PLANNING FOR INTENSIVE AGRICULTURE IN GIPPSLAND

REGIONAL DEVELOPMENT AUSTRALIA GIPPSLAND

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22-R-01

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GLOSSARY OF TERMS

Intensive agriculture - Generally, and for the purpose of this report, intensive agriculture includes intensive animal husbandry and protected cropping.

Intensive animal husbandry – Any concentrated, confined animal growing operation where more than 50% of the animals feed is imported from outside the enclosure.

Extensive animal husbandry – Any animal growing operation where the main source of feed is obtained by grazing irrigated or rain-fed pastures and fodder crops produced on the farm.

Protected cropping – production of horticultural crops, including fruit, vegetables, flowers and nursery plants within a structure to provide modified growing conditions.

Use of land - Use of land in the planning system refers to using land for a particular purpose (such as a dwelling or a shop) and may not involve building anything.

Development in the planning system includes the construction, alteration or demolition of a building or works and the subdivision or consolidation of land.

Dairy free stall barn – is a permanent structure, in which dairy cattle are housed for extended periods and provided with their daily dietary requirements and water. They may be open air, partially or fully enclosed. The term 'freestall' refers to the bedding area where cattle are provided cubicles (stalls), where they may lie down.

Broiler farm – is land used to keep large numbers of chickens that are housed permanently in sheds and reared for meat production.

INTRODUCTION

The development and operation of an intensive agriculture enterprise, particularly an intensive animal husbandry enterprise, is regulated by legislation and policy. This regulatory framework aims to ensure that the enterprise is sited, designed, constructed and managed to achieve optimum production while minimising impacts on the environment and neighbours. It includes regulation and policy that address:

- Animal welfare and biosecurity
- Environmental protection
- Land use planning
- Infrastructure – water, wastewater, transport

For those considering an intensive agriculture enterprise, navigating the regulatory framework can be challenging. In particular, the land use planning system and the requirement for a planning permit to be granted to undertake some intensive agriculture activities has been recognised as a potential barrier to new investment, hence the development of this information resource.

The Gippsland region offers exciting opportunities for both new and existing investors in intensive agriculture. This resource aims to:

- Assist industry to be better informed about Victoria's Planning System and what is required to be granted a planning permit when considering investment in intensive agriculture.
- Support local government, the authority with responsibility for administering the planning permit process, to assess proposals for intensive agriculture.
- Assist the community to understand the intensive agriculture industry and regulatory framework.

In addition, the resource includes some tips for identifying preferred sites for intensive agriculture that meet industry and operational requirements and are consistent with planning policies.

Ultimately, the goal is to facilitate and increase investment in intensive agriculture in Gippsland in an environmentally sustainable manner and acceptable to the Gippsland community. This resource is relevant to all intensive agriculture but has a particular focus on broiler farms, dairy feed stall barns and protected cropping, three industries with growth potential in Gippsland.

GIPPSLAND REGION

The Gippsland region, located in south-east Australia (Figure 1), is recognised as one of the most important food producing regions in Victoria and Australia. The region has an established and thriving agricultural sector producing fresh products and processed goods for domestic and international markets. The region's agricultural strengths include:

- Geographically well-positioned to access national and international markets
- Fertile soils, moderate climate, high rainfall and access to supplementary water resources provide a strong foundation for food production
- Gippsland is expected to be less severely affected by climate change than many other agricultural regions in Australia
- A network of well-connected regional cities and towns, a diverse workforce and access to excellent transport, communication, education, training and health services.

FIGURE 1. THE GIPPSLAND REGION

GIPPSLAND AT A GLANCE

- Total area of 4.3 million hectares - 30% zoned for agriculture.
- Food and fibre contributes $6 billion per year to the region's total gross production of $13 billion.
- Top five regional employers are the construction, agriculture, health care, retail and manufacturing sectors.
- Major industries and business includes:
  - Tourism industry valued at $850 million per annum
  - 42% of Victoria's fishing catch
  - 23% of Victoria's timber plantation estate
  - 97% of Victoria's gas supply and 85% of electrical power
  - 22% of Australian dairy production
- Current population of around 270,500 expected to grow to 386,000 by 2041.
- Traralgon, Leongatha, Wonthaggi, Bairnsdale, Sale and Warragul are major service centres supporting significant education, health and manufacturing sectors.
- A transport network of road, rail and air infrastructure providing excellent connections within the region and beyond.

AGRICULTURE IN GIPPSLAND

With 6,500 farm businesses, Gippsland is one of the most important food producing regions in Victoria and Australia[i]. In 2011, the farm gate value of food in Gippsland reached $1.6 billion with milk (50%), meat (29%) and vegetables (11%) being the most significant commodities (Figure 2).

The value of food production is growing at an average 3% per annum[ii] and in 2011 comprised 14% of Victoria's production (Figure 3). Agribusiness, including value adding and other services, contributes nearly half of the region's Gross Domestic Product (GDP) - $6 billion per year out of a total regional GDP of $13 billion

The agribusiness sector is a major employer in Gippsland. With 37% of businesses involved in agriculture and a further 15% involved in upstream processing operations, there are 16,000 people employed in the industry.

The region produces a diversity of agricultural commodities including milk, meat, vegetables, wool and seafood and in 2011, produced by value:

- 95% of Victoria's sweet corn, green peas and beans
- 44% of Victoria's potatoes
- 27% of Victoria's onions
- 27% of Victoria's milk
- 25% of Victoria's orchard fruit, broccoli and beef.

FIGURE 2: GIPPSLAND GVAP AS A PROPORTION OF VICTORIAN GVAP, 2011[iii]

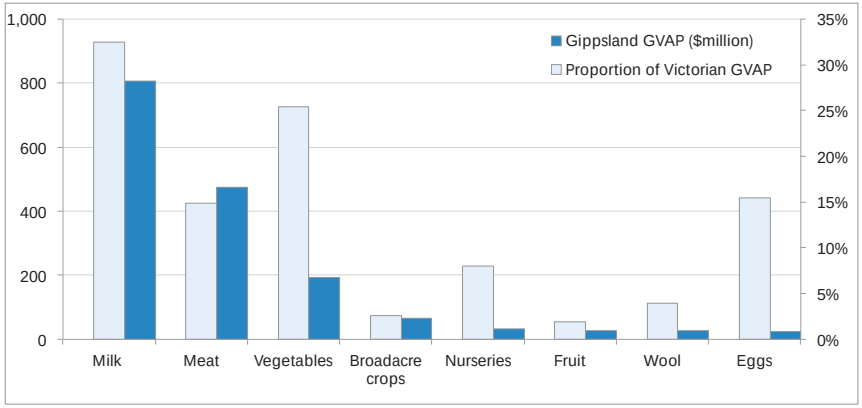


FIGURE 3: GIPPSLAND GVAP COMPARED TO OTHER VICTORIAN REGIONS, 2011

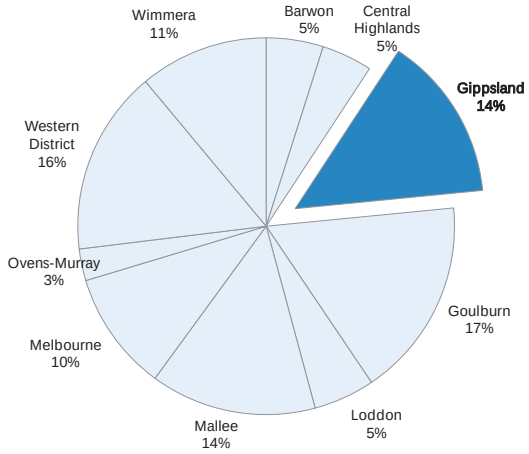


FIGURE 4: GIPPSLAND AGRICULTURE AND FOOD PROCESSING

GIPPSLAND'S COMPETITIVE ADVANTAGES

Agriculture in Gippsland is well established, particularly in the dairy, livestock, and horticultural industries. While most production in the region currently occurs as extensive agriculture, Gippsland is well positioned to support investment and growth in intensive agriculture to service the increasing global demand for high quality, sustainably produced food.

A stable climate with a reliable rainfall, a skilled and ready workforce, proximity to major towns and capital cities, processing facilities and transport infrastructure and services are some of the competitive advantages of the Gippsland region. Importantly, the region has a culture and commitment to welcoming and supporting agribusiness investment. The Victorian and Australian governments also support the growth of agriculture in Gippsland.

Investment in intensive agriculture will generate local employment, increase regional gross domestic product, provide high quality food to a growing domestic and international population and enable the more efficient use of natural resources (water, energy, land) to produce food.

Investment in intensive agriculture will reinforce the region's reputation as a national and international "food bowl" and attract further opportunities for locally based manufacturing, R&D, training and technological advancements.

COMPETITIVE ADVANTAGES

Strategic location - The region is strategically located on the fringe of metropolitan Melbourne with manufacturing industries in the city's south-east within 60 minutes of Warragul and 3 hours of Bairnsdale by road (Figure 5).

Water security - Gippsland is one of Victoria's most water-secure regions. The Macalister Irrigation District delivers irrigation water to over 1,000 customers with 33,5000 hectares of irrigated land. Modernisation of the delivery infrastructure will improve water use efficiency and water availability. Future climate scenarios indicate that Gippsland will be less impacted by climate change than most other Victorian regions.

Secure energy supply - 85% of the Victoria's electricity and 97% of the state's natural gas is produced in Gippsland.

