

This version of **Planning for sustainable animal industries** has been prepared for use with screen reader software. The printed publication may contain various photographs, captions and design features that have been necessarily omitted from this version. In other respects this document contains identical text to that in the PDF version of the document which is available at [www.planning.vic.gov.au](http://www.planning.vic.gov.au)

September 2017

## Planning for sustainable animal industries

### Clear land use definitions, risk-based planning controls and a better planning process

September 2017

Seeking feedback on proposed reforms to planning controls for animal industries in Victoria.

Victoria's animal industries are significant contributors to the Victorian economy. They are major employers in rural and regional Victoria and are Victoria's largest agricultural industry. Global population growth is driving the demand for Victoria's food and fibre products, which have an excellent reputation for quality, safety, and reliability.

Victoria's planning system plays a key role in supporting the projected growth of our animal industries. While economic development must be supported, growth must occur in a sustainable way to protect the long-term interests of all Victorians.

In 2015, the Hon Richard Wynne MP, Minister for Planning and the Hon Jaala Pulford MP, Minister for Agriculture established the Animal Industries Advisory Committee (AIAC) to consider how the planning system can better support the establishment and expansion of productive, competitive and market-responsive animal industries in Victoria, balancing environmental outcomes and community expectations.

In response to the AIAC's final report, the Victorian Government released *Planning for sustainable animal industries*, which sets the strategic direction for planning for animal industries in Victoria.

The response has four key areas of focus and 12 actions centred around more support and clarity for all those involved in animal industries in Victoria.

The key pillars of the Government response are:

1. Improve strategic planning for animal industries.
2. Clarify planning requirements and support early decision making.
3. Support the planning permit application process.
4. Ensure timely and effective enforcement.

The reforms set out in this document are focused on the second pillar and deliver on the following specific actions of the Government's response:

- Action 3 – Introduce clear land use definitions for animal industries into the Victoria Planning Provisions (VPP).
- Action 4 – Take a graduated approach to planning controls based on risk.
- Action 12 – Develop clear guidance to improve the quality of planning permit applications, and develop model permit conditions to guide local government.

The reforms set out in this document build on the AIAC's comprehensive analysis and recommendations, and have been developed in consultation with an Implementation Reference Group (IRG) comprising industry, community, local and State government representatives. (Note, the proposed reforms do not necessarily reflect the views of individual members of the IRG.)

The reforms are about clearer regulation rather than increased regulation. They will implement the Victorian Government's vision that:

- Victoria's animal industries continue to grow in a sustainable manner
- environmental and amenity impacts of animal industries are considered and well-managed through the planning system
- local government is supported to make well informed decisions
- community has confidence in Victoria's animal industries.

Improving the way we plan for and regulate animal industries does not stop with the reforms in this document. There are nine other actions in the Government's response – some actions are complete and others are well under way.

More information about *Planning for sustainable animal industries* and the AIAC's final report can be viewed online at: [agriculture.vic.gov.au/planning-animal-industries](http://agriculture.vic.gov.au/planning-animal-industries)

### **Summary of proposed reforms**

- New planning land use definitions that:
  - are clearer and easier to understand
  - do not capture animal industries with negligible off-site impacts.
- Clearly explained planning requirements for livestock producers that better support their day-to-day operations.
- Planning permit and public notice exemptions for small-scale, low-risk pig farms and poultry farms that incorporate environmental and amenity safeguards.
- Consistent planning requirements for free range and conventional broiler farms.
- Removal of restrictions on animal industries establishing in industrial zones.
- Clearer planning regulations through changes to 19 planning scheme zones.
- Guidance for farmers and councils about preparing planning permit applications and permits.

### **How to provide feedback**

Please provide your feedback by Tuesday, 14 November 2017 by visiting:  
[planning.vic.gov.au/animal-industries](http://planning.vic.gov.au/animal-industries)

If you have any questions about the proposed reforms or about providing feedback, please contact the Department of Environment, Land, Water and Planning on (03) 8392 5433 or email:  
[planning.systems@delwp.vic.gov.au](mailto:planning.systems@delwp.vic.gov.au)

## **ACTION 3**

### **Clear land use definitions**

The AIAC recommended that land use terms be defined in Clause 74 of planning schemes for the current known animal production systems (refer to section 5 of the AIAC's final report).

The AIAC recommended 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)
- cattle, sheep and goat feedlots.

The AIAC also recommended changes to the existing definitions for the terms *extensive animal husbandry* and *intensive animal husbandry*.

Additional land use terms for different production systems is supported. However, some alternative terms are proposed to further clarify and simplify their application.

The land use terms recommended by the AIAC and the proposed alternatives are shown in Appendix A. More detail is provided below.

## **Animal production**

The AIAC proposed a new land use term, *commercial animal production*, under which the other existing and new terms would be nested. The definition proposed by the AIAC includes the keeping and breeding of 'farm animals'.

An alternative land use term, *animal production*, is proposed. The proposed alternative 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 of this approach is to be clear about the types of animals the land use term applies to and to ensure the planning system does not unnecessarily regulate animal industries with negligible off-site impacts.

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.

The definition will not apply to the keeping or breeding of other types of animals, such as edible snails and insects, or rodents bred for pet food. It will also not apply to poultry and mammals kept or bred for other purposes, such as racing pigeons and racing horses. These other types of animals would likely fall within the existing land use definition for *animal husbandry – land used to keep, breed, board, or train animals, including birds*.

