

## Frequently asked questions

### How do I provide feedback:

Please provide your feedback by Tuesday 14 November 2017 by email to:

[planning.systems@delwp.vic.gov.au](mailto:planning.systems@delwp.vic.gov.au)

If you are unable to submit your feedback by email, please contact the Planning Systems team on (03) 8392 5433 for assistance.

More information is available online at: [www.planning.vic.gov.au/animal-industries](http://www.planning.vic.gov.au/animal-industries)

### Who do these reforms apply to?

The reforms apply to any farmer who keeps or breeds poultry or mammals (not including rodents) for the production of eggs, meat, milk and other animal products.

### Will these reforms apply to my existing farm?

If you established your farming operation lawfully before the reforms come into effect, they will not apply to your existing operation. Your 'existing use rights' are protected by the law.

If, once the reforms are in effect, you decide to expand your operation, construct a building or carry out works, you may be required to obtain a planning permit and the new requirements will apply.

### Why is government changing planning requirements for animal industries?

The Victorian Government appointed the Animal Industries Advisory Committee (AIAC) to investigate how the planning system can be improved to better support animal industries, while balancing environmental and amenity concerns. The AIAC identified a broad range of issues, including recommendations related to land use definitions. In response, the Victorian Government made a commitment through *Planning for sustainable animal industries* to undertake 12 actions to address the issues identified by the AIAC.

The reforms set out in the consultation document deliver on the following *Planning for sustainable animal industries* actions:

- Action 3 - introduce clear land use definitions for animal industries into the Victoria Planning Provisions.
- 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.

More information about *Planning for sustainable industries* and the AIAC report is available at [agriculture.vic.gov.au/agriculture/planning-animal-industries](http://agriculture.vic.gov.au/agriculture/planning-animal-industries)

# Planning for sustainable animal industries

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

## Animal production

### **What types of animals are included in the proposed new land use term ‘animal production’?**

The land use term ‘animal production’ applies to the keeping and breeding of poultry and mammals (excluding rodents) that are kept or bred for eggs, meat, milk and other animal products.

The purpose of specifying poultry and mammals is to make it clear that the term does not apply to other farmed animals such as snails, insects and worms.

Female mammals nurse their young with milk. Examples of mammals include: cattle, pigs, sheep, rabbits, camels, buffalos and goats.

Examples of poultry include: chickens, ducks, quails, turkeys, squabs, emus, ostriches, guineafowls, pheasants and geese.

### **Are animals that are kept or bred for racing or recreation (for example, horses) included in the land use term ‘animal production’?**

No. Only poultry and mammals (other than rodents) kept or bred for eggs, meat, milk and other animal products are included (for example, chickens, beef cattle, dairy cattle, pigs, sheep, rabbits, camels, buffalos, goats).

## Grazing animal production

### **Why isn’t the definition for the proposed new land use term ‘grazing animal production’ based on how much external feed the animals receive?**

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 a range of factors such as stock type, and climatic and seasonal conditions.

However, the concentration and congregation of animals around feeding equipment can create environmental and amenity impacts if not properly managed. The proposed reforms will enable the potential risks of supplementary feeding in close proximity to waterways and dwellings to be regulated through a planning permit.

### **If more than 50 per cent of my animals’ diet comes from imported feed, do I need a planning permit?**

The proportion of feed you import for your animals or from grazing will no longer determine whether a planning permit is required provided your production system is based on animals obtaining food from directly grazing, browsing or foraging plants growing on the land on a daily basis.

In areas that are zoned primarily for agricultural production, you will not need a planning permit to use land for ‘grazing animal production’.

However, if you plan to locate equipment to be used to routinely supplementary feed your animals within 100 metres of your neighbour’s house, a residential zone or a waterway, you will need to

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obtain a planning permit first. This will enable the potential risks of congregating animals in close proximity to waterways and houses to be assessed and managed.

### **If I already have supplementary feeding equipment within the setback, do I now need to get a planning permit?**

No. The requirement does not apply to a building, works or equipment used for supplementary feeding located within the setback before the reforms come into effect.