Infrastructure to service the export market - The region is well connected to Melbourne, major airports (Tullamarine, Avalon) and the Port of Melbourne by a network of freeways, highways and major roads. The Princes Freeway (M1) is an important transport route for freight and commercial vehicles between Melbourne and Traralgon. A commuter rail and bus service also connects Melbourne to towns across the region.

Existing export trade, with potential to grow - Agribusiness in Gippsland generates $2 billion per annum in exports into Indonesia, Japan and other Asian countries, the USA, Europe and the Middle East. The major dairy processors in Gippsland already export to most international marketplaces and regional meat processing facilities have dedicated supply to overseas buyers of premium meats. Regional vegetable producers deliver fresh vegetables throughout Australia and air-freight to overseas customers.

A strong existing and skilled workforce - Agribusiness employs 13% of the Gippsland workforce or more than 16,000 people.

Local training is building strong agribusiness skills - The region offers vocational training and tertiary and higher education in agriculture, engineering and business management – skills that underpin successful agribusiness. Training and R&D is well established in the horticulture and dairy sectors in particular. The University of Melbourne, Monash University, Federation University and Technical and Further Education colleges all have campuses in the region.

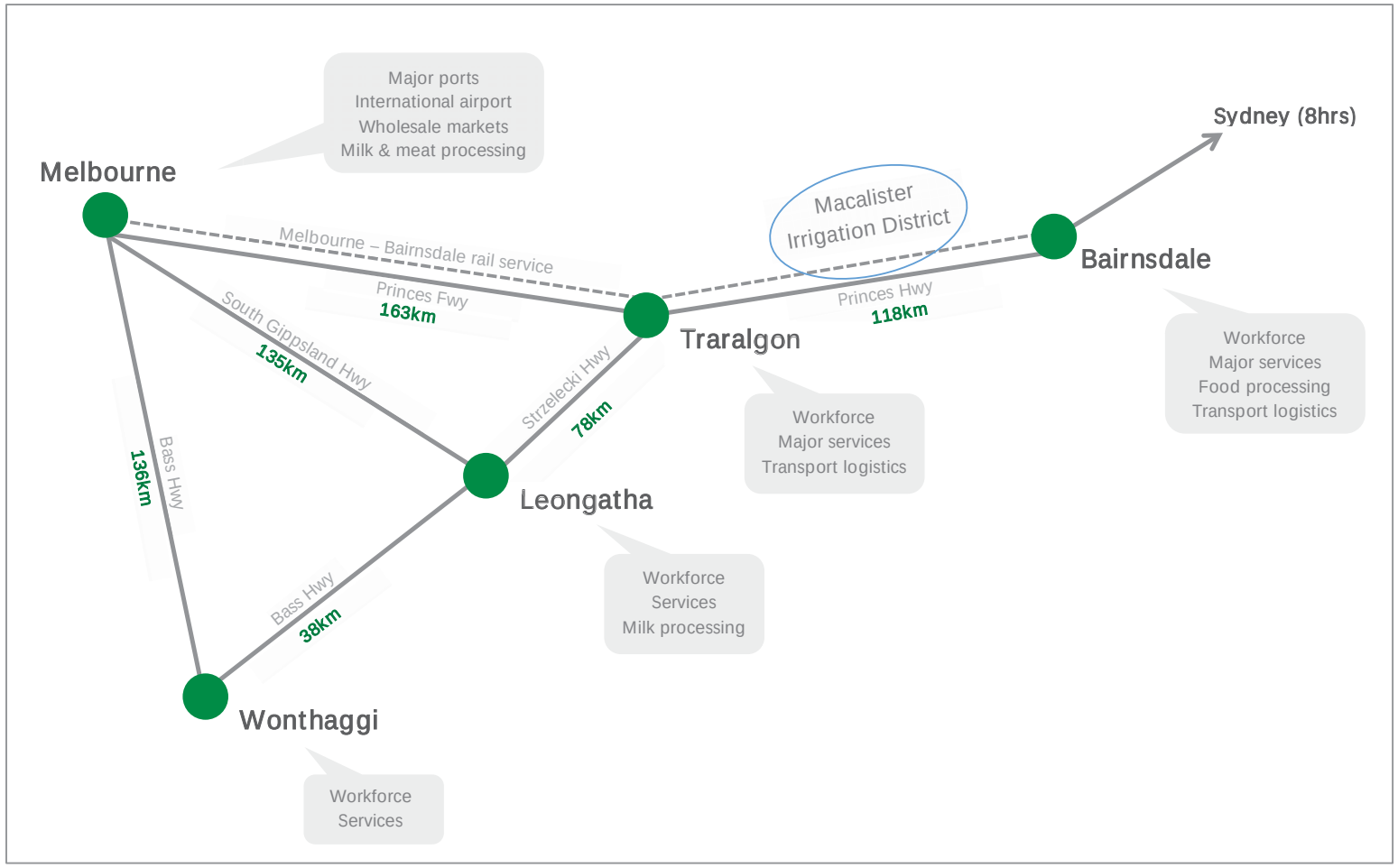
High-speed internet - exists across the majority of the region.

Availability of suitable land - Topography and space are important considerations in the development of intensive agriculture. Gippsland offers extensive areas of unencumbered agricultural land zoned for Farming Zone suitable for establishment of intensive agriculture.

Waste management - The Soil and Organic Recycling Facility (near Sale) treats and recycles liquid and solid prescribed waste from businesses. Wastes accepted as part of the composting process include: Animal derivatives (K100), Milk & food wastes (K200), biosolids, poultry manure and green wastes and other organics.

International reputation - Gippsland has a reputation for high quality, premium food that is healthy, safe and sustainable.

FIGURE 5: GIPPSLAND'S STRATEGIC LOCATION AND CONNECTIONS



DAIRY FREE STALL BARN - KYABRAM

FOURTH GENERATION FARMERS: COMMENCED OPERATION OF DAIRY FREE STALL IN 2012

INTRODUCTION

Andrew and Julie Newhan are fourth generation farmers, on their property just outside of Kyabram in Northern Victoria. Andrews's passion for a self-sustaining dairy system, which would maintain production, even in the heat of summer- lead to the investigation, and subsequent incorporation into his system of a fully covered feed pad.

Andrew and Julie currently milk 1,000 Holstein-Friesian cows, up from 680 when the free stall was completed in 2012. The farm comprises 120 hectares on the milking area, of which 50 ha is sown to annual's and 70 ha to perennials. There is also a 150 hectare out block used for young stock and dry cows. The Newhan's also lease 400 hectares for cropping with wheat, vetch and corn grown for silage production.

100 % of what is produced on the cropping land is fed back to the cows on the feed pad. This diet is supplemented by an extra 20% of outsourced material. When conditions are suitable on the paddocks - not too hot or too wet, forage pasture is used at night for feed.

DAIRY FREE STALL BARN

Initially the Newhans installed a concrete feed pad to combat effluent, feed wastage and 'mud' issues associated with feeding cows in a sacrifice paddock close to the dairy. This change in system however, was costly, didn't have the returns desired and created additional animal health issues. In 2011 it was decided that 'putting a lid on' and creating an undercover feed pad with the aim of reducing the need for cows to be exposed to summer heat, whilst being fed adequate measured feeds to maintain production and improve animal health.

The covered feed pad is 37m wide and 220m long and run's north–south so that in summer there is good shading on the bedding/loafing areas in the heat of the day, and conservation of water through reduced evaporation from covered troughs. The shed was designed to insure plenty of space for each cow in the loafing areas. This means that if the weather is unfavourable e.g. If it gets too hot or too wet for the cows to be out in the paddocks at night, they can spend extended hours in the feed pad, instead of returning to the pasture after milking.

PLANNING APPROVAL

The entire process from design to build took approximately two years. According to Andrew, the biggest problem was not knowing what to do first and how much the development would cost. They engaged the services of a dairy specialist who assisted them with for with ground works, designs, permits and effluent control. Their consultant also liaised with Council and referral authorities on their behalf and worked with Andrew & Julie to refine their design; this process took around 2 months. The plans were then with Council and referral authorities for around 6 weeks.

No objections to the planning permit were received. A neighbour was initially concerned about the development generating odour and flies, but the consultant engaged with the neighbour to allay their fears. There are around 14 neighbours in the vicinity and no one has complained since the free stall commenced operation.

The Newhans believe that the process was so successful due to the early engagement of the dairy specialist who understood what Council and referral authorities required, was able to "talk the talk" and provide detailed effluent management figures, which was necessary to meet the planning requirements. Having the detailed effluent management figures was critical to having productive discussions with Council and the referral authorities. The Newhans also engaged a financial consultant to help with budgeting.

REGIONAL ECONOMIC BENEFIT

Following completion of the free stall, the Newhans milk an additional 320 cows and now employ 14 staff.

OTHER BENEFITS

The system has also had other benefits:

- As there is the ability in the system for choosing how long the cows will stay in the feed pad in the heat, no drop off in production in summer was observed
- A reduction in waste of feed, reduced to almost 0%, has occurred, as the cows have the ability to easily access all the feed they require. This is saving an estimated 2T of feed a day for the farm
- This increase in feed utilization has resulted in an Increase of 2.5-3 litres of milk production per cow per day, with an average of a 320 day lactation per milker.
- With aeration of the loafing beds, and a lining of rice hulls is used, mastitis has reduced, halving vet bills.
- 100% of the effluent is being used for irrigation, increasing the farm's nutrient status
- If desired, more cows are able to be milked off the same inputs
- To the delight of the Newhans, cows are generally more relaxed and in an overall better state of health

INTENSIVE AGRICULTURE IN GIPPSLAND

Traditional extensive production systems still dominate the milk, beef and horticulture industries in Gippsland, however there is growing interest in intensive production. There have been significant improvements in the design, management and operation of intensive agricultural enterprises to achieve productivity improvements and meet food safety, animal health, animal welfare and environmental sustainability standards.