## **Generic definitions for extensive and intensive animal production**

The AIAC recommended that:

- there is a need to retain the existing generic definitions for *extensive animal husbandry* and *intensive animal husbandry* because not all forms of intensive animal husbandry can be defined individually
- an animal production use be defined as 'intensive' when the animals obtain more than 50 per cent of their energy needs from outside the immediate enclosure, pen or paddock.

The generic definitions recommended by the AIAC would apply to beef cattle, dairy, sheep and goat farms along with any other kind of animal that obtains a proportion of food by grazing (other than pigs and poultry). This represents a significant proportion of Victoria's livestock production.

While the recommended definitions set a clear threshold between 'extensive' and 'intensive', determining the proportion of energy an animal obtains from different sources of food is complex. Farmers routinely change the balance of food their animals receive based on range of factors such as market demand, stock type, and climatic and seasonal conditions. The definitions will be difficult to apply in practice and may not address the uncertainty and confusion experienced with the current generic definitions.

In response to these issues, two alternative definitions are proposed – *grazing animal production* and *intensive animal production*.

## **Operation of zones in planning schemes**

In each planning zone, the controls over the use of land are divided into three sections:

### **Section 1 uses**

A use in Section 1 does not require a permit. Any conditions that are specified for the use must be met. If the condition is not met, the use is in Section 2 and requires a permit unless the use is specifically included in Section 3 as a use that does not meet the Section 1 condition.

A use in Section 1 may still require a permit for associated buildings and works under another provision of the zone or the planning scheme (for example, an overlay).

### **Section 2 uses**

A use in Section 2 requires a planning permit. Any conditions that are specified for the use must be met. If a condition is not met, the use is prohibited.

Generally a planning permit is required to construct a building or construct or carry out works for a Section 2 use.

### **Section 3 uses**

A use in Section 3 is prohibited.

## **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*.

It is proposed that *grazing animal production* be a Section 1 use in the Farming Zone, Green Wedge Zone and Rural Activity Zone (more information about other zones is provided below).

### **Supplementary feeding**

The proposed definition for *supplementary feeding* does not limit how much food the grazing animals may be given on a routine basis. However, by definition, the food must supplement what the animals obtain from grazing, not replace it entirely.

The concentration and congregation of animals around feeding infrastructure can create environmental and amenity impacts if not properly managed. To manage this, minimum setbacks from waterways and neighbours will be specified - 100 metres from a dwelling in separate ownership, a residential zone, an Urban Growth Zone, a waterway or a wetland.

To enable potential impacts to be assessed and managed, a new particular provision (Appendix D) will require that a permit be obtained for *grazing animal production* that includes a building, works or equipment to be used for supplementary feeding located within the specified setbacks. The intent of the permit requirement is that only the potential impacts of supplementary feeding within the specified setback is assessed, not the farming activities outside the setback. *Grazing animal production* will remain a Section 1 use in the zone even if a permit is granted under the particular provision.

The proposed setback distances are based on the waterway setback distance already specified in the Farming Zone, Green Wedge Zone and Rural Activity Zone and the dwelling setback distance specified in schedules to the Farming Zone in most planning schemes.

Farmers will be able to continue to graze animals within the specified setbacks without a permit. Supplementary feeding within the setback that does not require a building, works or equipment (for example, dropping hay bales in a paddock) will also not require a permit under the particular provision.

Existing buildings and works permit requirements in the Farming Zone, Green Wedge Zone and Rural Activity Zone and overlays (including environmental, landscape and flood overlays) will continue to apply to *grazing animal production*.

### **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*.

### **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.

As further work is undertaken to implement the government's response, in particular Actions 4 and 8, additional definitions may be required.

### **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.

This change will provide greater certainty and a clearer and more consistent assessment framework for free range broiler farm applications. It will also give farmers greater flexibility to switch between conventional and free range systems in response to market demand and other circumstances (such as bio-security risks).

### **Nesting the land use terms**

The AIAC recommended that the new land use terms and definitions should not be nested under the generic definitions for *extensive animal husbandry* and *intensive animal husbandry* so it is clear they are separate land uses and not subject to the conditions in the generic definitions.

The approach to nesting definitions recommended by the AIAC is supported and proposed to be implemented as shown in the nesting diagram in Appendix B.

Under the proposed nesting of land terms, *broiler farm* is nested under *poultry farm*. This means that any reference to *poultry farm* in the planning scheme includes a reference to *broiler farm*.

Similarly, *cattle feedlot* and *intensive dairy farm* are nested under *intensive animal production*.

### **Proposed Section 1, 2 and 3 uses**

Appendix C summarises whether the new land use terms are proposed to be Section 1, 2 or 3 uses in each of the zones that currently specify *agriculture* in the table of uses.

More information about the zone changes is provided below:

#### **Farming, Rural Activity and Green Wedge Zones**

As explained below in the section dealing with Action 4, it is proposed to include *pig farm* and *poultry farm* as Section 1 uses subject to meeting conditions on the number of animals and setbacks from dwellings and waterways.

