

**‘Planning for Sustainable Animal Industries’ public
consultation**

Submission of Sustain: The Australian Food Network

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EXECUTIVE SUMMARY:

The changes to planning controls proposed in these reforms have raised serious concerns across wide sectors of the sustainable livestock industry and beyond. Sustain exists to support the transition to a sustainable, resilient, healthy and fair food system, and this mission is broadly shared and supported across the Victorian community and indeed across Australia. At a time when the world's leading food systems expert have just released a report which concludes that large-scale, industrialised monocultures have total health impacts from paddock to plate costed at **nearly \$US13 trillion** - or fully one-sixth of the estimated global GDP for 2017 – the need to support truly sustainable and diversified agricultural production systems, and food systems more broadly, could not be more clear.¹ Regrettably, these proposals, which discriminate against such systems in favour of large-scale monocultures, take us in precisely the opposite direction. We urge the government to reconsider these reforms, and extend the consultation period in order to fully engage with the community and with leading food systems experts.

We have several concerns, which are summarised below:

1. The reforms will **produce more ambiguity**, not less, in terms of how farming systems will be regulated. The outcome will be an increase in the level of regulation without delivering any benefits for either the agribusiness sector or the broader community.
2. The reforms “**pick winners**” across agribusiness sub-sectors and strongly favour large scale, industrial farming systems **to the detriment of innovative and small-to-medium scale farming approaches**.
3. The reforms will **disproportionately impact green wedge and peri-urban areas** as these areas **favour smaller scale, niche and boutique enterprises** which will incur a high regulatory and planning burden disproportionate to the potential risks they pose.
4. The impact and potential loss of these farming enterprises will have flow on effects into other industries in Melbourne's North, including **potentially undermining the strong food manufacturing sector and the growing interest in the high quality, boutique food and produce from restaurants, specialist food manufacturers/exporters and discerning consumers and tourists**.
5. Similar impacts will be experienced in Melbourne's **West, South, South-East and East**, impacting the peri-urban areas of Werribee, Mornington Peninsula, Casey, Cardinia, Baw Baw, South Gippsland, Bass Coast and Yarra Ranges.

¹ See IPES-Food. 2017. Unravelling the Food–Health Nexus: Addressing practices, political economy, and power relations to build healthier food systems. The Global Alliance for the Future of Food and IPES-Food. Available at http://www.ipes-food.org/images/Reports/Health_FullReport.pdf.

These are all places of exceptional agricultural and horticultural production that are under severe development pressure as Melbourne continues to expand.

6. As regards **inner metropolitan regions**, while not being directly impacted in terms of existing livestock operations, the viability of the flourishing farmers market sector and the growing demand for 'paddock to plate' local and regional food provenance cafes and restaurants will be threatened if significant numbers of niche and artisanal producers go out of business. These flow on effects have not yet been quantified and Sustain urges more research to be conducted, as well as the application of the precautionary principle, before any changes are implemented.
7. The **prohibition of all new agricultural enterprises** regardless of scale or risk profile in the Urban Growth Zone is **unworkable** and will result in derelict open country on the urban fringe with vermin, weed and fuel load issues, creating enhanced fire dangers.
8. The **prohibition of food and fibre production for home use** in residential zones is surprising, unjustified and is likely to be met with dismay from the broader community, over half of whom are engaged in some form of urban agriculture at home according to survey research.
9. **The reforms appear to have lost sight of the original objectives of the planning protections** in terms of environment and amenity, and have little chance of supporting a truly sustainable animal production industry to Victoria. In fact, the regulation may be directly detrimental to the sustainability of animal production in this state.
10. The proposed reforms treat different production systems and livestock species inequitably. Rather than trying to capture and regulate all aspects of animal production within the Planning Scheme, It should be acknowledged that some of these risks and impacts can be managed through other protection mechanisms and legislation, such as the Environment Protection Act, the Public Health and Wellbeing Act, the Catchment and Land Protection Act and Animal Welfare legislation, where they can be assessed by State department professionals in with expertise in appropriate fields rather than increasing the burden on Council Planners with possibly little to no agricultural knowledge.

These concerns are outlined in more detail below.

