

16 December 2015

Scheduled Premises Regulations Review  
Policy and Regulation Unit, EPA Victoria  
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Dear Sir / Madam,

### **Intensive animal industries and the EPA Scheduled Premises Regulations**

As the State's population grows, the Victorian agricultural sector is under increasing pressure to remain competitive in a global market. Despite farming on only three per cent of Australia's available agricultural land, Victoria continues to produce 30 per cent of the nation's agricultural product.

Farmers need to innovate, expand or intensify to remain competitive and meet the needs of both international and domestic markets. Victoria's agricultural sector depends on the availability of farming zoned land and the presence of a fair regulatory system to compete in a global market.

There is increasing competition from non-agricultural uses for farming land, such as residential subdivision and tourism. Residential uses can be incompatible with agriculture when there is a lack of understanding from new residents of rural life and realities primary production.

The farming zone is the most commonly used planning zone in Victoria for agricultural land. It includes a purpose to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

Most activities in the farming zone do not require planning permission, as they are longstanding farms with existing use rights. However, intensive animal husbandry uses, such as new broiler farms and cattle feedlots, do require a planning permit and very rarely an EPA works approval.

There are a number of reviews underway by Government relating to intensive animal husbandry and the role of codes as well as planning laws.

In relation the EPA's review of the Scheduled Premises Regulations. The VFF submits that the encroachment of residential development into agricultural land does not justify an expansion of works approvals, licences or financial assurances for farming businesses. It is the role of the planning system to identify when planning approval is required and what the appropriate decision making criteria is.

Further regulation of agriculture through the EPA is not justified. However, the existing rules should be more transparent and implemented more consistently by the EPA (see the VFF's written submission to the EPA Inquiry submitted in October this year).

The VFF urges the EPA to consider how agricultural production can be facilitated rather than unnecessarily burdened by red tape.

The EPA has an important role in building awareness within the community, that objections to farm practices are invalid where farms are operating legally. Further, complaints should be sensitively approached to ensure that agricultural producers are not unfairly prosecuted or overregulated.

In November this year, the Minister for Planning commenced a review of the planning system in relation to intensive animal industries. A Ministerial Advisory Committee has been tasked with advising on how the planning system can support the *establishment and expansion of productive, competitive and market-responsive animal industries in Victoria, balancing environmental outcomes and community expectations*.

In relation to this review, the VFF has recommended the following changes to Victoria's planning system.

1. Clarify definitions for agricultural uses by delineating extensive and intensive uses to improve transparency of planning permit requirements in the farming zone:
  - a. Intensive Animal Husbandry should explicitly include Broiler, Cattle Feedlot, Pig and Egg operations.
  - b. Extensive Animal Husbandry should include Dairy, Cattle, Sheep and other livestock.
2. Publish industry guidelines in consultation with the agricultural sector:
  - a. Guidelines can be effective in educating both farmers and the community on environmental and nutrient management considerations for each sector in agriculture. For example, the Guidelines for Victorian Dairy Feedpads and Freestalls are commonly used in the Dairy sector.
3. Strengthen provisions in Farming Zone consistent with its purpose to ensure non-agricultural uses, such as dwellings, do not adversely impact use of land for agricultural production. Reintroduce the necessity for new uses and developments in the Farming Zone to be "in conjunction" with agriculture. This change would implement a Labor election policy to devise planning laws to protect agricultural land from inappropriate development.
4. Like industrial uses in industrial areas, agriculture should take precedence in the Farming Zone. Exemptions from notice and review should apply in the Farming Zone similar to the Industrial 1 Zone.
5. Establish a working group to finalise changes to planning scheme and industry guidelines.

Separate to considering improvements in planning regulation, VFF has also called on State Government to reinstate the Vendor Statement notice (Section 32 Statement of the Sale of Land Act) warning people that if they move into a farming area they may be exposed to noise, smell and dust normally produced by agricultural activities.

There needs to be an improved understanding by residents moving into agricultural production areas that they may experience some amenity impacts such as noise, dust and odour. This would assist in safeguarding agricultural enterprises from unreasonable nuisance complaints and vexatious objections.

To obtain further information please contact [REDACTED]  
[REDACTED] on [REDACTED] or [REDACTED]@vff.org.au.

**Yours sincerely**

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[REDACTED]

**Chair of VFF Land Management Committee**