No change will be made to *cattle feedlot*, and *broiler farm* will be a Section 2 use if the proposed Section 1 condition to *poultry farm* is not met. Other than *grazing animal production*, all other *animal production* uses will be Section 2 uses.

#### **Green Wedge A, Rural Conservation and Rural Living Zones**

*Intensive animal husbandry* is currently a Section 3 use in all three zones and *extensive animal husbandry* is a Section 2 use in the Rural Conservation Zone and Rural Living Zone. It is proposed that *intensive animal production*, including *cattle feedlot* and *intensive dairy farm* be Section 3 uses in these zones.

Given the varying scales of other types of *animal production*, including smaller 'free range' poultry and pig farms, it is proposed that all other *animal production* uses, including *grazing animal production*, be Section 2 uses. Permit applications would be considered on their merits and have regard to the specific circumstances of the site and surrounding land uses.

#### **Industrial zones**

Currently *extensive animal husbandry* and *intensive animal husbandry* are Section 1 and 3 uses, respectively, in the industrial zones. The AIAC recommended that *intensive animal husbandry* be a Section 2 use.

It is proposed to make all *animal production* uses, including *grazing animal production* a Section 2 use in the industrial zones.

### **Residential zones**

Currently a permit may be granted to use land in a residential zone for *extensive animal husbandry*. *Intensive animal husbandry* is currently prohibited.

It is proposed to prohibit all *animal production* uses, including *grazing animal production*, in residential zones.

### **What do you think?**

- What do you think about the proposed land use definitions? Is it clear what types of animal production systems the definitions apply to?
- Do you think the definition of animal production should include other types of animals?
- Are the setback requirements for supplementary feeding associated with grazing animal production clear?
- Are the setbacks adequate? If not, what are appropriate setbacks?
- Do you agree with a single land use definition that encompasses both keeping and breeding poultry for eggs and meat production?
- Do you agree that the Broiler Code should be applied to free range broiler farm applications?
- Do you agree with uses that will be in Section 1, 2 or 3 uses in the different zones?

## **ACTION 4**

### **A graduated approach to planning controls based on risk**

The AIAC noted that:

- almost all operations meeting the current definition of intensive animal husbandry require a planning permit with no distinction made between the scale and nature of the particular operation
- applying the same planning requirements to all scales of intensive operations results in over regulation of smaller operations and is unwarranted.

The AIAC recommended adoption of a graduated approach to the application of planning provisions based on categories of risk.

Action 4 commits to the development of risk-based planning controls to recognise the variability of impacts within animal industries and to ensuring planning requirements are commensurate with the size, location, scale and expected impacts of various production systems.

As a first step in delivering on Action 4, it is proposed to introduce permit, notice and third party review exemptions for small-scale, low-risk *pig farms* and *poultry farms* (including *broiler farms*).

Government recognises that the size of land and management practices can significantly change the risk profile of pig and poultry farms. Therefore, further opportunities to streamline planning requirements will be considered as part developing a general Code of Practice and industry-specific technical guidelines under Action 8.

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

It is proposed 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 which are included as Appendix E (for pig farms) and Appendix F (for poultry farms). The proposed poultry farm particular provision will replace the existing broiler farm particular provision at Clause 52.31 of planning schemes.

It is also proposed that applications for small-scale pig and poultry farms be exempt from the notice and third party review requirements of the *Planning and Environment Act 1987*, if certain conditions are met. The conditions will also be specified in the particular provisions.

The conditions for pig farms have been based on calculations by Australian Pork Limited that show the potential for nutrient accumulation at pig farms of various scales and stocking densities. A conservative approach has been adopted by basing calculations on no rotation of pigs, cropping or pasture removal.

The conditions for poultry farms have been based on an understanding that environmental and amenity risks of small farms with less than 200 birds (or 10 emus/ostriches) are very low and can be mitigated through good management and setbacks from dwellings and waterways. For farms with more than 200 birds, the potential for environmental or amenity impacts increases. Notice and review exemptions are proposed to streamline the planning assessment of farms for which amenity risks to neighbours remains low.

Government recognises land management techniques can significantly alter the risk profile of pig farms and poultry farms. Further opportunities to simplify and streamline planning regulation for low-risk farms will be considered through the development of the Code of Practice and technical guidelines.

### **What do you think?**

- What do you think about the proposed permit exemptions for very small-scale pig and poultry farms?
- What do you think about the proposed notice and review exemptions for applications for small-scale pig and poultry farms?
- What do you think about the proposed limits on the number of animals and the proposed setback distances?

## **ACTION 12**

### **Better applications**

The AIAC identified that improving the quality and relevance of information submitted with permit applications will assist all parties in progressing the application.

There is little guidance to farmers and local government in regards to what information to provide in an application. This can cause significant time delays in progressing applications.

So it is clear to both farmers and local government what information should be submitted with an application, the list of information included in Appendix G will be published online, along with other information about preparing an application.

The practical implementation of the list will be monitored over 18 months to assess whether further refinement is required. Implementing other actions in the government response, in particular Actions 4 and 8, may also inform further refinements of the list.

### **What do you think?**

- Is the list of information clear?
- Are there any gaps?
- What other type of information or advice would assist proponents to prepare better applications?

### **Model permit conditions**

The AIAC observed that:

- model permit conditions would be useful for councils and referral authorities to assist drafting planning permits

- while not all of the model conditions may be relevant for every application, they provide a prompt for planners as they draft permits and would promote a more consistent approach.