Increased ambiguity and regulation

The outcome of the reforms will be an increase in the level of regulation applicable to a larger range of animal production systems without delivering any benefits for the agribusiness sector, such as encouraging innovative farming practices; responding to the challenges of emerging markets; increasing the sustainable, environmentally responsible productivity of the landscape or reinforcing the purpose of the rural zones to produce food and fibre. As such, the measures are contrary to the State Government's commitment to Smart Planning and the reduction of "red tape" for small business.

The regulatory burden created for SMEs will also stifle economic development in peri-urban, rural and regional areas, jeopardising the long term economic viability of agriculture and agribusiness which is already under significant pressure with climate adaptation, commodity prices, development pressure of urban sprawl and an aging farming community. Given the burden of evidence required to navigate the proposed permit process, farming businesses will be pushed towards engaging expensive consultants to produce the required documentation – again, creating a barrier to entry for SMEs and new young farmers into the sector.

It should also be noted that the burden placed on Local Government to administer the changes will be considerable, increasing the numbers of permits to be assessed through the Planning departments by professionals that do not have agricultural expertise or knowledge. The appropriate place for these assessments is by the agricultural professionals within State Government that administer compliance with the Environmental Protection Act, the Public Health and Wellbeing Act, the Catchment and Land Protection Act and the suite of Animal Welfare legislation. Placing this in the realms of local government planning could be viewed as cost shifting to LGAs which is additionally difficult to manage given the current rate capped environment.

Lack of equity and consistency

One of the more detrimental aspects of the reforms has been the attempt to "pick winners" amongst agribusiness sub-sectors. An example is the specific and inconsistent exemption for the production of horses and pigeons. These forms of production will avoid the effects of the new land use definitions because the animals are raised for recreation rather than food or fibre. This makes no sense, given that the siting and management of these animals has a potential for offsite impacts that is equal to that of the production systems captured by the reforms. This is a clear example of the reforms losing sight of the desired outcomes of the provisions. What is the planning scheme actually trying to achieve in regulating these industries? Reduced environmental degradation? Maintaining ground cover and reducing soil loss through erosion? Community amenity impacts? Contaminated run off into waterways? Off site impacts? The lack of consistency through these proposed planning reforms makes their ultimate goals unclear.

Another example is that the reforms maintain the status quo for industrial food producers, whilst seeking to impose an equivalent standard of requirements for permit applicants whose production systems are significantly lower on the spectrum of risk, such as small to medium scale agroecological, free range and/or pasture

based operations. As such, the reforms clearly fail to achieve one of their stated objectives - a “graduated approach to planning controls based on risk”. Instead, the reforms offer a pseudo ‘home occupation’ approach for non-commercial scale production and cover other enterprises in a ‘catch-all’ approach, whether a 1500 bird poultry operation or 500,000 bird mega-factory farm, for example in the case of poultry production systems.

The justified concern and perception amongst many is that the reforms effectively contemplate only one scale of livestock production in the future: massive scale. The recommendation of the Animal Industries Advisory Committee 2016 report that ‘the planning system needs to manage the lower risk [smaller scale] operations in a manner commensurate with the risk’ appears to have been jettisoned in the proposed regulations. The comment below was made by a pastured free range pig and cattle producer, replying to a survey conducted by MFM:

It seems a major oversight in grouping pig farms like ours basically the same as intensive pig farms. Pastured Pigs needs to be included in the grazing section, like cattle or sheep, which according to their proposed regulation we would not need a permit. There also appears to be absolutely no growth models or formula for a pasture raise, slow growth, heritage pig production. All their data points towards intensive pig farming & fast growth requirements, including waste disposal, when in fact our waste is part of our regenerative farming practices. – Pastured pig and cattle farmer, Central Victoria

In their recent report (October 2017), *Unraveling the Food-Health Nexus*, the International Panel of Experts on Sustainable Food Systems, on conducting a comprehensive review of peer-reviewed and government literature and data, estimated that the total health impacts of the industrialised monoculture agriculture and food system - of which factory farming is a paradigmatic example - generates an astonishing \$US13 trillion in health costs per annum. The costs of anti-microbial resistant infections alone - which can be traced to this mode of production - are in the region of \$US30 bn. To design a planning framework around the assumption that this is the only conceivable livestock production system for our future is, we believe, short-sighted and contrary to the public interest.

Impacts for peri-urban areas and beyond

Overall, the potential impact of the reforms on peri-urban areas will be greater than for rural and regional areas. On smaller peri-urban lots, planning permits will be triggered more often than is currently the case. These lots are capable of being commercially viable and sustainable food production close to the community that consumes their produce, but are located within closer settlement patterns than that experienced in the broadacre farming regions.

