is particularly concerning that the Urban Growth Zone is captured with all of the other residential zones in prohibiting animal production. These areas are generally in a rural zone prior to the decision to include them within the urban growth boundary, and continue to have the characteristics of a rural zone for the several years or decades that it can take to sell the lots in fragmented ownership and for residential development emerge.

In the meantime, occupiers of large landholdings with existing farm infrastructure will be restricted to farming under an existing use right rather than adopting productive, innovative and viable transitional uses that could be managed to prevent amenity impacts. The requirement to do this is possibly driven by the “supplementary feeding in setbacks” transitional provisions that do not have regard for new dwellings but, nevertheless, it seems an ill-considered approach.

## APPENDIX 2

### **RESPONSE TO ACTION 4: A GRADUATED APPROACH TO PLANNING CONTROLS BASED ON RISK**

#### ***What do you think about the proposed permit exemptions for very small-scale pig and poultry farms?***

The exempted farms represent a scale of production that is not “commercial”, yet the reforms capture all commercial systems regardless of farming approach, stocking densities, nutrient loadings or risk profile.

It should be understood that the proposed reforms continue to leave the assessment and approval of the majority of potentially viable and sustainable animal production systems to the discretion of Councils.

There is a risk of misunderstanding amongst Council planners (or the community) that a farm that falls outside the exempted categories is, by definition, “high risk”. Rather, such a farm is somewhere on the risk spectrum other than “negligible to low”. The assessment regime should be capable of adjusting its response in accordance with the level of risk, rather than taking an industrial ‘checklist’ approach such as that shown in the List of Application Requirements.

#### ***What do you think about the proposed notice and review exemptions for applications for small-scale pig and poultry farms?***

Limits on numbers of animals, regardless of species and use, will not be effective in protecting the environment. The proposed numbers and limits do not account for stocking densities, nutrient loading, off site and amenity impacts. It is contrary to the ‘graduated approach’ recommended by the AIAC. For instance, one pig can have off site impacts if set stocked and managed inappropriately. One hundred or more pigs can have no off site impacts and actually improve the country they are ranging on if they are managed well in an agroecological, rotation system approach. The streamlined permit process is necessary if pigs and poultry are to be kept separate from grazing animals regardless of production system, but this needs more consideration if the ‘graduated approach’ intended by the AIAC is to be successfully implemented and not inhibit economic development and innovation in this sector.

***What do you think about the proposed limits on the number of animals and the proposed setback distances?***

Again, limits on numbers of animals, regardless of species and use will not be effective in protecting the environment. The proposed numbers and limits do not account for stocking densities, nutrient loading, off site and amenity impacts. It is contrary to the 'graduated approach' recommended by the AIAC.

Arbitrary setbacks are not applicable under all circumstances and vary depending on topography, surrounding vegetation, stocking densities, odour, dust and nutrient loadings. Rather than be hard and fast rules, setbacks should be given as a guideline with an outline of what impacts are to be mitigated by setbacks, with some discretion used by the farmer to ensure he or she is not creating off site impacts through the conduct of their operation.

## APPENDIX 3

### RESPONSE TO ACTION 12: BETTER APPLICATIONS

#### *Is the list of information clear?*

The list referred to in this question is in the consultation document.

The streamlined permit process is necessary if pigs and poultry are to be kept separate from grazing animals regardless of production system, but this needs more consideration if the 'graduated approach' intended by the AIAC is to be successfully implemented and not inhibit economic development and innovation in this sector.

It is recommended that this list be used as a guide rather than "application requirements". Some of the requirements are applicable only to industrial scale applications and are irrelevant to SME's using rotational, pasture based production systems.

Most importantly - professionally prepared reports should not be a default requirement for all applications that relate to animal production. It should be possible for small farm operators to produce the required documentation to support their application without outlaying extra costs for consultants.