A list of model conditions based on the AIAC’s suggestions is included as Appendix H.

Model conditions contained in the document *Writing planning permits* (DSE, 2007) will also be applicable to an animal production permit and are not repeated in this document. The document can be viewed online at: [planning.vic.gov.au](http://planning.vic.gov.au)

The proposed model permit conditions will not be included in planning schemes but will be published online or added to *Writing planning permits*.

### What do you think?

- What other type of conditions are routinely included in permits for intensive animal industry uses?
- Are there specific conditions that should be applied to specific types of animal production uses?

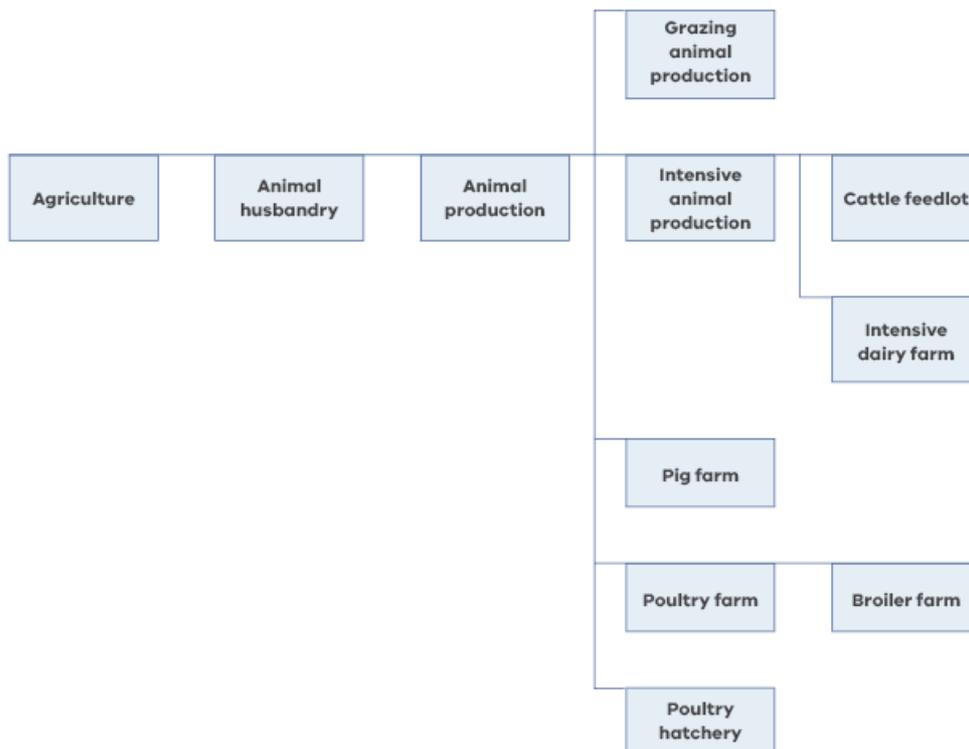
## Appendix A | PROPOSED LAND USE DEFINITIONS

<p><b>Definitions recommended by the Animal Industries Advisory Committee</b></p> <p><b>Commercial animal production</b></p> <p>Land used to keep or breed farm animals, including birds.</p>	<p><b>Proposed definitions</b></p> <p><b>Animal production</b></p> <p>Land used to keep or breed poultry or mammals, other than rodents, for the production of eggs, fibre, meat, milk or other animal products.</p>
<p><b>Definitions recommended by the Animal Industries Advisory Committee</b></p> <p><b>Extensive animal husbandry</b></p> <p>Land used to keep or breed farm animals, including birds, at an intensity where at least 50 per cent of the animals’ energy needs are obtained by directly grazing, browsing, or foraging on plants grown on the land. It includes:</p> <ol style="list-style-type: none"> <li>a) emergency and seasonal supplementary feeding; and</li> <li>b) the incidental penning and housing of animals, including birds, for brooding, weaning, dipping, or other husbandry purposes.</li> </ol>	<p><b>Proposed definitions</b></p> <p><b>Grazing animal production</b></p> <p>Land used for animal production where the animals obtain food by directly grazing, browsing or foraging plants growing on the land.</p> <p>It includes emergency, seasonal and supplementary feeding.</p> <p>It does not include any other defined use.</p> <p>In this definition:</p> <ul style="list-style-type: none"> <li>▪ <i>emergency feeding</i> means feeding animals when an emergency event such as a flood, bushfire or biosecurity event, restricts or prevents the animals from grazing, browsing or foraging plants growing on the land;</li> <li>▪ <i>seasonal feeding</i> means feeding animals for no more than 6 months within any 12 month period when seasonal conditions, including drought, restrict or prevent the animals from grazing, browsing or foraging plants growing on the land;</li> <li>▪ <i>supplementary feeding</i> means routinely feeding animals to supplement the food the animals obtain by directly grazing, browsing or foraging plants growing on the land.</li> </ul>