Sustain is strongly supportive of developing the agricultural productive capacity of the peri-urban fringe. Increasing the productivity and profitability of farming in the peri-urban space through innovative land use such as multifunctional agriculture, agritourism, agroecological farming systems and paddock to plate approaches has clear economic, social and environmental benefits. By fostering innovation and entrepreneurship in agriculture, we can increase food security, shorten supply chains and reduce ‘food miles’, generate local employment, encourage and create

opportunities for the younger generation in the sector as well as protect land resources and biodiversity.

The reforms also appear to be at odds with State Government support for green wedge and peri-urban areas, as expressed in *Plan Melbourne 2017-2050* (Direction 4.5). They risk undermining the suitability and viability of green wedge areas and peri-urban land for agricultural purposes. It also ignores much of the innovative work that is being done in this space, including the FoodPrint Melbourne research and the land capability research completed through CeRRF Deakin. These studies show that the peri-urban space is highly productive with capacity for further growth in food production, and is crucial to the food security of Melbourne both now and in a climate constrained future. Agriculture in these areas needs to be supported with appropriate policy and planning frameworks if it to play this pivotal role in the long term resilience, liveability and viability of our city and state. Much great work has been done by the incumbent government, including the support of farmers markets and paddock to plate programs. It would be disappointing if these planning reforms inadvertently damaged the businesses they were actually seeking to support.

For example, the City of Whittlesea has made ongoing support for the agribusiness sector a high priority through the Agribusiness program. Actions as a part of this program include increasing the Farm Rate differential to 40%, the development of Land Capability Mapping (in partnership with Deakin University), significant inclusion of agriculture in the recently approved *Economic Development Strategy* and in its *Green Wedge Management Plan*. The proposed reforms are in direct contrast to the City of Whittlesea's stated intent to provide greater support for current and emerging agribusiness sectors, including through the evaluation and revision of planning controls. The reforms in their current form are detrimental both to the broader community and to the economic and productive potential of our rural and green wedge zones.

Of particular concern is the prohibition of all forms of agriculture in the Urban Growth Zone. Although existing use rights will protect some uses, there are still distinct risks for this zone becoming far less viable with any new proposals being prohibited with no space of discretion from Councils. There is the risk that these areas will become derelict and harbours for weeds, vermin and uncontrolled fuel loads impacting adjacent farming enterprises and residential developments alike.

As regards inner metropolitan areas, while not directly impacted in the sense that there are no existing livestock operations, to the extent that the viability of small-to-medium scale producers providing high-quality produce for niche markets, such as farmers markets and paddock-to-plate local food restaurants and cafes, the unintended flow-on impacts of these proposed reforms could be very significant. A study conducted for Melbourne Farmers Markets (MFM) analysing the economic benefits of the eight accredited farmers markets operated in Melbourne by MFM revealed the following:

- Over 6000 stalls operated in 2016 at the 173 markets conducted throughout the year
- Over 150,000 patrons attended MFM markets
- Over \$5 mn spent at MFM markets

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- Over 300 employment opportunities created by the operation of these markets
 - Over \$110,000 raised for partnering Primary Schools and other not-for-profit organisations – Collingwood Children’s Farm, Abbotsford Convent and Gasworks Arts Park

With the exception of Melbourne University and Coburg, all these markets are operated monthly – thereby highlighting the considerable potential for expansion of this sector. If the remaining markets were held weekly rather than monthly, and if the numbers of markets were increased by 50%, this sector would grow from \$5 mn per annum to close to \$20 mn, with a concomitant rise in employment and business creation opportunities. However, all of this – and the considerable multiplier impact that always accompanies farmers markets - would be put at risk in the event that significant numbers of small-to-medium scale pastured, free-range and ethical livestock producers were put out of business through an unjustified increase of regulatory burdens. Sustain urges further research be undertaken to quantify the likely flow-on impacts of the proposed changes on the domestic and visitor economies of inner metropolitan regions. We also urge the application of the precautionary principle.