#### Description of Proposal

In particular, the written report containing a "description of the proposal" requires a list of information that is possibly more comprehensive than the Whole Farm Plan required with many rural land use applications. It reads like a checklist for an industrial land use and is required in addition to a written response to the decision guidelines.

It represents a significant administrative and financial barrier for planning permit applicants, and only a small proportion of it will be relevant to the assessment of most applications.

Site Development Plans: *Requirement to show where animals will graze, be kept, housed and fed.*

Other than applications that specifically relate to supplementary feeding within setbacks, the requirement to show where animals will be fed is impractical and the purpose of this information is unclear. With respect to both grazing and feeding, it would be more practical to show areas that are specifically excluded from grazing and/or feeding.

### Environmental Management Plan

The Environmental Management Plan should not be required for every application, yet the List of Application Requirements implies that it would be. The requirements in this list may be deemed appropriate for, say, a commercial scale rotational outdoor piggery on a 500 hectare property in the Farming Zone that does not meet the exemptions.

It is also important to clarify the types of applications where this information would be required up front, as opposed to those where it might be required by a permit condition following a planning assessment.

### ***Are there any gaps?***

### Performance objectives

The proposed reforms continue to leave the assessment and approval of the majority of potentially viable and sustainable animal production systems to the discretion of Councils. This means that the proposed controls and their performance objectives must be clear enough and flexible enough to support innovative and sustainable farming practices, and to deal with the spectrum of risk rationally and consistently.

We understand from the consultation document that the broad performance objective is the management of off-site impacts through proper siting and environmental management:

*Poultry and mammals that are bred for their eggs, meat, milk and fibre (for example, chickens, cattle, pigs, sheep, goats, rabbits, buffalo and camels) are typically kept in large numbers and can have off-site impacts if not properly sited and managed.*

However, the raising of animals in relatively small numbers and low stocking densities (in a productive sense) will trigger a planning permit as part of this reform. One effect of these reforms is that farming systems on small rural lots are likely to require a planning permit for grazing animal production, due to the conventional use of supplementary feeding. Farming enterprises established on small rural lots contribute positively to economic development and social capital in rural areas. However, these are businesses with small margins.

As such, there is an opportunity (with these reforms) to provide assistance to applicants in meeting the requirements for a planning permit without having to pay for professionally prepared reports (on top of the Council application fee). This could be in the form of a

template or checklist that concentrates specifically on, say, the issue of supplementary feeding in setbacks (see below) and what the expectations for environmental management would be.

#### Particular Provisions - Grazing Animal Production

The means for satisfying Particular Provisions - Grazing Animal Production decision guidelines relating to setbacks is unclear, particularly the “impact of supplementary feeding within the setback on water quality” and “whether a dwelling or land within the setback will be adversely affected by the supplementary feeding due to dust, noise or odour.” The requirement for an Environmental Management Plan to justify locating a hay bale feeder within a setback (as one example) would be disproportionate and unreasonable.

#### ***What other type of information or advice would assist proponents to prepare better applications?***

A template environmental management plan specifically intended to be completed by the applicant (farmer), which would satisfy the decision guidelines relating to setbacks and assist farmers with ongoing environmental management (and compliance).

#### ***What other type of conditions are routinely included in permits for intensive animal industry uses?***

Environmental Management Plan condition, if the potential for off-site impacts is a concern.

#### ***Are there specific conditions that should be applied to specific types of animal production uses?***

A permanent advisory panel as a referral body should be considered to assess complex applications as a support mechanism to the municipal planning system.

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<sup>i</sup> forecast.id (2016), *City of Whittlesea Population Forecasts*. [www.forecast.id.com.au/whittlesea](http://www.forecast.id.com.au/whittlesea) [accessed July 2017].

<sup>ii</sup> City of Whittlesea Land Capability Assessment project  
<http://cityofwhittlesea.maps.arcgis.com/apps/MapJournal/index.html?appid=7194c0ac4bd14ee389d3a2eda6abcd0b>