<p><b>Definitions recommended by the Animal Industries Advisory Committee</b></p> <p><b>Intensive animal husbandry</b></p> <p>Land used to keep or breed farm animals, including birds, by importing more than 50 per cent of the animals' energy needs from outside the immediate enclosure, pen or paddock. It does not include:</p> <ol style="list-style-type: none"> <li>an abattoir or saleyard;</li> <li>emergency and seasonal supplementary feeding if incidental to the use of land for extensive animal husbandry; or</li> <li>the penning and housing of animals, including birds, for brooding, weaning, dipping or other husbandry purposes if incidental to the use of land for extensive animal husbandry.</li> </ol>	<p><b>Proposed definitions</b></p> <p><b>Intensive animal production</b></p> <p>Land used for animal production where:</p> <ol style="list-style-type: none"> <li>all of the animals' food is imported from outside the immediate building, enclosure, paddock or pen; and</li> <li>the animals do not obtain food by directly grazing, browsing or foraging plants growing on the land on a daily basis.</li> </ol> <p>Other than cattle feedlot and intensive dairy farm, it does not include any other defined use.</p>
<p><b>Definitions recommended by the Animal Industries Advisory Committee</b></p> <p><b>Feedlot</b></p> <p>Land used to keep and fatten cattle, sheep or goats which are restrained by pens or enclosures and intensively fed.</p>	<p><b>Proposed definitions</b></p> <p><i>It is not proposed to implement the AIAC's suggested land use term and definition. Feedlots will be included in the proposed land use term 'intensive animal production'.</i></p>
<p><b>Definitions recommended by the Animal Industries Advisory Committee</b></p> <p><b>Cattle feedlot</b></p> <p>Land used to keep and fatten cattle which are restrained by pens or enclosures and intensively fed.</p>	<p><b>Proposed definitions</b></p> <p><b>Cattle feedlot</b></p> <p>Land used for intensive animal production where cattle are kept for the production of meat.</p>
<p>BLANK CELL</p>	<p><b>Proposed definitions</b></p> <p><b>Intensive dairy farm</b></p> <p>Land used for intensive animal production where cattle are kept or bred for the production of milk.</p>
<p><b>Definitions recommended by the Animal Industries Advisory Committee</b></p> <p><b>Piggery</b></p> <p>Land used to keep, breed, fatten or rear pigs.</p>	<p><b>Proposed definitions</b></p> <p><b>Pig farm</b></p> <p>Land used to keep or breed pigs for the production of meat.</p>
<p><b>Definitions recommended by the Animal Industries Advisory Committee</b></p> <p><b>Egg farm</b></p> <p>Land used to keep birds for egg production.</p>	<p><b>Proposed definitions</b></p> <p><b>Poultry farm</b></p> <p>Land used to keep or breed poultry for the production of eggs or meat.</p> <p><i>It is not proposed to implement the AIAC's suggested land use term and definition at this time. The proposed land use term 'poultry farm' will include these three types of farms.</i></p>

<p><b>Definitions recommended by the Animal Industries Advisory Committee</b></p> <p><b>Poultry breeder farm</b></p> <p>Land used to breed birds for poultry meat farms or egg farms.</p>	<p><b>Proposed definitions</b></p> <p><b>Poultry farm</b></p> <p>Land used to keep or breed poultry for the production of eggs or meat.</p> <p><i>It is not proposed to implement the AIAC's suggested land use term and definition at this time. The proposed land use term 'poultry farm' will include these three types of farms.</i></p>
<p><b>Definitions recommended by the Animal Industries Advisory Committee</b></p> <p><b>Poultry meat farm</b></p> <p>Land used to keep birds which are reared for meat production.</p>	<p><b>Proposed definitions</b></p> <p><b>Poultry farm</b></p> <p>Land used to keep or breed poultry for the production of eggs or meat.</p> <p><i>It is not proposed to implement the AIAC's suggested land use term and definition at this time. The proposed land use term 'poultry farm' will include these three types of farms.</i></p>
<p><b>Definitions recommended by the Animal Industries Advisory Committee</b></p> <p><b>Broiler farm</b></p> <p>Land used to keep broiler chickens which are reared for meat production.</p>	<p><b>Proposed definitions</b></p> <p><b>Broiler farm</b></p> <p>Land used to keep broiler chickens for the production of meat.</p>
<p><b>Definitions recommended by the Animal Industries Advisory Committee</b></p> <p><b>Poultry hatchery</b></p> <p>Land used to incubate and hatch bird eggs.</p>	<p><b>Proposed definitions</b></p> <p><b>Poultry hatchery</b></p> <p>Land used to incubate and hatch poultry eggs.</p>