Changes to home-based animal production

Despite the proposed reforms being intended for “farmers,” they will have the effect of prohibiting food and fibre production for home use in residential zones. This measure is entirely outside the Terms of Reference of the Animal Industries Advisory Committee, was not reflected in public submissions received during the Advisory Committee process, and was not flagged in the Victorian Government Response of October 2016. This aspect of the reforms has not been subject to the same level of consultation and consideration as the measures examined by the Animal Industries Advisory Committee. Rather, they have appeared from “left field” and are likely to be met with dismay from the broader community. Although possibly protected by the purpose being ‘ancillary’ to the primary use – residential – this is to some extent at the discretion of the planner and clear thresholds and protections are not in place to avoid this unintended impact.

Timeliness and coordination of review process and consultation

This process commenced with the appointment of the Animal Industries Advisory Committee (AIAC) in September 2015 in response to repeated issues with animal industries appearing in VCAT and lack of clarity in regulations creating angst in the community. The report from this committee was released in April 2016.

The government response to this committee’s report was released without open public consultation in October 2016, only supporting half the AIAC recommendations in spite of the substantial public consultation and hearing process that committee had undertaken. This government response paper outlines very clear timeframes around the delivery of 12 actions, with seven to be delivered in the first 6 months and an additional three to be delivered within 6-12 months. We are now more than a year on with only a piecemeal response to three actions offered to the community for

consideration with only a two month response time and little promotion. The documentation has been prepared by planners, for planners and is convoluted and confusing for lay people, particularly if considered within the nest of broader documentation and process that they are required to understand to capture the premise. Yet this consultation is apparently calling for submissions from the farming community – with short timeframes, little promotion, unfriendly documentation and in spring - one of the busiest times of year for much of the farming community.

The ambition to have these reforms incorporated into the Scheme before Christmas is indicative of a lack of understanding of the impacts of the reforms and their potential for damage to agriculture and the growing local food economy in Victoria, which enjoys wide public support. The fact that the reforms are potentially to be implemented without any of the supporting work being completed – such as the streamlined application process or the revised Code of Practice – will increase the negative impact these reforms will have on economic development and agriculture in Victoria.

This is far from a comprehensive or considered response from a regulatory impact and industry development perspective.

Recommendations

The following changes are recommended to address the abovementioned concerns:

A graduated approach to planning controls based on risk (Action 4)

- Adopt the Animal Industries Advisory Committee approach that confined the scope of the reforms to commercial food and fibre production (and avoid capturing home production systems).
- Revise the proposed Section 1, 2 and 3 uses to ensure that commercial production opportunities are assessed in accordance with performance objectives and their associated risk, rather than being ruled out because they default to the land use definition “intensive animal production.”
- Revise the Urban Growth Zone prohibition of all agricultural practice.
- Consider removing the permit exemption for categories of Pig and Poultry Farms that do not represent viable, commercial production systems. Broaden the range of farming systems that require no permit or qualify for the streamlined application process to include those that are low risk (and include animals other than pigs and poultry).
- Base permit trigger points on livestock stocking densities, or nutrient management loads, rather than numbers of livestock. In a pastured poultry or pig system the density of animals across the whole farm is what influences its risk level and amenity as they (and their feed, water and shelter) are regularly moved across the whole property.
- Consider the inclusion of pigs and poultry into the ‘Grazing Animal Production’ definition if the systems are low impact, pasture based, rotational and have stocking densities and nutrient loadings below suitable thresholds, rather than the arbitrary numbers of stock that have been specified regardless of land size used for the production system.
- Revise the Supplementary Feeding requirements to ensure that they do not have the effect of discouraging sustainable land management practices. The performance objective should relate to maintenance of groundcover and amenity impacts within setbacks rather than the use of feeding infrastructure.
- Complete a Regulatory Impact Statement of the proposed reforms before any reforms are finalized. This should include scope to research the economic impact of pasture based, small scale producers to regional and rural economies and the potential outcomes on both these economies and metropolitan economies if these producers are forced out of business due to unworkable planning changes.

Better applications (Action 12)

It is recommended that the list of “application requirements” be used as a guide rather than a “requirement”. The draft list of “information to support permit applications” is pitched at high risk applications rather than the broad range of applications that will be triggered by these reforms, particularly relatively low-scale commercial production on small rural lots. Applications should be within the scope of the general farming community to complete. Expensive, professionally prepared modelling and reports should not be a default requirement for all applications that relate to animal production.