BROILERS

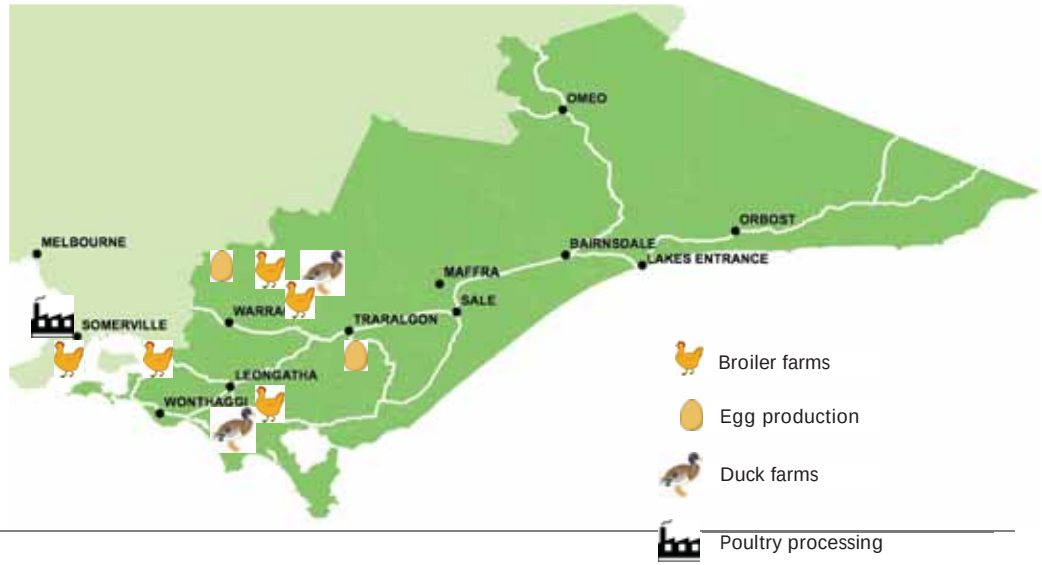
Broiler production in Gippsland is part of the Mornington Peninsula broiler cluster comprising around 100 farms generating more than $230 million in gross value and employing over 2,500 people on farm and across the value chain.

Broiler production is expanding in to Gippsland as urban growth through Melbourne's south-east corridor encroaches on established production areas. Ingham Enterprises, based in Somerville, is a fully integrated business involved in all stages of production and has existing contracts with producers to grow out chicks and is seeking to expand across Gippsland to meet future market demand. New broiler developments are currently underway taking advantage of Gippsland's reliable water and energy supply and excellent transport infrastructure with direct access to Somerville.

The Australian Bureau of Agriculture and Resource Economics and Sciences predicts that chicken meat will maintain its number one position as the most consumed meat in the country and that the chicken meat industry would increase its share of total meat production to 28 per cent by 2017[iv].

Growth in the Gippsland broiler industry presents employment opportunities on farm as well as in hatchery management, poultry processing, feed preparation, food processing, distribution, management, administration, quality control, research and development and veterinary services. Nationally, the number of people working within the industry is estimated to be approximately 40,000 with a further 100,000 jobs estimated to be directly dependent on the industry.

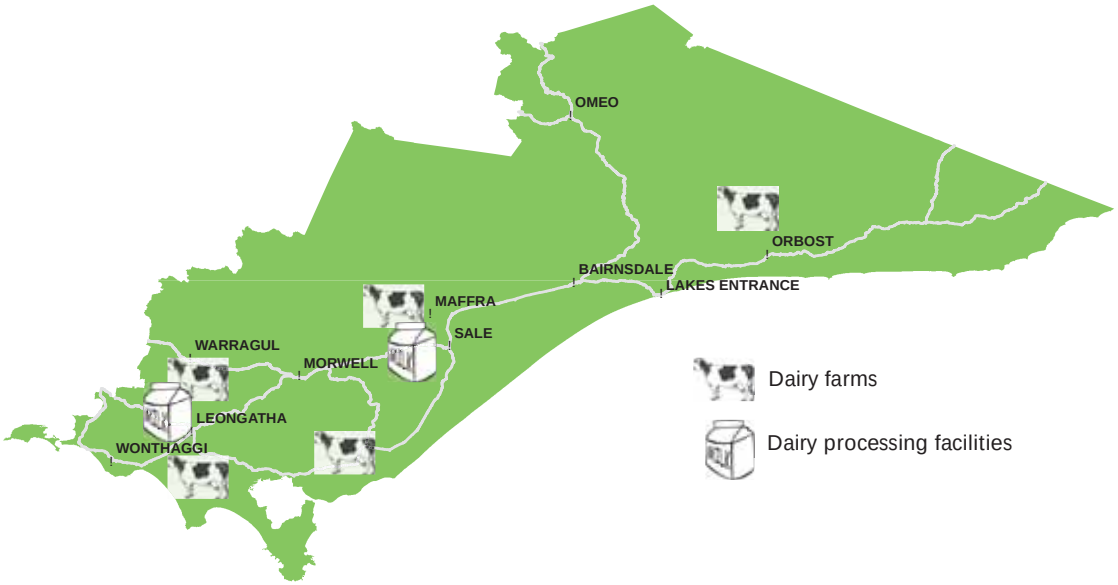
There are two stages in chicken meat processing. The first stage is primary processing, where the birds are slaughtered, plucked, cleaned, cooled and either filleted, cut into pieces or left 'whole'. The raw meat is then frozen or chilled, packaged and sent to distributors or on to the next stage - further processing. In this second stage, chicken meat is further processed by coating, crumbing, cooking or otherwise adding value. Currently, all processing of birds produced in Gippsland occurs outside the region. Expansion of broiler production in Gippsland has the potential to attract investment in processing into the region.



MILK

The Gippsland dairy industry contributes 22% of Australia's dairy production worth $1 billion annually and employs around 6,800 people on farm and in milk processing. There are over 15 factories in the region producing fresh milk, milk powder, butter, cheese and other products for domestic and export markets. Several speciality cheese businesses are also based in Gippsland producing a range of high quality cheeses, organic milk and other value added dairy products.

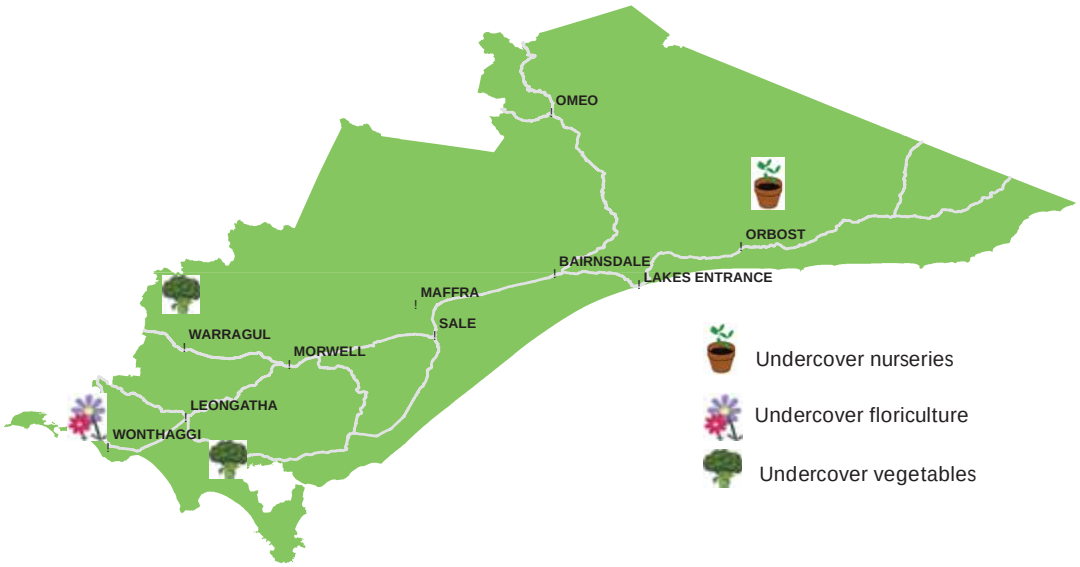
The Gippsland dairy industry is mature, well resourced, well organised and internationally competitive. The region's reliable climate and good quality soils underpin pasture-based production of high quality milk at low cost. There is capacity to increase production as well as diversify the product range.



PROTECTED CROPPING - HORTICULTURE

Gippsland has a thriving horticulture industry comprising crops and amenity horticulture (flowers and plants) and in 2011 had a farm gate value of $240 million with around 75% of this from vegetable production[v]. The industry is focused in west Gippsland, the Macalister Irrigation District and the Mitchell River flats outside Bairnsdale with high quality soils and a secure irrigation supply.

Based in Bairnsdale, OneHarvest and VegCo, along with some producers, are preparing and processing locally grown vegetables into a range of shelf-ready products. Protected horticulture is a relatively small component of the industry producing flowers, vegetables and plants for the nursery industry. Gippsland's electricity, gas and water infrastructure are widely available in the region while the transport and logistics industry provides timely access to the Melbourne and Sydney wholesale and retail markets as well as international freight terminals.



SITE SELECTION

Intensive agriculture enterprises must comply with a range of regulations that are designed to protect the environment, including the local amenity as well as the heath and welfare of intensively housed animals.