## Appendix B – PROPOSED NESTING DIAGRAM



## Appendix C – SUMMARY OF ZONE CHANGES

<b>Farming Zone</b>	<b>Broiler farm</b> Section 1* / 2	<b>Cattle feedlot</b> Section 1* / 2*	<b>Grazing animal production</b> Section 1	<b>Intensive animal production<sup>1</sup></b> Section 2	<b>Pig farm</b> Section 1* / 2	<b>Poultry farm</b> Section 1* / 2	<b>Other animal production uses</b> Section 2
<b>Rural Activity Zone</b>	<b>Broiler farm</b> Section 1* / 2	<b>Cattle feedlot</b> Section 1* / 2*	<b>Grazing animal production</b> Section 1	<b>Intensive animal production<sup>1</sup></b> Section 2	<b>Pig farm</b> Section 1* / 2	<b>Poultry farm</b> Section 1* / 2	<b>Other animal production uses</b> Section 2
<b>Green Wedge Zone</b>	<b>Broiler farm</b> Section 1* / 2	<b>Cattle feedlot</b> Section 2*	<b>Grazing animal production</b> Section 1	<b>Intensive animal production<sup>1</sup></b> Section 2	<b>Pig farm</b> Section 1* / 2	<b>Poultry farm</b> Section 1* / 2	<b>Other animal production uses</b> Section 2
<b>Green Wedge A Zone</b>	<b>Broiler farm</b> Section 2*	<b>Cattle feedlot</b> Section 3	<b>Grazing animal production</b> Section 2	<b>Intensive animal production<sup>1</sup></b> Section 3	<b>Pig farm</b> Section 2	<b>Poultry farm</b> Section 2	<b>Other animal production uses</b> Section 2
<b>Rural Conservation Zone</b>	<b>Broiler farm</b> Section 2*	<b>Cattle feedlot</b> Section 3	<b>Grazing animal production</b> Section 2	<b>Intensive animal production<sup>1</sup></b> Section 3	<b>Pig farm</b> Section 2	<b>Poultry farm</b> Section 2	<b>Other animal production uses</b> Section 2
<b>Rural Living Zone</b>	<b>Broiler farm</b> Section 2*	<b>Cattle feedlot</b> Section 3	<b>Grazing animal production</b> Section 2	<b>Intensive animal production<sup>1</sup></b> Section 3	<b>Pig farm</b> Section 2	<b>Poultry farm</b> Section 2	<b>Other animal production uses</b> Section 2
<b>Urban Floodway Zone</b>	<b>Broiler farm</b> Section 2*	<b>Cattle feedlot</b> Section 2*	<b>Grazing animal production</b> Section 1	<b>Intensive animal production<sup>1</sup></b> Section 2	<b>Pig farm</b> Section 2	<b>Poultry farm</b> Section 2	<b>Other animal production uses</b> Section 2
<b>Urban Growth Zone</b>	<b>Broiler farm</b> Section 3	<b>Cattle feedlot</b> Section 3	<b>Grazing animal production</b> Section 3	<b>Intensive animal production<sup>1</sup></b> Section 3	<b>Pig farm</b> Section 3	<b>Poultry farm</b> Section 3	<b>Other animal production uses</b> Section 3
<b>Industrial zones</b>	<b>Broiler farm</b> Section 2*	<b>Cattle feedlot</b> Section 2*	<b>Grazing animal production</b> Section 2	<b>Intensive animal production<sup>1</sup></b> Section 2	<b>Pig farm</b> Section 2	<b>Poultry farm</b> Section 2	<b>Other animal production uses</b> Section 2
<b>Commercial zones</b>	<b>Broiler farm</b> Section 3	<b>Cattle feedlot</b> Section 3	<b>Grazing animal production</b> Section 3	<b>Intensive animal production<sup>1</sup></b> Section 3	<b>Pig farm</b> Section 3	<b>Poultry farm</b> Section 3	<b>Other animal production uses</b> Section 3
<b>Residential zones</b>	<b>Broiler farm</b> Section 3	<b>Cattle feedlot</b> Section 3	<b>Grazing animal production</b> Section 3	<b>Intensive animal production<sup>1</sup></b> Section 3	<b>Pig farm</b> Section 3	<b>Poultry farm</b> Section 3	<b>Other animal production uses</b> Section 3

<sup>1</sup> Other than *cattle feedlot*.

\* If specified conditions are not met, the use becomes a section 2 use (permit required) or section 3 use (prohibited).

## **Appendix D: PROPOSED PARTICULAR PROVISION – GRAZING ANIMAL PRODUCTION**

### **52.XX – GRAZING ANIMAL PRODUCTION**

#### **Purpose**

To ensure that supplementary feeding associated with grazing animal production does not adversely affect waterways or the amenity of the surrounding area.

#### **52.XX-2 – Requirement**

Grazing animal production in the Farming Zone, Green Wedge Zone and Rural Activity Zone must meet the following requirement:

- Must be no building, works or equipment used for supplementary feeding (including a feed trough and feedpad) located within the following setbacks:
  - 100 metres from a dwelling in separate ownership.
  - 100 metres from land in a residential zone or Urban Growth Zone.
  - 100 metres from a waterway or wetlands.

This requirement does not apply to:

- A building, works or equipment located within the setback before the approval date of Amendment VCXX.
- A building, works or equipment located within the setback from a dwelling before the dwelling existed.
- A building, works or equipment located within the setback from land in a residential zone or Urban Growth Zone before the land was included in the zone.
- A building, works or equipment used for storage (including storage of feeding equipment and feed) located within a setback.
- The storage of feeding equipment within a setback when not in use.

#### **52.XX-3 – Permit required**

Despite the requirements of Clause 52.XX-2, a permit may be granted for grazing animal production that includes a building, works or equipment used for supplementary feeding located within a setback specified in Clause 52.XX-2.

#### **52.XX-4 – Decision Guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the land within the setback is suitable for supplementary feeding and whether the proposal is compatible with adjoining and nearby land uses.
- Whether a dwelling or land within the setback will be adversely affected by supplementary feeding due to dust, noise or odour.
- The impact of supplementary feeding within the setback on water quality.

