

# **ATTACHMENT TO AGENDA ITEM**

**Ordinary Meeting**

**21 November 2017**

**Agenda Item 10.5      Planning for Sustainable Animal Industries**

**Attachment 1            Submission to Planning for Sustainable Animal  
Industries ..... 453**

14 November 2017

planningsystems@delwp.vic.gov.au

**By email only**

Dear Joel,

**SUBMISSION TO PLANNING FOR SUSTAINABLE ANIMAL INDUSTRIES**

Greater Shepparton City Council welcomes the opportunity to comment on the Planning reforms to planning controls for Victoria's animal industries 2017.

Council officers broadly support the proposed reforms which seek to enable the planning system to better support the establishment and expansion of productive, competitive animal industries in Victoria.

Council officers would make the following suggestions to further clarify some elements of the proposed reforms.

**Proposed land use definitions**

The AIAC recommended that land use terms be defined for all egg farms, poultry breeder farms, poultry hatcheries and poultry meat farms, all pig farms (whether the pigs are housed or allowed to free range outdoors) and cattle, sheep and goat feed lots.

**Officer Response**

There is general support for the proposed reforms. The updated land use definitions provide clearer guidance on how agricultural proposals should be defined and assessed.

**Animal production**

The reforms include a new land use term "Animal production" this definition specifically applies to the keeping and breeding of poultry and mammals (other than rodents) for the production of eggs, fibre, meat, milk and other animal products. The intent is to be clear about the types of animals and what land use term applies to ensure that the planning system does not over regulate animal industries with negligible off-site impacts.

**Officer Response**

Introducing a clear animal production definition is supported and the intent to provide assurance that the planning process would not over regulate such activities is useful.

However it is noted that there is no guidance given on how the keeping of animals, such as racing horses, which do not fall within the definition of animal production and are intensively fed should be treated.

Officers consider that sufficient consideration should be given to equine businesses such as horse keeping / training / broodmare facilities in the reforms and guidance provided to

responsible authorities and the public. It would appear that there exists a disparity within the planning provisions in this regard.

This has been a contentious issue at times and should be clarified i.e. will this type of use be classified as animal husbandry (animal keeping/training etc.)?

#### Definitions of extensive and intensive animal productions

Two separate definitions are proposed, Grazing animal production and intensive animal production as set out below:

##### Grazing animal production

This land use term will apply to land used for *animal production* where the animals obtain food by directly grazing, browsing or foraging plants growing on the land. However, the proposed definition also allows *emergency feeding, seasonal feeding and supplementary feeding*.

##### Intensive animal production

This land use term will apply to land used for *animal production* where:

- all of the animals' food is imported from outside the immediate building, enclosure, paddock or pen;
- the animals do not obtain food by directly grazing, browsing or foraging plants growing on the land on a daily basis.

This definition will apply to feedlots. *Cattle feedlot* will be separately defined and nested under *intensive animal production* along with a new land use term - *intensive dairy farm*.

#### Officer Response

The proposed reforms are supported, the intention is to provide clear guidance on when animal production becomes greater than standard grazing and has the potential to have off site impacts. It is considered that this will provide planning officers and applicants with a clear understanding of when a planning permit is required.

However the wording of the reform does not provide sufficient detail as to whether the two bullet points in intensive animal production are to be read in conjunction with each other or are independent of each other.

This is important as each bullet point relates to a slightly different outcome. Therefore there could be confusion when production complies with one bullet point but not the other bullet point. This should be clarified.

It is further considered that the direct grazing provision could be abused, in that the exception could be used by landowners who do not qualify for the exemption, therefore it is appropriate to clarify how much grass is required to be grazed to comply with this exemption.

It is further considered that there is a need for a discussion with the Department to consider if there is need for a GC amendment 20 (4) to ensure that the earthworks exemptions

Incorporated Document and the proposed 100m set back from feedpads are consistent i.e. to ensure that a feedpad proposed in a whole farm plan is not exempted by these proposed amendments.

#### One definition for poultry breeder egg and meat farms

Except for *broiler farm* and *poultry hatchery*, it is proposed to introduce one term, *poultry farm*, with a definition that includes keeping or breeding poultry for egg or meat production.

#### Officer Response

This reform is supported as it provides a clear definition of what comprises a poultry farm.

Under current definitions the classification of poultry farms and the type of production being undertaken has been contentious and has led to frustration for officers and applicants.

The proposed reforms provide a clear definition which would provide surety to all stakeholders.

#### Exemptions for small-scale, low risk and poultry farms

The reforms propose that very small-scale, low-risk *pig farms* and *poultry farms* (including broiler farms) be Section 1 uses (no permit required) in the Farming Zone, Green Wedge Zone or Rural Activity Zone, if certain conditions are met.