Appropriate siting is the most cost-effective way of minimising environmental performance and amenity issues such as odour, dust, noise, stormwater management, visual prominence and the protection of surface water and ground water.

The following checklist identifies some of the factors to be considered in selecting the right site.

FARM LOCATION

Amenity and environmental protection

- Avoid locations that are in close proximity of towns, rural residential estates and hobby farms to reduce the likelihood of off site impacts, objections to the application and having more conditions placed on the planning permit.
- Ask Council where future residential development is proposed to avoid encroachment issues in the longer term.
- Avoid locations within Declared Water Supply Catchments or land subject to flooding.

Planning policy

- The land should be zoned either Farming or Rural Activity Zone.
- Also avoid land that has been identified for future residential development or development of earth resources.

Surrounding land use

- Consider surrounding land uses and whether there is potential for cumulative impacts such as odour, dust, visual amenity, water quality, due to proximity to similar intensive agriculture enterprises farms.
- Areas worthy of consideration would generally have large scale farms, few rural houses and surrounded by vegetation

Broiler Farms

- Broiler farms grow out chickens under contract with a processor and the farm typically needs to be located within 2 - 2.5 hours of the processor.

SITE LAYOUT AND SIZE

Amenity and environmental protection

- Consider the location, topography, size and shape of the site relative to neighbours taking into consideration prevailing weather conditions, particularly wind direction and potential risk of conflict with neighbours due to odour and noise issues.
- Sites for buildings and infrastructure should avoid rare or threatened species or ecological communities, areas of cultural heritage significance, drainage to waterways and wetlands
- It is advantageous to purchase enough land to accommodate separation distances or buffers from sensitive uses within the property boundaries.
- The site for animal sheds, glasshouses and ancillary infrastructure will be relatively flat, cleared of native vegetation, setback from drainage lines and waterways and positioned in the landscape so that the topography provides natural screening or a vegetation screen is provided around exposed sites.
- Buildings and works are designed and constructed to minimise their visual impact.
- Close proximity to power and water connections will reduce infrastructure augmentation costs.

BROILER FARMS

A Class A broiler farm will generally require around 300 hectares to accommodate eight sheds housing a total of 400,000 birds. The sheds will take up around four hectares. Additional land is required to accommodate the required 1,000 metre separation between sheds and separation distances from neighbours.

A Class B broiler farm will be smaller as up to 50% of the separation distance from neighbours can be accommodated on neighbouring land in separate ownership.

DAIRY FREE STALL BARN

The feedpad complex, manure and compost stockpiles and/or reuse areas should be located at least:

- 800 metres from any potable water supply off-take controlled by a statutory authority
- 200 metres from any waterway supplying potable water.

The external boundary of the feedpad complex, manure and compost stockpiles should be at least 50 metres from the closest property boundary.

Effluent ponds should be located at least:

- 300 metres from a neighbouring house
- 200 metres from a farm bore or spear point
- 50 metres from the property boundary
- 60 metres from irrigation channels and drains
- 45 metres from the vat room (required by milk factory quality assurance programs)
- 1 metre above the highest seasonal water table (especially in relation to the base of effluent ponds, feedpad and manure storage areas).

INFRASTRUCTURE

Site access

- Road and bridge infrastructure that provides access to the farm should support B-double transport
- Direct connection to major transport routes
- Routes that avoid urban and residential areas.

Vehicle access points:

- Should provide for safe, all-weather entry and exit for the number and types of vehicles with consideration for local road and traffic conditions.
- Located to minimise noise and light impacts on neighbours

Internal roads and parking

- Designed and sited to minimise noise and light impacts on neighbours
- Designed and constructed to shed water to appropriate drainage

Power

- Three phase power is required.
- Natural gas is desirable for intensive animal husbandry but essential for protected cropping.

Water

- Reliable supply of suitable quality water.

SOCIAL LICENSE

There has been a continuous trend towards more intensive agriculture production systems to take advantage of cost efficiencies and new technology. Intensive production of eggs, broilers and pigs is well established, while intensive milk production in free stalls and protected cropping of fruit and vegetables are relatively new to Victoria.

Intensive production systems enable producers to stringently monitor and manage all aspects of the production process to achieve a high degree of quality control with efficient unit production costs and meet community expectations regarding animal welfare. Intensive production systems also have wider benefits: providing on farm employment and increased demand for local services and suppliers.

However intensive systems have the potential to adversely impact the environment and neighbours. The regulatory framework aims to ensure that the risk of adverse impacts is minimised while providing the producer with certainty to develop and operate the enterprise.

Adverse impacts of intensive agriculture can include:

Air quality – Intensive animal husbandry is an inherently odour-producing activity. Odour is produced from decomposing manure, feed and other organic matter and animal carcases. Dust originates from within animal sheds from the feed and litter, as well as from outside the shed from transporting litter into and out of sheds, stockpiles of used litter and from uncovered trucks and unsealed roads.

Noise - Noise can be generated by shed cooling and heating systems, truck and tractor movements and animals. Nearby residents can be more sensitive to noise during the evening and night where there is greater potential to interrupt sleep. This is particularly significant for broiler sheds as birds are generally transferred to and from a broiler farm at night.

Traffic - In addition to dust and noise, increased traffic movement, particularly large trucks, may increase the risk of accidents and damage to local rural roads.

Visual amenity - Agricultural buildings are an acceptable part of the rural landscape. Construction of large sheds and glasshouses may significantly alter the visual amenity of a rural landscape.

Environment - Runoff of nutrients from stockpiles, compost piles, manure or litter spreading are common sources of runoff that have the potential to enter and pollute surface and/or ground water.

Light spill - Lights from roads, parking areas and animal sheds can impact nearby residences.

The regulatory framework seeks to minimise adverse impacts on neighbours and environment. Often though, simply complying with regulation is not enough. New intensive agriculture development applications are often contested due to fears that adverse impacts will cause the surrounding amenity to decline.

Gaining approval or broad social acceptance, i.e. a **social license** to operate, occurs outside the formal permitting or regulatory processes. It requires investment by proponents to build and maintain trust-based relationships based on timely and effective communication, meaningful dialogue, and ethical and responsible behaviour. In return for this investment a proponent can:

- Gain credibility and legitimacy for its presence and activities.
- Build a reputation for acting responsibly and genuinely striving for good performance
- Reduce the risk of costly delays in regulatory approvals due to opposition;
- Protect the business reputation in the event of an unforseen event.

Actions that can help build social license include:

- Effectively communicating the proposed enterprise and activities, including providing timely and complete information.
- Undertaking community engagement in a respectful manner.
- Listening to what a local community is saying, addressing concerns and issues, and using community input to improve a development proposal.
- Undertaking developments in an environmentally, fiscally, and socially responsible manner, including but not necessarily limited to regulatory compliance.
- Seeking ways for local communities to benefit from the development.

WHEN IS A PLANNING PERMIT REQUIRED?

The *Planning and Environment Act (1987)* provides the legislative basis for the planning system in Victoria. The Act establishes the:

- Victoria Planning Provisions (VPP), the standard planning provisions that provides the format for all planning schemes in Victoria.
- Planning Schemes, the suite of policies that control land use and development within a local government area
- Planning permit system.

Development of an intensive agricultural enterprise in most cases will require a planning permit either to 'use' the land for an intensive agricultural activity and / or for construction of associated buildings and works such as earthworks.

A planning permit is a legal document that allows a certain use or development to proceed on a specified parcel of land. The planning permit system aims to manage the impacts of land use change and development, avoid land use conflicts and off-site impacts, protect environmental and heritage values and third party rights.

Navigating and interpreting planning schemes is complex. Early discussion with local Council planning and economic development staff is strongly recommended as is engaging the services of suitably qualified and experiences planning consultants.

WHEN IS A PLANNING PERMIT REQUIRED FOR INTENSIVE AGRICULTURE?

The requirement for a planning permit for intensive agriculture will depend on:

1. How the proposed land use is defined in the Victoria Planning Provisions.
2. The suite of planning policy and controls that apply to the land on which it is proposed to carry out the activity.

DEFINITION OF INTENSIVE AGRICULTURE

Broiler farms, piggeries and cattle feedlots are defined in the VPPs as intensive animal husbandry. A planning permit is required to use land for all broiler farms and piggeries. A planning permit is usually only required, subject to conditions, to use land for a cattle feedlot of more than 1,000 head capacity.

Whether a planning permit is required to use land for other intensive animal husbandry enterprises will depend on whether the enterprise falls within the planning scheme definition of intensive animal husbandry. All Planning Schemes define intensive animal husbandry as:

'Land used to keep or breed farm animals, including birds, by importing most food outside the enclosures'.

Various agricultural enterprises and whether they are generally considered intensive or extensive animal husbandry are presented in Table 1. A planning permit will be required in most cases for a dairy free stall barn. The classification of some animal husbandry enterprises such as free range poultry or pigs will depend on individual circumstances regarding number of animals, housing and feeding and would be assessed on a case-by-base basis by Council. A planning permit is not required to use land for protected cropping.

TABLE 1: EXAMPLES OF INTENSIVE AND EXTENSIVE ANIMAL HUSBANRY

PLANNING SCHEME TERM	EXAMPLE
Intensive animal husbandry	Egg production
	Piggery
	Dairy free stall barn
Extensive animal industry	Dairy – pasture based with some supplementary feeding
	Livestock grazing – pasture based with some supplementary feeding

ZONES AND OVERLAYS

Whether a permit is required to use the land for an intensive agricultural activity will also depend on the Planning Scheme and the zone and overlays that apply to a particular parcel of land.