### **What happens if a dwelling is built within 100 metres of my existing supplementary feeding equipment?**

You will not need to apply for a permit. The setback requirement does not apply to a building, works or equipment located within the setback from a dwelling before the dwelling existed.

### **What is the land use if someone operates a feedlot where the livestock have access to pasture (but never/rarely eat it)?**

Then the land use is 'intensive animal production'. To be classified 'grazing animal production' the imported food must supplement what the animals obtain from grazing, not replace it entirely. If the animals do not obtain food by directly grazing, browsing or foraging plants growing on the land on a daily basis, the land use is classified as 'intensive animal production' (except where the animals are 'seasonal feeding' or 'emergency feeding').

### **I import all of my animals' feed when it is too wet or too dry for my animals to graze on pasture. Do I need a planning permit?**

No. This scenario is defined as 'seasonal feeding'. The proposed definition of 'grazing animal production' will allow farmers to feed their animals imported food for up to six months when seasonal conditions, including drought, restrict or prevent the animals from grazing.

### **How will the potential environmental and amenity impacts from animal industries be regulated if they do not require a planning permit?**

The setbacks from waterways and dwellings will mitigate the potential effects to the surrounding environment and amenity.

Key aspects of animal industries continue to be regulated under the following Acts:

- Environmental:
  - *Catchment and Land Protection Act 1994*
  - *Environment Protection Act 1970*
- Amenity:
  - *Environment Protection Act 1970*
  - *Public Health and Wellbeing Act 2008*
- Rural economic development (including industry reputation):
  - *Dairy Act 2000*
  - *Meat Industry Act 1993*
- Animal welfare and biosecurity:
  - *Prevention of Cruelty to Animals Act 1986* (and associated Codes of Practice or National Standards relating to animal welfare)

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- *Livestock Management Act 2010*
- *Impounding of Livestock Act 1994*
- *Livestock Disease Control Act 1994*
- *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*

### **What can I do if my neighbour's farm has an unacceptable level of amenity impacts but they do not require a planning permit?**

If talking to your neighbour does not lead to a resolution, you can talk to your council about the nuisance provisions under the *Public Health and Wellbeing Act 2008*.

### **How will the environment be protected if a planning permit is not required?**

All landholders have an obligation to comply with State Environment Protection Policy, which is subordinate legislation under the *Environment Protection Act 1970*. The Environment Protection Authority (EPA) sets and enforces standards regulating permissible levels of emission, discharge and deposit to the environment. Causing pollution above these levels constitutes an offence. You can report incidents of pollution, environmental hazard or other activities potentially harmful to the environment to the EPA Victoria.

## Intensive animal production

### **Why are the land use terms 'Cattle feedlot' and 'Intensive dairy farm' required?**

The term 'Cattle feedlot' is required because specific planning requirements apply to cattle feedlots, including a Code of Practice.

The term 'Intensive dairy farm' has been added to make it clear that farms where dairy cattle receive a total mixed ration diet require a planning permit.

## Pig farm and Poultry farm

### **Will there be further planning regulation exemptions for low risk farms?**

The proposed reforms are the first step in simplifying planning requirements for low risk farms. Further opportunities to simplify and streamline planning regulation for low risk farms will be considered through the development of the new Code of Practice and industry-specific technical guidelines.

### **When will Action 8 (Code of Practice and industry-specific technical guidelines) be complete?**

The current timeframe for completion is 2019. Work on a Code of Practice and industry specific technical guidelines is well under way in consultation with industry, local government and community representatives.

### **How were the thresholds for pig farms determined?**

These thresholds 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 taken for the small-scale pig farms that will not require a planning permit by basing calculations on no rotation of pigs, cropping or pasture removal.

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## How were the thresholds for poultry farms determined?

The environmental and amenity risks of small farms less than 200 birds (or 10 emus/ostriches) is very low and can be mitigated through good management and setbacks from dwellings and waterways. For larger farms (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.