The conditions will be specified in particular provisions of the Planning Scheme. The proposed poultry farm particular provision will replace the existing broiler farm particular provision at Clause 52.31 of planning schemes.

The conditions for poultry farms are as follows:

- farms must not have more than 200 birds (not including emu or ostrich);
- must not be more than 10 emus and ostrich;
- must be no poultry located within 30 metres of a waterway or wetlands;

Must be no poultry housing or constructed shelter located within 50 metres of:

- a dwelling in separate ownership;
- land in a residential zone or urban growth zone.

#### Officers Response

This reform is supported as it will allow for small scale poultry farms to operate in the Farming Zone as long as there is no unacceptable off site impacts.

It is considered that the first condition could be further clarified as on first reading it would appear that if the poultry farmer had one emu then a planning permit would be required for a poultry farm and this would not appear to be the intention.

The sets backs outlined are supported. However, the following clarifications should be considered:

A definition of a waterway should be provided i.e. do the reforms relate to permanent or non permanent waterways?

Are the set back distances set from the centre line or high water mark?

With regard to dwelling set backs it is considered that clarification should be given as to whether the set back is from the building line or from the ancillary building envelope? i.e. similar to EPA buffers from noise sources.

Further it is considered that small scale poultry farms as envisaged in this provision amendment may be used to justify dwellings in the farming zone that would not be ordinarily acceptable in the farming zone. This should be clarified.

#### Broiler farms and the Broiler Code

The proposed definition for *broiler farm* will apply to both conventional and free range broiler farms by removing reference in the definition to the chickens 'being housed permanently in sheds'.

It is also proposed to amend the *Victorian Code for Broiler Farms 2009* so that it also applies to both types of farms

#### Officers Response

This reform is supported and the intent to provide greater certainty and a more consistent assessment framework is considered to be useful.

Further to this, it is considered that the proposal to amend the Code for Broiler Farms to dovetail with the definitions in the Planning Scheme is appropriate and would provide certainty for all stakeholders.

#### Zone changes

In the Farming Zone, it is intended to include pig farming and poultry farm as a section 1 use (no planning permit required) subject to meeting conditions on the number of animals and set backs from dwellings and waterways.

No change is proposed to be made to cattle feed lots or broiler farms being a Section 2 use (planning permit required)

In the Rural Living Zone, it is proposed that intensive animal production and would be a Section 3 Use (prohibited).

In industrial zones intensive animal husbandry and all animal production uses would be a Section 2 Use (planning permit required)

In residential zones all forms of animal production uses would be prohibited.

#### Officers Response

These reforms are supported and the intent to allow appropriate pig farming and poultry farms to be a Section 1 Use in the Farming Zone (subject to meeting conditions) would allow for appropriate low scale agricultural uses to be undertaken in the Farming Zone.

Notwithstanding the above, planning officers consider that inclusion of some pig and poultry farms as section 1 use may led to this provision being used as a justification for a dwelling in the farming zone. This would not be a desirable outcome and should be given further consideration.

The reforms would not amend permit requirements for intensive animal production such as cattle feedlots and broiler farms. This is considered appropriate.

However planning officers consider that amendment should be made to the Urban Growth Zone to allow Grazing Animal Production to be a Section 1 Use and Other Animal Production Uses to be allowed to be a Section 2 Use.

Further to this, it is considered appropriate that any animal production would be prohibited in other residential zones.

#### Particular Provisions

The insertion of new Particular Provisions are supported.

However planning would suggest the following amendments should be considered:

#### Grazing Animal production

A notice exemption should be included for intensive dairy's subject to appropriate set backs.

#### Pig Farm Particular Provisions

Planning Officers note that the Farm (b) conditions would be difficult implement as it may require planning officers to ascertain the progeny of the pigs.

The exemptions from notification would also prove to be challenging in terms of ascertaining the progeny of the animals.

Planning officers would consider a total number provision would be more useable.

#### Poultry Farm Particular Provision

Planning Officers note that a permit would not be required for a poultry farm of 200 poultry, it is not clear if the definition of poultry includes Turkey, Geese or Ducks, this should be clarified.

Council officers broadly support the proposed reforms outlined in the Planning for sustainable animal industries September 2017, subject to the above concerns being addressed.

Council officers look forward to continuing to provide further feedback seeing the revised Planning for sustainable animal industries reforms within the Greater Shepparton Planning Scheme.

If you have any additional comments or queries regarding this matter, please contact Ronan Murphy, Senior Statutory Planner, by telephone on (03) 5832 9730 or by e-mail to [ronan.murphy@shepparton.vic.gov.au](mailto:ronan.murphy@shepparton.vic.gov.au)

Yours sincerely

**Colin Kalms**  
**MANAGER BUILDING AND PLANNING**