The zone specifies particular purposes for land, such as business, industrial or residential. They indicate which uses can be undertaken on land, as well as controls relating to buildings and subdivision.

Intensive animal husbandry is prohibited in most non-rural zones and a planning permit is required in the Farming Zone and Rural Activity Zone.

A permit to use land for protected cropping is not required in the Farming Zone or Rural Activity Zone but a planning permit will be required to build a horticultural structure such as a glasshouse to house the activity.

Table 2 lists all zones in the VPP and whether a planning permit is required to use land for intensive agriculture or for the construction of horticultural structures.

Overlays generally relate to environmental considerations: inundation; landscape; cultural heritage; built form; and land and site management issues. Where more than one issue applies to land, multiple overlays can be used.

Overlays affect subdivisions and buildings and works. An overlay may trigger a planning permit even if the intensive agricultural use alone does not. They do not in all cases trigger a planning permit but may require the proponent to ensure that land hazards and impacts on environmental values are avoided. While there are around 15 overlays relevant to rural land, overlays that most commonly apply to rural land in Gippsland include:

- Environmental Significance
- Land Subject to Inundation
- Erosion Management
- Bushfire Management
- Significant Landscape

The Planning Schemes for all municipalities in Victorian can be found online at http://planning-schemes.delwp.vic.gov.au. The zone and overlay(s) that apply to a particular parcel of land can be found online at *http://services.land.vic.gov.au/maps/pmo.jsp.*

OTHER REGULATION

There are other legislation and policies that may impose further requirements on the development and operation of an intensive agricultural enterprise including:

- Aboriginal Heritage Act (2016)
- Occupational Health and Safety Act (2004)
- Catchment and Land Protection Act (1994)
- Water Act (1989)
- Flora and Fauna Guarantee Act (1988)
- Environment Protection and Biodiversity Act (1999)

TABLE 2: PERMIT TO USE LAND FOR INTENSIVE AGRICULTURE BY ZONE

ZONE	PERMIT FOR USE INTENSIVE ANIMAL HUSBANDRY	PROTECTED CROPPING	
		USE FOR PROTECTED CROPPING	CONSTRUCTION OF HORTICULTURAL STRUCTURES
Low Density Residential	Prohibited	Permit required	Permit required
Mixed Use	Permit required	Permit required	Permit required
Township	Prohibited	Permit required	Permit required
Residential growth	Prohibited	Permit required	Permit required
General residential	Prohibited	Permit required	Permit required
Neighbourhood Residential	Prohibited	Permit required	Permit required
Industrial 1	Prohibited	Permit not required	Permit not required
Industrial 2	Prohibited	Permit not required	Permit not required
Industrial 3	Prohibited	Permit not required	Permit not required
Commercial 1, 2	Prohibited	Permit required	Permit required
Rural Living	Prohibited	Permit required	Permit required
Green Wedge	Permit required*	Permit required	Permit required
Green Wedge A	Prohibited	Permit required	Permit required
Rural Conservation	Prohibited	Permit required	Permit required
Farming	Permit required*	Permit not required	Permit required
Rural Activity	Permit required*	Permit not required	Permit required

* Permit for a cattle feedlot may not be required if the capacity of the feedlot is less than 1,000 animals and certain conditions are met

PLANNING POLICY FRAMEWORK

Assessment of a planning permit application for an intensive agricultural enterprise will be made against the Council Planning Scheme. It is therefore important to know which elements of the Planning Scheme will be considered when preparing a planning permit application. Victorian Planning Schemes all have the same structure and comprise a State Planning Policy Framework and Local Planning Policy Framework.

STATE PLANNING POLICY FRAMEWORK

The State Planning Policy Framework (SPPF) is included in every planning scheme and Councils must give effect to the principles and policies in their decision-making.

The SPPF encourages sustainable agriculture and the support of effective agricultural production. In relation to intensive animal industries, it is policy to facilitate their establishment and expansion in a manner consistent with the protection of the environment.

LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework (LPPF) is prepared by the local Council and sets out directions for land use and development that reflects the local economy, environment and community. The LPPF comprises:

- A Municipal Strategic Statement (MSS) – found at Clause 21 of the Planning Scheme which presents a vision for the municipality and the objectives and strategies to achieve the vision.
- Local policies – found at Clause 22 of the Planning Scheme. A local policy is a policy statement for specific circumstances, such as intensive agriculture and provides guidance to decision-making on a day-to-day basis. Local policies must be taken into account when making decisions under the scheme.

The policies contained in the SPPF and LPPF are given effect through Zones, Overlays and particular provisions. A planning permit application will need to address the objectives and decision guidelines of the Zone and any Overlays that apply to the land.

All planning schemes also include Particular Provisions that need to be addressed as well as General Provisions and land use definitions. It is important to refer to all sections of the planning scheme when considering the requirements that might apply to a particular use or development.

There are six local government areas (LGA) in Gippsland: Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington (Figure 6). Each LGA prepares and administers its own planning scheme

FIGURE 6: LOCAL GOVERNMENT AREAS OF GIPPSLAND[vi]

FLAVORITE HYDROPONICS, WARRAGUL

COMMENCED OPERATION AT COPELANDS RD WARRAGUL IN 1994

INTRODUCTION

Flavorite is a family owned company that had its origins in the 1890s when the Millis and Nichol families joined forces in the wholesale markets in Melbourne. Flavorite is now Australia's largest hydroponic tomato grower with a substantial eastern Australia grower network and a nationwide marketing and distribution structure. Growers can sell directly to Flavorite and / or use their marketing services to distribute their produce through Flavorite outlets. The primary farm location is Warragul and the packing facility, sales and distribution centre is situated in Ravenhall, western Melbourne. Other key locations for production glasshouses are Trafalgar, Yarragon, Mansfield and Katunga.

This case study demonstrates how a successful and expanding protected cropping business is coexisting with encroaching residential development in a regional city now located on Melbourne's urban fringe.

BAW BAW SHIRE PLANNING SCHEME

The site is on land zoned Farming. Flavorite have been implementing their Council approved development plans over the past 20 years, constructing more glass houses as they expand their operation.

ATTRIBUTES OF THE SITE

The site at Warragul hosts a commercial nursery propagating young plants for sale to contract growers and for their own production. Competitive advantages for protected cropping in Warragul include the flat terrain, good access to markets and labour, and reliable and cost effective energy and water supply. Flavorite invested $2 million into a natural gas pipeline 15 years ago, which provides a lower cost and clean burning energy source.

FLAVOURITE BUSINESS IN BRIEF

The business in Warragul began with 0.3 hectares under cover and five employees. Flavorite is continually increasing its production and now has 27 hectares of glasshouses. The labour requirement for this operation is 380 Full Time Equivalent positions.

Flavorite, along with its network of growers, sells an average of 350 tonnes of high quality fresh tomatoes per week, or around 19,000 tonnes per annum. The latest glasshouse designs can produce 70 kg of tomatoes per square metre (m2) of protected glasshouse area; this is an increase from 40 kg/m2 since 1994. Flavorite has a strong and enduring trading partnership with Coles.

Flavorite crops are grown hydroponically which is a method of growing plants without soil, using mineral nutrient solutions in water or another medium. Flavorite are expert at growing crops under controlled conditions and have reaped the benefits of higher capital return on reduced input costs, coupled with increased revenue from higher yields. This is coupled with the environmental benefits from considerably less water use (about one fifth or 12 Litres/kg) compared with field grown tomatoes (60 L/kg).

DEVELOPMENT PRESSURES AND LAND USE CONFLICT

Local land use conflict is reported as relatively low comprising infrequent minor complaints from neighbours; mostly to do with noise or traffic. Copelands Rd is a gazetted B-double route to the Princes Freeway, which enables easy access for high productivity heavy vehicles.

New residential development is occurring in very close proximity to the site, and Copelands Rd is hosting increasing volumes of commuter traffic, including pedestrians and cyclists. Given it is a 100 km speed zone, there are growing road safety concerns. Flavorite also notes that while they have established a 150 metre buffer, screened by trees, between their glasshouses and the main road, new residential developments are occurring in very close proximity to the road with no comparable buffer.

Flavorite enjoys good cooperation from adjoining farming neighbours (mostly potato cropping and dairy farms). For example, they always receive notification from neighbours that allows them to manage the openings in glasshouses to avoid damage from spray drift.

OTHER PLANNING ISSUES FOR PROTECTED CROPPING

The protected cropping industry finds the National Construction Code (NCC) onerous to comply with given that greenhouse structures are isolated buildings with sometimes large numbers of employees, which makes the required fire management services expensive.

There has been recent industry sponsored research (HIA 2014) into new guidelines for a consistent building approval approach across Australia, in order to reduce the cost of compliance for construction of greenhouse structures and hence encourage investment

PLANNING PERMIT APPROVAL PROCESS

OVERVIEW

The local Council is the responsible authority for assessing and granting permits. The procedure formally begins when a completed planning permit application form is lodged with Council, accompanied by a description of the proposal and the prescribed fee.

With most intensive agriculture planning permit applications, particularly intensive animal husbandry, the views of other agencies (referral authorities) will be required before the Council can make a decision. Council will send a copy of the planning permit application to these agencies for their comment. The responsible authority also has a duty to notify adjoining owners and occupiers that a planning permit application has been lodged and invite inspection of the proposal. Notice of the planning permit application may also be advertised in local newspapers and on the site.

After receiving the planning permit application Council may request more information be provided before it makes a decision. This may include further information in response to submission and objections. Council may bring together the proponent and submitters to work through and address issues and concerns.