# Appendix E – PROPOSED PARTICULAR PROVISION – PIG FARM

## 52.YY – PIG FARM

### Purpose

To facilitate the establishment and expansion of pig farms in a manner that is consistent with orderly and proper planning and the protection of the environment.

### 52.YY-1 – Permit not required

A permit is not required to use land for a pig farm in the Farming Zone, Green Wedge Zone or Rural Activity Zone if the following conditions are met:

- The land must have an area of at least 2 hectares.
- The use must meet either the Farm A or Farm B conditions specified in Table 1 for the applicable area of land.
- Must be no pigs located within 50 metres of:
  - A dwelling in separate ownership.
  - Land in a residential zone or Urban Growth Zone.
  - A waterway or wetlands.

**Table 1**

<b>Area of land</b> 2 to 4 hectares	<b>Farm A conditions</b> No more than 4 pigs	<b>Farm B conditions</b> No more than 1 sow and 1 boar used for breeding. Any other pig must be a progeny of the sow.
<b>Area of land</b> More than 4 hectares and not more than 5 hectares	<b>Farm A conditions</b> No more than 8 pigs	<b>Farm B conditions</b> No more than 2 sows and 1 boar used for breeding. Any other pig must be a progeny of one of the sows.
<b>Area of land</b> More than 5 hectares	<b>Farm A conditions</b> No more than 10 pigs	<b>Farm B conditions</b> No more than 3 sows and 1 boar used for breeding. Any other pig must be a progeny of one of the sows.

### 52.YY-2 – Exemption from notice and review

An application to use land or construct a building or to construct or carry out works for a pig farm under a provision of the Farming Zone, Green Wedge Zone or Rural Activity Zone is exempt from the notice requirements of section 52 (1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the following conditions are met:

- Must be no more than 8 sows and 1 boar used for breeding, and any other pig must be a progeny of one of the sows.

- Must be no pigs located within 100 metres of:
  - A dwelling in separate ownership.
  - Land in a residential zone or Urban Growth Zone.

## **Appendix F: PROPOSED PARTICULAR PROVISION – POULTRY FARM**

### **52.ZZ – POULTRY FARM**

#### **Purpose**

To facilitate the establishment and expansion of poultry farms in a manner that is consistent with orderly and proper planning and the protection of the environment.

#### **52.ZZ-1 – Permit not required**

A permit is not required to use land for a poultry farm in the Farming Zone, Green Wedge Zone or Rural Activity Zone if the following conditions are met:

- Must be no more than 200 poultry, not including an emu or ostrich.
- Must be no more than 10 emus and ostriches.
- 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.

#### **52.ZZ-2 – Requirement for broiler farms**

An application to use land or construct a building or construct or carry out works for a broiler farm under a provision of a zone must comply with the *Victorian Code for Broiler Farms 2009*.

This requirement does not apply to an application to construct a building or to construct or carry works for an existing broiler farm if the number of chickens permitted to be kept on the land is not increased.

#### **52.ZZ-3 – Permit not required for an outdoor range area**

Any requirement of this scheme relating to the use of land or construction of a building or construction or carry out works, other than a requirement of an overlay, does not apply to the use or construction of an outdoor range area for an existing broiler farm if the following conditions are met:

- The number of chickens permitted to be kept on the land must not be increased.
- Must be no more than 150,000 chickens.

#### **52.ZZ-4 – Exemption from notice and review**

The following kinds of applications are exempt from the notice requirements of section 52 (1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- An application to use land or construct a building or construct or carry out works for a poultry farm under a provision of the Farming Zone, Green Wedge Zone or Rural Activity Zone if the following conditions are met:

- Must be no more than 450 poultry, not including an emu or ostrich.
- Must be no more than 25 emus and ostriches.
- Must be no poultry housing or constructed shelter located within 100 metres of:
  - A dwelling in separate ownership.
  - Land in a residential zone or Urban Growth Zone.
- An application to use land or construct a building or construct or carry out works for a broiler farm under a provision of the Farming Zone, Green Wedge Zone or Rural Activity Zone if the application meets the requirements of a “Class A Broiler Farm”, as specified in the *Victorian Code for Broiler Farms 2009*.

#### **52.ZZ-5 – Notice of an application**

Notice of an application to use land or to construct a building or construct or carry out works for a broiler farm must be given in accordance with section 52(1)(2) of the Act to the Environment Protection Authority if the application meets the requirements of a “Special Class Broiler Farm” or “Farm Cluster”, as specified in the *Victorian Code for Broiler Farms 2009*.

This requirement does not apply to an application to construct a building or to construct or carry works associated with an existing broiler farm if the number of chickens permitted to be kept on the land is not increased.

## **Appendix G: INFORMATION TO SUPPORT PERMIT APPLICATIONS**

### **Site and locality plan**

A site and locality plan drawn to scale and dimensioned showing the location and layout of:

- the boundaries and dimensions of the site
- dwellings and other sensitive uses (including dwellings under construction or approved by a planning or building permit to be constructed) on the land and within at least 500 metres of the site
- existing buildings and uses on the site and surrounding land
- significant slopes and other topographic features including vegetation on the site
- drainage, farm bores, dams and other water supply sources and waterways
- areas liable to flooding
- internal and external roads.