Ensure the appropriate resourcing of the supporting officers in the department to keep any reference documents to the planning scheme, such as the Codes of Practice, up to date, industry relevant and accommodating of innovation within the farming sector. Consider the funding of local government officers within municipal economic development departments to offer specific agribusiness support for the farming community, such as the City of Whittlesea Agribusiness Program.

It should be kept in mind that planners are not agricultural professionals. Agriculture is an entrepreneurial, innovative and dynamic space. Is the Planning Scheme the right place to regulate this dynamic industry? Are non-agricultural professionals the right people to review and apply discretion to production systems they have no knowledge or understanding of?

A permanent advisory panel as a referral body should be considered to assess complex applications as a support mechanism to the municipal planning system.

About Sustain: The Australian Food Network

Sustain works for the transition to a food system that supports flourishing communities, individuals and ecosystems. Sustain was formed in 2015, incorporated as a NFP company limited by guarantee in 2016, and is a deductible gift recipient charity registered with the Australian Charities and Not for Profits Commission.

Mission

Sustain’s mission is to catalyse meaningful and powerful connections to enable the emergence of a flourishing and healthy food system. We realise this mission through food systems events, research, network-building and consultancy services for the development of healthy, economically viable and sustainable food systems.

Expertise

Sustain concentrates its work on the following areas of expertise:

- Community engagement and capacity building– create networks and connect food system actors through dynamic events, resources, tools, forums and workshops
- Leadership – shape the food system conversation and knowledge base
- Research, consultancy and education – undertake and communicate food systems research and consultancy across Australia



APPENDIX 1: RESPONSE TO ACTION 3: CLEAR LAND USE DEFINITIONS

What do you think about the proposed land use definitions?

The removal of the proportion of supplementary feeding from the definition for intensive animal production has the effect of simplifying it. However, the introduction of the “Animal Production” definition and its application across the zones will broaden the range of farming systems that require a planning permit.

Additional clarification is required around the separation of commercial from domestic production – presently the definition captures both (see below).

Is it clear what types of animal production systems the definitions apply to?

The summary of proposed reforms promotes the new definitions as including “land use definitions that do not capture animal industries with negligible off-site impacts”. It is not clear why this is considered to be useful, as it is not the definition that determines the effect of the controls, but the way they are treated in the zones.

Inclusion of all animal production within the definition, and then the prohibition of this use in residential zones is a good example. The land use definition *animal production* captures a use currently defined within “animal husbandry” – the raising of animals for non-commercial production of food and fibre. We note that the definition proposed by the Animal Industries Advisory Committee made the distinction between commercial and non-commercial animal production, however, this approach was not adopted in these reforms.

We also note that the FAQ document states the reforms will only apply to “farmers.” It is appropriate that the definitions do not distinguish industrial systems from non-industrial, if the performance objective relates to amenity and environmental impacts. However, was it really the government’s intention to include backyard chickens, sheep, rabbits, pigeons, and goats which are not raised by farmers in the definition of animal production?

Prohibition of animal production is proposed in all residential and commercial zones, including the Urban Growth Zone. The prohibition of this form of animal husbandry, as it is currently defined, has moved beyond the original Terms of Reference for the Animal Industries Advisory Committee and is beyond what the community expected from the Government response. It will also impact resourcing for planning compliance in Councils.

In peri-urban areas, the small scale production of animals for food and fibre is particularly common in both rural and residential zones, with the number of animals kept on a residential lot currently regulated by local laws. From a planning perspective, the use of the land for animal husbandry is considered to be ancillary to the accommodation use and a planning permit is not required unless the animal husbandry use starts to overtake the primary use (usually when the use overtakes the limits set under Municipal Laws and causes complaints). However, Animal

Husbandry is currently a permissible use in residential zones. Once the use (re-defined as Animal Production) is specifically prohibited, the level of tolerance must inevitably change.

If this was not the intention, there are two options:

1. Separate production for domestic use from commercial production within the definition, for example:

Animal Production:

Land used to keep or breed poultry or mammals, other than rodents, for the commercial production of eggs, fibre, meat, milk or other animal products.

Exemptions:

Animal Production does not include:

- *The production of edible snails and insects, rodents bred for pet food;*
- *Poultry and mammals kept or bred for other purposes (eg. racing pigeons, racing horses).*

2. Alternatively, retain “Agriculture/Animal Production” as a permissible use in residential and commercial zones.

Do you think the definition of animal production should include other types of animals?