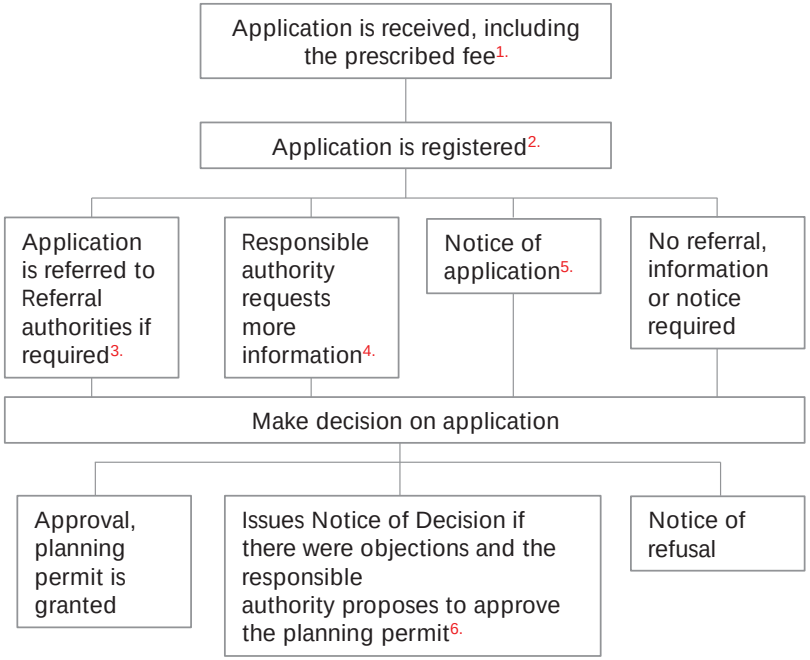
Once notice has been given and the relevant time has elapsed for submission of objections or comments by any referral authority, Council can decide the planning permit application.

Depending on its view and whether or not objections have been received, Council will approve a planning permit, a notice of decision to grant a planning permit or a notice of refusal to grant a planning permit. In all cases, the planning permit will be subject to conditions.

The procedure Council must follow in deciding whether or not to issue a planning permit is shown in Figure 7. Further detail on the steps, as numbered in the figure, is provided as follows:

1. Application is received.	Application must be made to Council on an Application for Planning Permit Form, along with the prescribed fee and information required by the planning scheme
2. Application is registered	Once registered, Council has 60 days to make a decision unless further information is required.
3. Application is sent to referral authorities	Within 28 days, a referral authority will consider the permit and advise Council if a) it does object; b) it does not object subject to conditions or c) it objects to the granting of the permit.
4. Responsible authority requests more information	Council can require the applicant to provide more information. The request must be made within 28 days of receiving the applications.
5. Notice of Applications	A Notice of Application is provided to adjoining owners and occupiers of land to which the application applies as well as public advertisement, that a planning permit has been lodged. They have 14 days to lodge a submission in support or in opposition to the proposal.
6. Notice of Decision	If objections have been received and Council approves the planning permit, a Notice of Decision to Grant a Permit is issued to the applicant, any referral authority and each objector.

FIGURE 7: PLANNING PERMIT APPROVAL PROCESS



REFERRAL AND NOTICE PROVISIONS

The Planning Scheme provides for Council to refer planning permit applications to various referral authorities. Section 66 of the Planning Scheme details the referral and notice provisions for referral authorities. Referral Authorities may be statutory referral authorities that the planning scheme requires Council to refer to, or non-statutory referral authorities that Council may wish to consult at their discretion.

A non-statutory referral provides the referral authority with an opportunity to view the application and supporting documents and provide a response to Council if they feel it is required. A response is not mandated. A referral authority must respond to a statutory referral.

Referral authorities may request further information if they consider information provided with the application is inadequate for them to assess the proposal. They may also request conditions be added to a planning permit, for example, to improve environmental management.

Authorities to which intensive agriculture, particularly intensive animal husbandry, applications are commonly referred include:

- Environment Protection Authority
- Department of Economic Development, Jobs, Transport and Resources
- Department of Environment, Land, Water and Planning
- East Gippsland and West Gippsland Catchment Management Authorities
- VicRoads

Table 3 list some of the agencies that may be consulted in the assessment of a planning permit for intensive agriculture.

BROILER FARMS

The Victorian Broiler Code (2009) applies different requirements and notification and review rights to different farm classes. Broiler farms are classified as Class A, Class B, Special Class or Farm Cluster – see box opposite for explanation.

A permit application for Class A Broiler farm planning is exempt from notification requirements meaning that the planning permit application does not have to be advertised and neighbours do not have to be notified.

A permit application for Class B Broiler farm planning will be advertised and neighbours notified.

The EPA and neighbouring landowners will be notified of a permit application for a Special Class Broiler Farm or a Broiler Farm Cluster, and the application will be advertised in local media.

Note that an application might be sent for comment to other departments (for example, engineering services) within Council. It might also be formally referred to external agencies such as VicRoads or a Catchment Management Authority if the proposal triggers other types of planning permit applications (e.g. native vegetation removal, building on a floodplain).

A broiler farm is classified as Class A if all of the following apply:

- The farm capacity is less than or equal to 400,000 birds
- The minimum separation distance requirement (as defined by the Code) is fully contained within the broiler farm boundary.

A broiler farm is classified as Class B if all of the following apply:

- The farm capacity is less than or equal to 400,000 birds
- The development can meet the minimum separation distance requirement (as defined by the Code) but this distance is not fully contained within the broiler farm boundary.

A broiler farm is classified Special Class if any of the following apply:

- the farm capacity is greater than 400,000 birds or
- the development is unable to meet the minimum separation distance requirement (as defined by the Code) but a reduction in separation distance is warranted through the adoption of odour reduction technology on farm.

A broiler farm is classified as a Farm Cluster (or part of a farm cluster) if all of the following apply:

- The minimum separation distance requirement (as defined by the Code) overlaps with the minimum separation distance requirement of any existing broiler farm, a broiler farm approved by a planning permit or a proposed broiler farm that is the subject of a permit application that has been lodged with the responsible authority
- The combined farm capacity of the broiler farms with overlapping minimum separation distances (as defined by the Code) is greater than 400,000 birds.

TABLE 3: REFERRAL AUTHORITIES

AGENCY	**STATUTORY REFERRAL OF PERMIT APPLICATIONS**	**NON STATUTORY OF PERMIT APPLICATIONS**
Environment Protection Authority	If the proposal has a planned capacity of greater than 5,000 animals	Council may request comment or guidance if the planned capacity is less than 5,000 animals
Department of Environment, Land, Water and Planning	If native vegetation is to be either lopped, removed or destroyed	
Department of Economic Development, Jobs, Transport and Resources		Council may request comment or guidance from an industry perspective
Catchment Management Authorities	If the proposed location is covered by a flood or land subject to inundation overlay	If there is potential to impact on a waterway or if construction may alter existing flooding characteristics or result in property runoff.
Rural Water Authorities	If the proposed location is in, or near, a Declared Special Water Supply Catchment Area.	If there is potential to impact on authority infrastructure or ground and surface water quality.
Vic Roads	If proposing to create or alter access to, or subdivide land adjacent to, a road declared as a freeway or an arterial road under the management of the *Road Management Act (2004)*	VicRoads will consider whether farm access is to be altered or allowed and will assess the impact on the broader network.

OBJECTIONS TO PLANNING PERMITS

Objections may be lodged with Council during the 14 day Notice of Application or advertising period. Objections cannot be ignored and Council must consider them when it makes its decision. Reasonable grounds for objection include:

- The proposal unduly impacts neighbours or the amenity of the neighbourhood.
- The proposal is not consistent with the planning scheme.

A proponent can meet with Council, once objections are received, to review the grounds for objection and identify ways of overcoming the concerns, such as modifying the plans or placing conditions on the Planning Permit. Council may also bring together the proponent and submitters to work through and address issues and concerns.

The Council can still approve the planning permit application even if objections have been received but it may include conditions on the Planning Permit or require the plans to be changed to address the grounds of objection.

If an objection has been lodged and Council decides to support the planning application, Council will issue a Notice of Decision to Grant a Permit, which lasts for a minimum period of 21 days. A copy of the Notice of Decision to Grant a Permit will be sent to all objectors and they have the opportunity to lodge an Application for Review (appeal) against the Council's decision at VCAT (Victorian Civil and Administrative Tribunal) within the 21 day notice period.

Should an objector lodge an Application for Review (appeal) at VCAT, the VCAT Appeal will be between the objector and Council as the Council has supported the planning application.

If Council decides to refuse the planning application based upon the objections received, the proponent has the opportunity to lodge an Application for Review (appeal) against the Council's decision at VCAT. Proponents can also seek review at VCAT of conditions placed on planning permits.

VCAT REVIEW OF COUNCIL DECISION

VCAT independently reviews referred decisions made by councils about planning permit applications. The State Government appoints VCAT members who are qualified legal practitioners, planners and other specialists.

VCAT conducts public hearings and considers submissions made by all the parties. VCAT makes its assessment of the proposal's planning merits and decides whether a permit should be granted, and what permit conditions are appropriate.

The following persons are able to lodge an appeal at VCAT in response to a Council decision on a planning application:

1. Applicants have 60 days to
   - Appeal against the Council's Refusal of the Planning Permit
   - Appeal against Conditions of Permit included on the Planning Permit
   - Appeal against the Council's failure to make a decision on the Planning Permit within the prescribed time
2. Objectors have 21 days of the Notice of Decision to Grant a Permit to appeal against Council's Decision to Grant the Planning Permit

In making its decision, VCAT has the power to:

- Affirm the original decision
- Vary the original decision
- Set aside the original decision and substitute its own decision.