### **Site development plans**

Site development plans drawn to scale and dimensioned showing the location, layout, dimensions and construction details of proposed buildings and works including:

- elevation drawings which show the colour and materials of proposed buildings and works (including areas of cut and fill)
- boundary setbacks and separation distances to sensitive uses on adjoining properties from areas where animals will be kept
- any boundary setback or separation distance specified in an applicable Code of Practice
- areas where the animals will graze, be kept, housed and fed

- access points, internal roads, loading and parking areas
- external storage, waste management (including waste water and stormwater) and manure disposal areas
- external lighting
- landscaping and fencing including vegetation to be removed and planted.

## **Description of the proposal**

A written report including:

- a description of the proposal including:
  - the type and maximum number of animals to be kept on the land (including offspring)
  - the purpose of keeping the animals on the land
  - where and how the animals will be kept or housed
  - the purpose of the use and the types of processes to be utilised
  - the likely effects, if any, on the surrounding land and sensitive uses, including odour, noise levels, traffic, emissions to land and water, light spill and glare
  - how solid and liquid waste generated by the use (including animal manure, litter and water run-off) will be managed and treated, including details of proposed onsite collection and treatment and offsite disposal
  - how stormwater will be managed, treated and discharged
  - how pasture and soil will be managed
  - the frequency and time of animal, feed and other regular delivery and dispatch to and from the site (including vehicle type, external and internal routes and access points)
  - the source and capacity of water supply to the site
  - access to power
  - whether a works approval or licence is required from the EPA for the use
  - how land not required for the use will be used and managed
  - any applicable biosecurity requirements (including separation from other animal husbandry uses)
- an explanation of how the proposal responds to:
  - the requirements of any applicable Code of Practice incorporated into the planning scheme
  - the applicable decision guidelines of the zone and any overlays applying to the land
  - any applicable planning policy in the State and Local Planning Policy Frameworks.

## **Environmental management plan**

An environmental management plan (EMP) includes strategies and measures to avoid and minimise environmental risks, and contingency actions to manage environmental problems that may arise during the operation of the use.

- The EMP must have the following components (as appropriate):

- overall environmental objectives for the operation of the use and techniques to addressing the following components: odour, dust and noise; waste (waste water, stormwater, manure, spent litter, dead animals, waste chemicals and chemical containers); vermin, pest animals and weeds
- strategies and measures to avoid and minimise environmental risks, and contingency actions to manage environmental problems that may arise during both construction and operation
- procedures to ensure that no significant adverse environmental impacts occur as a result of the use
- monitoring system to assess environmental performance
- procedures to respond to complaints, investigate causes after an environmental incident, review management practices and management of incidents, and to report to the responsible authority, if requested.
- a plan for the regular review and updating of the management plan, which can occur without needing endorsement by the responsible authority.

## **Appendix H: PROPOSED MODEL PERMIT CONDITIONS**

### **Use must not be altered**

- The use must be conducted in compliance with the endorsed plans and environmental management plan (or other specified plan) unless otherwise approved with the written consent of the responsible authority.
- No more than (specify number) animals may be kept on the site at any one time unless with the written consent of the responsible authority. All animals must be kept within the defined area as shown on the endorsed plan.

### **Amenity**

- The use and development must be managed in accordance with the approved environmental management plan so that the amenity of the area is not detrimentally affected, through the:
  - processes carried out on the land
  - the transportation of livestock, materials, goods or commodities to or from the land
  - the emission of odour, dust, noise, artificial light, waste water or waste products
  - the presence of vermin
  - the attraction of birds
  - others as appropriate.
- If the responsible authority determines that the amenity of the nearby residents is adversely affected by the emission of an unreasonable level of odour, dust or noise from the site, the operator must immediately and to the satisfaction of the responsible authority take action to prevent those emissions, which may include adjusting stocking density, removing litter immediately, or any other actions reasonably required to rectify the unreasonable emissions.

### **Waste management**

- The waste produced from the use must:
  - not discharge beyond the boundaries of the land or directly into waterways
  - be adequately treated, retained and disposed of within the boundaries of the lot
  - to the satisfaction of the responsible authority.

- All wastes must be retained such that there is no contamination of surface waters. Any stockpiles or compost heaps must be constructed and managed to prevent stormwater infiltration or run off.
- All manure and polluted run-off water from any enclosures, yards or buildings used in conjunction with the use, or any water otherwise contaminated as a result of the use, must be disposed of to the satisfaction of the responsible authority.
- Effluent runoff must not be discharged to the (insert name of waterway) waterway at any time. All effluent must be treated on site in accordance with the relevant EPA requirements.

-----  
© The State of Victoria Department of Environment, Land, Water and Planning 2017

This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>

ISBN 978-1-76047-762-2 (pdf/online)

#### **Disclaimer**

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

#### **Accessibility**

If you would like to receive this publication in an alternative format, please telephone DELWP Customer Service Centre 136 186, email [customer.service@delwp.vic.gov.au](mailto:customer.service@delwp.vic.gov.au), via the National Relay Service on 133 677 [www.relayservice.com.au](http://www.relayservice.com.au) .

This document is also available in Portable Document Format at [www.delwp.vic.gov.au/planning](http://www.delwp.vic.gov.au/planning)

DOCUMENT ENDS