Emerging markets

These reforms directly threaten the prosperity of an emerging agricultural approach which takes an agroecological, regenerative, ethical approach to food production and markets it directly to the community. This emerging industry has been actively fostered by the incumbent government through the support of farmers markets, paddock to plate programs etc. and it has been embraced by the community, reconnecting them with their food, the landscape and the farming community.

As outlined above, the revised definitions and their classification within Section 1, 2 and 3 uses, have not achieved “a graduated approach to planning controls based on risk.”

For example, the raising of rabbits for commercial meat production in the Rural Living Zone continues to be prohibited under the revised controls. Rabbits must be confined due to the risk of contracting viruses that are in the environment and, as such, they do not graze in the open. At the appropriate scale, amenity issues can be managed. Despite this, raising rabbits for meat would be defined under the reforms as Intensive Animal Production and would be prohibited in the Rural Living Zone.

In contrast to this, under the revised controls a Pig Farm or Poultry Farm (each with greater or equivalent potential for amenity impacts) is capable of receiving a planning permit in the Rural Living Zone.

The reforms are full of contradictions – a permit is required for a small scale pastured egg production system of 450 birds with soft infrastructure, but an existing industrial operation can expand its operation and associated hard infrastructure by 150,000 birds without a permit. In the Farming Zone or Rural Activity Zone, a pig farm with more than eight sows will require a permit, but a cattle feedlot does not require a permit if under 1000 head. All regardless of stocking density, nutrient loadings and risk profile.

Animals raised for recreation

In contrast to the proposed increased regulation of food and fibre production, the reforms have excluded animals raised for recreation which are capable of equivalent off-site impacts. Amenity and environmental management impacts are determined by the number of animals, stocking densities and their management rather than the animal's purpose. This approach is inconsistent, and is not supported by evidence.

The consultation document makes the case that the management of off-site impacts from the raising of horses can be regulated by authorities other than planning. This raises the question - why does any type of animal production captured by these reforms need additional regulation through the planning system?

Are the setback requirements for supplementary feeding associated with grazing animal production clear?

Setbacks from waterways

The revised planning controls restrict activities within a defined setback from waterways and wetlands. The definition of “waterways” in the Water Act is quite broad and could include drainage lines, whether or not there is water in them. The report from the Animal Industries Advisory Committee did not reflect a strong emphasis on this issue, referring briefly to surface waters but dealing with potable water catchments in more detail. Perhaps “waterway” should be better defined?

Supplementary feeding within setbacks

The provision relating to feeding infrastructure for supplementary feeding within setbacks should be revised. Many types of feeding infrastructure used to supplement grazing are portable and currently would not trigger a planning permit for buildings and works. Given they are portable, are they considered “existing feeding infrastructure”?

The consultation document says that dropping a hay bale in a paddock is not considered to be “feeding infrastructure for supplementary feeding”. However, it would seem that dropping hay into a hay bale feeder would be because it involves the use of “equipment”. A hay bale feeder is a portable metal frame (transportable with a tractor, ute or on a small trailer) that contains hay within a smaller area, reducing waste and **reducing** the impact to groundcover and therefore reducing the risk of pugging, odour and contaminated runoff. By categorising “equipment” within feeding infrastructure, it would seem this commonly used device (particularly within

smaller lots, where groundcover has to be carefully managed) would trigger a planning permit if it is to be located within setbacks.

Recognising that we are not talking about excluding animals from these setbacks, it seems the location of equipment of this type within the setback could be the only permit trigger. If this provision has the effect of encouraging farmers to throw the fodder directly on the ground rather than using feeding equipment, then this is potentially counter to animal welfare, increases wastage and is contrary to the stated planning objective of managing environmental and amenity impacts.

If the reforms are referring to permanent feeding infrastructure, such as feedpads, this should be made clear in the documentation.

Are the setbacks adequate? If not, what are appropriate setbacks?

Arbitrary setbacks are not applicable under all circumstances and vary depending on size and impact of infrastructure, topography, surrounding vegetation, stocking densities, odour, dust and nutrient loadings. Rather than hard and fast rules, setbacks should be given as a guideline with an outline of what impacts are to be mitigated by setbacks, with some discretion used by the farmer to ensure he or she is not creating off site impacts through the conduct of their operation.