The Tribunal's main focus is to consider the merits of the case before it and to make a decision – such as, whether a planning permit should be granted or not.

When reviewing a decision of a Council or similar body, the Tribunal considers:

- The legal framework within which the decision must be made – such as the Planning and Environment Act 1987, as well as other relevant legislation and legal principles
- Council's planning scheme, in particular:
  - What triggers the requirement for a planning permit under the scheme
  - The policies relevant to whether a permit should be granted, including both state and local policy
- All objections to the grant of a permit.

The fee for review of decision at VCAT will depend on the estimated cost of the proposal but ranges between $2,000 and $3,600. This does not include the costs of legal representation or expert witness, which can be substantial. The average waiting period for a VCAT hearing is four months.

There are extensive online resources to assist applicants and objectors in preparing for a VCAT hearing - https://www.vcat.vic.gov.au

PERMIT CONDITIONS

A permit is nearly always subject to specified conditions and once the permit is granted all permit conditions must be complied with. Most permits expire two years from the date of issue unless specified times are included as a condition of the permit.

If a permit condition is unacceptable, an applicant has 60 days from the date the permit was issued, or the Notice of Decision to Grant a Permit was given, to apply for a review.

CODES OF PRACTICE AND INDUSTRY GUIDELINES

Before granting a planning permit for intensive agriculture, a Council will need to decide whether the proposal will meet the outcomes of the State Planning Policy Framework and Local Planning Policy Framework. To do this it will require information about the proposal including:

- An application using the Application for Planning Permit form available from Council.
- Information required by the Planning Scheme.

It is essential to confirm with Council the information required to be submitted with the planning permit application. The following is a general guide to what is required.

A planning permit to use land for intensive animal husbandry must be accompanied by information to demonstrate that the proposal will not adversely impact the land on which it is undertaken or the surrounding environment. This is most commonly achieved by demonstrating that the proposal will comply with an industry Code of Practice or guideline.

CODES OF PRACTICE

BROILER FARMS, PIGGERIES AND CATTLE FEEDLOTS

The SPPF requires that a planning permit for a broiler farm, piggery or cattle feedlot only be granted where it complies with the relevant Code or Practice:

- Victorian Code for Broiler Farms (Department of Primary Industries, 2009),
- Victorian Code for Cattle Feedlots (Department of Agriculture, Energy and Minerals, 1995),
- Victorian Code of practice Piggeries (Department of Food and Agriculture, 1992).

These Codes address the use of land for intensive animal husbandry and the building and works associated with the development of these enterprises including:

- Location and size
- Design and construction
- Amenity issues such as odour, noise, dust and light spill
- Special requirements such as Odour Environmental Risk Assessment.
- Waste storage, treatment and use
- Traffic and parking
- Landscaping
- Operation and management.

The Codes provide the minimum requirements that must be met by proposals and the management strategies to ensure that there are no adverse affects to the environment. A proponent must demonstrate that they have complied with the relevant code to the satisfaction of Council.

INDUSTRY GUIDELINES

DAIRY FREE STALL BARNS

There is currently no Code of Practice for dairy farms, including dairy free stalls barns. However, the Guideline for Victorian Dairy Feedpads[vii] and Free stalls prepared by the Department of Primary Industry is a comprehensive guide to development and management of an intensive dairy enterprise being used by local government and referral authorities to assess planning permit applications for free stall barns. The Guidelines address:

- Planning and legislative requirements
- Amenity and environmental issues
- Farm design and operation
- Site preparation and earthworks
- Free stall design
- Effluent and manure management

OTHER INTENSIVE ANIMAL HUSBANDRY

At present, there are no codes incorporated into Planning Schemes for other types of intensive animal husbandry such as egg farms. However, guidelines have been developed to provide operators of intensive livestock facilities with guidance on environmental best practice in relation to siting, design, construction and management. They also provide guidance on separation distances to sensitive land uses and buffers. Although not incorporated into the Planning Scheme, demonstrating compliance with an industry guideline will be essential for Council and referral authorities to assess the application. Two guidelines are:

- National Environmental Guidelines for Piggeries, 2nd Edition (2010)
- Environmental Guidelines for the Australian Egg Industry (2008)

PROTECTED CROPPING

While a planning permit is not required to use the land for protected cropping in the Farming Zone and Rural Activity Zone, a planning permit is required to construct a glasshouse or greenhouse. Currently there is no best practice code for horticultural buildings.

Information that will be required in support of a planning permit for building and works includes:

- Site layout plans (draws to scale) showing:
  - Location and uses of existing buildings
  - Existing vegetation and waterways
  - Location and uses of buildings on adjoining land
- Site development plans (drawn to scale) showing:
  - Location of proposed buildings and works
  - Floor plans and elevations of proposed buildings
  - Levels of the land in relation to existing and proposed buildings and roads
  - Building materials and finishes
  - Proposed landscaping

OTHER CODES, WORKS APPROVALS AND REGULATIONS

In addition to but not administered through the planning system is an extensive regulatory framework that governs the establishment and management of intensive agriculture that addresses the following key themes:

- Animal welfare and biosecurity
- Environment and amenity
- Infrastructure.

A list of some of the codes, guidelines and regulations that make up the regulatory framework is included in Appendix 2 (to be included).

Assessment of a planning permit application does not require the proponent to demonstrate compliance with these regulations. However, demonstrating compliance with the regulatory framework or membership of industry accreditation schemes would be a consideration of a proponent's social licence, addressing issues raised by objectors and review of Council decision at VCAT.

EPA WORKS APPROVAL

Scheduled Premises have potential for significant environmental impact and are subject to an Environmental Protection Authority (EPA) works approval.

Broiler farms are not currently classified as Scheduled Premises if they do not compost litter and dead birds on site, and consequently do not require a works approval application. A broiler farm with more than approximately 110,000 birds (and producing 100 tonnes or more litter per month) would be considered a Scheduled Premises if the litter and birds are composted on site. Where a Works Approval is required due to the proposed tonnage of compost, an assessment of the emissions from the broiler sheds should be included as part of a cumulative assessment.

Other intensive animal husbandry (cattle feedlots, piggeries and the like) where more than 5,000 animals are confined for the purposes of agricultural production are considered Scheduled Premises and will require a works approval.

WORKS ON WATERWAYS

The CMA issues permits for works in, under, on or over the bed and banks of Designated Waterways. Works and/or activities requiring a permit may include: access crossings including bridges, culverts and fords; services/utility crossings; stormwater outlets and vegetation and debris removal.

TRADE WASTE AGREEMENTS

A water authority requires any business discharging waste to sewer to enter into a Trade Waste Agreement. The agreement outlines the conditions under which the authority will consent to the discharge of trade waste to their system.

TRANSPORT

Vis Roads will require that there is safe property access and egress from roads and that vehicle noise does not negatively impact the amenity of nearby communities. Upgrades to the road network may be required to respond to increased vehicle movements, particularly movement of heavy vehicles such as B-doubles.

STONY CREEK BROILER FARM

COMMENCED OPERATION DECEMBER 2015: STONY CREEK – DOLLAR RD, STONY CREEK VICTORIA

INTRODUCTION

Peter and Catherine Hanrahan embarked on this project in 2010 with the goal of increasing the intensity of agricultural production on their farm at Stony Creek. Peter's father started dairying in the district in 1955 and Peter began on the farm in 1990, milking 90 cows. The Hanrahans now milk 900 cows employing six staff to operate an 80 stand rotary dairy, producing eight million litres of milk per annum. They have four sons and want to provide rewarding opportunities for them on their farm. This led them to make plans to develop a broiler farm to complement their existing farm business.

ATTRIBUTES OF THE PROPERTY

The farm area is 183 hectares and there is an existing residential dwelling on the site with a large dairy complex. The surrounding land is dairying and broadacre grazing with some smaller rural lifestyle lots in the district, however these are located over one kilometre from the site. A minor drainage depression traverses the property, approximately 100 metres from the edge of the broiler sheds, which are positioned on flat terrain up to 400 metres from a designated waterway.

The farm is situated in close proximity to one of Ingham's primary poultry processing plants at Clyde (less than 100 km distance). It is well serviced with 3-phase power and telecommunications. The site has a direct connection with a major road transport route (South Gippsland Highway) and local roads that can accommodate increased B-double movements. Water supply is provided from a 50 ML catchment dam on the property.

BROILER FARM BUSINESSS IN BRIEF

The farm is RSPCA accredited and the Hanrahans have a 10-year contract to supply birds to Inghams. Four of the sheds are presently operational with a further four to be operational by the end of 2016.

Each shed has 2,800 m^2 floor space housing 49,500 birds. The sheds were designed and constructed by Ryan-Ryte based in Carrum Downs and include state-of-the art cooling and tunnel ventilation, and a gas fired heating system. The birds are provided with treated water. Waste is carefully managed during each batch cycle, then scraped and spread directly onto paddocks at the end of each cycle. Up to 200 tonnes of feed is transported into the site per batch, sourced from Ingham's feed mills in Clyde. There are five batches of birds grown out each year.

PLANNING APPROVAL

The site is on land zoned Farming. An application for use and development of a 400,000 bird broiler farm was lodged with Council in 2011 following pre-application meetings with Council and referral authorities. The application and companying documentation was for a permit to develop a farm comprising eight broiler sheds, ancillary dam, feed silos, water tanks, machinery shed, amenities shed, compost shed, LPG tanks and driveway.