Do you agree with a single land use definition that encompasses both keeping and breeding poultry for eggs and meat production?

By adopting a single land use definition around poultry, it becomes unclear what reference documents are relevant to what production systems.

Do you agree that the Broiler Code should be applied to free range broiler farm applications?

The Broiler Code was developed in 2001 and reviewed in 2009. At best – this document is 8 years out of date. As stated in this document “A broiler farm is land used to keep large numbers of chickens that are housed permanently in sheds and reared for meat production.” Therefore, it is unclear how this very narrow document is to be applied to the wide range of emerging free range systems for chicken meat production in a meaningful way.

This is a consistent problem across the Codes. The current Code of Practice for Piggeries was originally developed in 1984 and reviewed in 1992 – 25 years out of date. National Environmental Guidelines for Rotational Outdoor Piggeries or NEGROP is the most relevant and up to date for free range pigs, but is still 5 years old. The National Beef Cattle Feedlot Environmental Code of Practice is from 2012.

If any of these industry codes – or a single Code as is apparently proposed - are to be used as reference documents to the planning scheme, there needs to be appropriate resourcing for annual reviews and specialist supporting staff to assist municipal and shire planners in applying these codes to an industry that planning

staff often have little to no experience in when applying their discretion in permit issue.

Do you agree with uses that will be in Section 1, 2 or 3 uses in the different zones?

As already mentioned, the summary of proposed reforms states that the “land use definitions would not capture animal industries with negligible off-site impacts”. The inclusion of all animal production for food and fibre within the definition brings farming systems across the full range of the risk spectrum into the planning permit assessment regime.

Some types of production which could be managed for amenity impacts are automatically excluded from some rural zones because they default to the intensive animal production definition. Animal production systems suited to these environments and with little to no off site or amenity impacts should not be prohibited under these reforms just because they are within an emerging market rather than a traditional one.

Animal Production in Residential Zones

In peri-urban areas, the small scale production of animals for food and fibre is particularly common in both rural and residential zones, with the number of animals kept on a residential lot currently regulated by local laws. From a planning perspective, the use of the land for animal husbandry is considered to be ancillary to the accommodation use and a planning permit is not required unless the animal husbandry use approaches a scale verging on primary use (usually when the use overtakes the limits set under Municipal Laws or causes complaints). However, animal husbandry is currently a Section 2 Use in residential zones. Once the use (re-defined as animal production) is specifically prohibited, the level of tolerance must inevitably change.

If this was not the intention, there is a need to either separate production for domestic use from commercial production within the definition, or retain animal production as a permissible use in residential and commercial zones.

Animal Production in rural/semi-rural zones

The reforms are supposed to clarify the Planning Schemes treatment of animal production enterprises and provide the opportunity to manage risks from productive rural uses in accordance with the scale of the use. Although revision of the definitions is required, the separation of poultry and pig farming from “intensive animal production” appears to reflect vested interest rather than a move to a more flexible approach to farming systems and emerging markets.

As an example, there are commercial production opportunities that could be appropriately managed in all rural zones, the Rural Living Zone, and the Urban

Growth Zone. Nevertheless, once the use is defined as intensive animal production, it will be prohibited.

Urban Growth Zone

It is particularly concerning that the Urban Growth Zone is captured with all of the other residential zones in prohibiting animal production. These areas are generally in a rural zone prior to the decision to include them within the urban growth boundary, and continue to have the characteristics of a rural zone for the several years or decades that it can take to sell the lots in fragmented ownership and for residential development emerge.

In the meantime, occupiers of large landholdings with existing farm infrastructure will be restricted to farming under an existing use right rather than adopting productive, innovative and viable transitional uses that could be managed to prevent amenity impacts. The requirement to do this is possibly driven by the “supplementary feeding in setbacks” transitional provisions that do not have regard for new dwellings but, nevertheless, seems an overzealous approach.

APPENDIX 2: RESPONSE TO ACTION 4: A GRADUATED APPROACH TO PLANNING CONTROLS BASED ON RISK

What do you think about the proposed permit exemptions for very small-scale pig and poultry farms?

The exempted farms represent a scale of production that is not “commercial”, yet the reforms capture all commercial systems regardless of farming approach, stocking densities, nutrient loadings or risk profile.

It should be understood that the proposed reforms continue to leave the assessment and approval of the majority of potentially viable and sustainable animal production systems to the discretion of Councils.