Eight objections to the proposal were submitted with Council based on concerns about impacts of the proposal on biosecurity, noise, odour, amenity, tourism and traffic safety. Council issued a planning permit with 32 conditions. Fourteen of these were found to be so onerous as to make the enterprise unworkable. An appeal at VCAT, supported by legal counsel, expert witness and specialist reports, resulted in 14 of the conditions being deleted and others modified. It is estimated that the commissioning of specialist studies and the VCAT hearing processes added around two years to the time for the enterprise to be operational and $350,000 to the cost.

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REGIONAL ECONOMIC BENEFIT

When the development is completed:

- There will be an additional two full time and one part time employees.
- A 400,000 bird (per batch) operation produces up to two million birds per year generating an estimated turnover of $2million and a further $0.9 million in value added to the region.

LESSONS LEARNED

The Hanrahans said the following actions were important to the success of the project:

- Engaged a suitably qualified and experienced consultant to prepare the planning permit application (from the beginning)
- Became familiar with the requirements of the Victorian Broiler Code
- Contacted all adjoining neighbours and explained the proposal
- Consulted with and invited all Councillors to visit the site
- Arranged pre-application meeting with Council staff
- Sought advice from relevant state based agencies (RDV, EPA, DEPI)

With hindsight they said that they in addition to consultation with Councillors, fostering a closer working relationship with Council staff and including them in the site visits and a visit to a working broiler farm would have been valuable.

"We acknowledge that there was some uncertainty and negativity in the community towards the broiler farm at first, but we feel that the community is now on board and very supportive – I now get positive comments from local people when down the street in Meeniyan." Peter Hanrahan May 2016

TIPS FOR SUCCESS

In addition to complying with planning policy and relevant codes and regulations, there are a number of steps proponents can take to improve likelihood of success. This list has been compiled with input from local government, referral authorities, industry and producers.

IDENTIFYING A SUITABLE SITE

MEETING WITH COUNCIL

Before purchasing land or committing to developing a particular site, a meeting with Council is crucial. Council officers including economic development and planning officers can:

- Provide advice on Council's position with regard to intensive agriculture and whether they are seeking to promote the industry within the municipality.
- Determine whether the proposed agricultural activity is permitted, permitted with a planning permit or prohibited.
- Explain the planning permit process, what information will be required, the application steps, the role of referral authorities and public advertising requirements.
- Identify areas where intensive agriculture is more likely to be supported as well as areas to avoid.
- Provide useful contacts including referral authorities and other agencies.

Once a number of candidate sites have been identified, proponents are encouraged to meet with Council planning staff again to review the merits of each site, ensure that the proposed use is consistent with the planning policy and discuss potential issues.

MEET WITH INDUSTRY AND VALUE CHAIN REPRESENTATIVES

Industry representatives such as the Victorian Farmers Federation, Victorian Chicken Meat Council and GippsDairy can:

- Advise on technical experts to assist in the preparation of the planning permit application.
- Provide useful contacts, such as experienced growers and producers.

For new broiler shed developments, meeting with the contracting processor is critical as they have their own site suitability criteria.

MEET WITH REFERRAL AUTHORITIES AND UTILITIES

Before committing to a particular site, a meeting with the relevant referral authorities will determine what approvals will be required and whether it is possible to meet these requirements. Early meetings with authorities can identify and find solutions to potential 'showstoppers'. Utility and infrastructure service providers will be able to confirm whether services can be extended and/or upgraded, approximate costs and identify opportunities to leverage from system or infrastructure upgrades and augmentation.

ENGAGE TECHNICAL EXPERTISE

Proponents are strongly encouraged to engage planning and industry specialists to assist with identifying a suitable site, preparing documentation to support the planning permit application and, if required, provide expert witness at VCAT. Well-informed, reputable, experienced, locally respected professionals with ability to communicate effectively can also assist in building credibility with community and stakeholders.

AFTER PURCHASING THE LAND

PRE APPLICATION MEETING WITH COUNCIL AND REFERRAL AUTHORITIES

Having selected and purchased a site, another meeting should be held with Council officers and Referral Authorities to confirm the information to be submitted with the planning permit application relevant to the specific site.

JOINT COUNCIL AND REFERRAL AUTHORITY MEETING

Having prepared the supporting information for the planning permit application, a joint meeting of referral authorities and Council is strongly encouraged. Local government and state government agencies are increasingly working together to support new developments. Permit conditions can add substantially to the time and cost of a development. As each Referral Authority generally recommends conditions in isolation of each other and Council, it is not uncommon for duplication or even conflicting conditions to be placed on a planning permit. A joint meeting provides an opportunity for Council and Referral Authorities to review the plans, discuss concerns and identify alterations to the proposal that could reduce the need for some conditions and agree to an achievable and reasonable set of permit conditions.

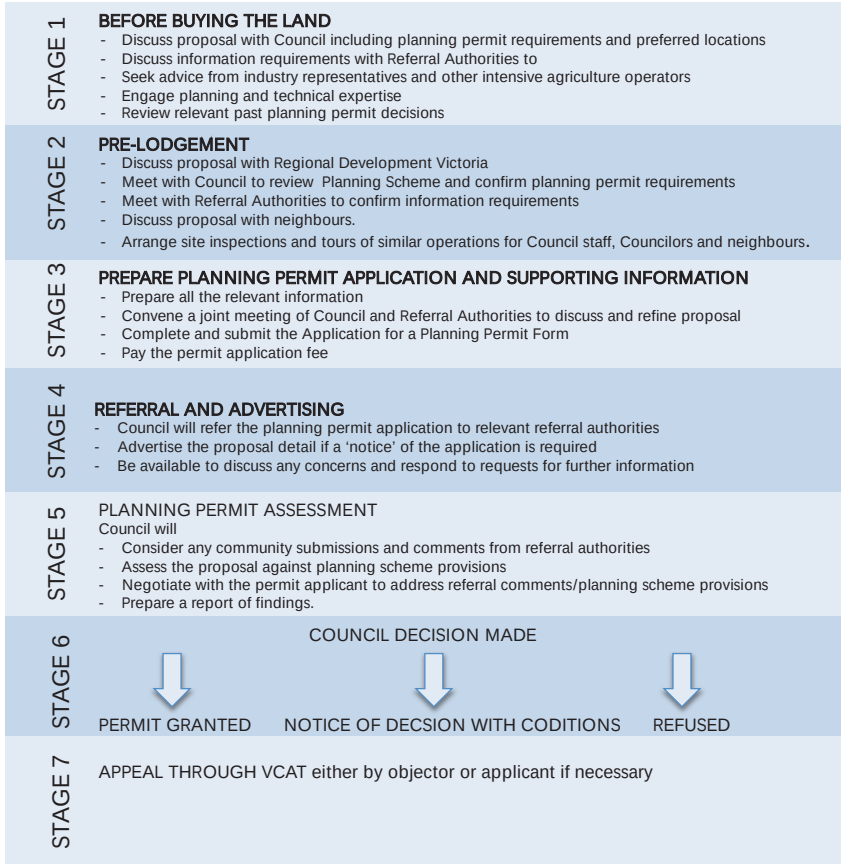
While not always possible, there is some merit in putting a number of options for consideration by neighbours and Council. It is a useful approach to demonstrate flexibility and a willingness to work with stakeholders to achieve an agreed outcome.

MEET WITH NEIGHBOURS

Local government and referral authorities make their decision according to the law and planning policy. The level of support from the local community and neighbours can influence whether a planning permit will be approved and how it will operate in the future. If there is strong community opposition to an intensive agriculture development, the permit may not be approved. Community opposition will usually lead to the imposition of additional conditions on a planning permit.

It is important to inform potential neighbours before committing to a proposal. Taking time to explain the proposal and listening to your neighbours have to say may save time if changes can be made to the plans to address their concerns.

The more information that is provided, the more likely neighbours will be accepting of the proposal. For instance, minor changes in siting and design of the development may prevent future problems and delays. Organizing a visit to a nearby similar enterprise that demonstrates high standards or taking people on a tour of the proponent's existing farm may reduce the concerns of neighbours or communities who are unfamiliar with how the proposed development would operate.



Appendix 1: Contacts

Bass Coast Shire	1300 226 278
Baw Baw Shire	03 5624 2411
East Gippsland Catchment Management Authority	(03) 5152 0600
East Gippsland Shire	03 5153 9500
East Gippsland Water	(03) 5150 4444
Environment Protection Authority	1300 372 842
Gippsland Water	1800 050 500
Latrobe City	1300 367 700
Regional Development Victoria Gippsland	(03) 5116 7300
South Gippsland Shire	(03) 5662 9200
South Gippsland Water	(03) 5682 0444
VicRoads	13 11 71
West Gippsland Catchment Management Authority	1300 094 262
Wellington Shire	1300 366 244

REFERENCES

[i] Regional Development Australia (RDA) (2015) *Invest in Gippsland*. Regional Development Australia, Canberra.

[ii] Agribusiness Gippsland (2014) Enquiry into the opportunities for increasing exports of goods and services from Regional Victoria

[iii] ABS (2011) Census data for the NRM regions of Victoria

[iv] Victorian Chicken Meat Council (2014) Chicken Meat Industry Strategic Plan 2025 for Victoria

[v] Regional Development Australia (RDA) (2015) *Invest in Gippsland*. Regional Development Australia, Canberra.

[vi] Map source: http://www.health.vic.gov.au/regions/gippsland/

[vii] Department of Primary Industry (2010) Guideline for Victorian Dairy Feedpads and FreeStalls