There is a risk of misunderstanding amongst Council planners (or the community) that a farm that falls outside the exempted categories is, by definition, “high risk”. Rather, such a farm is somewhere on the risk spectrum other than “negligible to low”. The assessment regime should be capable of adjusting its response in accordance with the level of risk, rather than taking an industrial ‘checklist’ approach such as that shown in the List of Application Requirements.

What do you think about the proposed notice and review exemptions for applications for small-scale pig and poultry farms?

Limits on numbers of animals, regardless of species and use, are meaningless without context. The proposed numbers and limits are not evidence based and do not account for stocking densities, nutrient loading, off site and amenity impacts. It is contrary to the 'graduated approach' recommended by the AIAC. One pig can have off site impacts if set stocked and managed inappropriately. 100 or more pigs can have no off site impacts and actually improve the country they are ranging on if they are managed well in an agroecological, rotation system approach. The streamlined permit process is necessary if pigs and poultry are to be kept separate from grazing animals regardless of production system, but this needs more consideration if the 'graduated approach' intended by the AIAC is to be successfully implemented and not inhibit economic development and innovation in this sector.

What do you think about the proposed limits on the number of animals and the proposed setback distances?

Limits on numbers of animals, regardless of species and use, are meaningless without context. The proposed numbers and limits are not evidence based and do not account for stocking densities, nutrient loading, off site and amenity impacts. It is contrary to the 'graduated approach' recommended by the AIAC.

Arbitrary setbacks are not applicable under all circumstances and vary depending on topography, surrounding vegetation, stocking densities, odour, dust and nutrient loadings. Rather than be hard and fast rules, setbacks should be given as a guideline with an outline of what impacts are to be mitigated by setbacks, with some discretion used by the farmer to ensure he or she is not creating off site impacts through the conduct of their operation.

APPENDIX 3: RESPONSE TO ACTION 12: BETTER APPLICATIONS

Is the list of information clear?

The list referred to in this question is in the consultation document.

The streamlined permit process is necessary if pigs and poultry are to be kept separate from grazing animals regardless of production system, but this needs more consideration if the 'graduated approach' intended by the AIAC is to be successfully implemented and not inhibit economic development and innovation in this sector.

It is recommended that this list be used as a guide rather than "application requirements". Some of the requirements are applicable only to industrial scale applications and are irrelevant to SME's using rotational, pasture based production systems.

Most importantly - professionally prepared reports should not be a default requirement for all applications that relate to animal production. It should be within the realms of possibility that a normal small farm operator can produce the required documentation to support their application without outlaying thousands of dollars to consultants with no promise of success due to regulatory ambiguity.

Description of Proposal

In particular, the written report containing a “description of the proposal” requires a list of information that is possibly more comprehensive than the Whole Farm Plan required with many rural land use applications. It reads like a checklist for an industrial land use and is required in addition to a written response to the decision guidelines.

It represents a significant administrative and financial barrier for planning permit applicants, and only a small proportion of it will be relevant to the assessment of most applications.

Site Development Plans: *Requirement to show where animals will graze, be kept, housed and fed.*

Other than applications that specifically relate to supplementary feeding within setbacks, the requirement to show where animals will be fed is impractical and the purpose of this information is unclear. With respect to both grazing and feeding, it would be more practical to show areas that are specifically excluded from grazing and/or feeding.

Environmental Management Plan

The Environmental Management Plan should not be required for every application, yet the List of Application Requirements implies that it would be. The requirements in this list may be deemed appropriate for, say, a commercial scale rotational outdoor piggery on a 500 hectare property in the Farming Zone that does not meet the exemptions. How would it be made clear that it is not a requirement if applying for a permit to keep four goats on a 4 hectare lot in the Rural Living Zone?

It is also important to clarify the types of applications where this information would be required up front, as opposed to those where it might be required by a permit condition following a planning assessment.

Are there any gaps?

Performance objectives

The proposed reforms continue to leave the assessment and approval of the majority of potentially viable and sustainable animal production systems to the discretion of Councils. This means that the proposed controls and their performance objectives must be clear enough and flexible enough to support innovative and sustainable farming practices, and to deal with the spectrum of risk rationally and consistently.

We understand from the consultation document that the broad performance objective is the management of off-site impacts through proper siting and environmental management:

Poultry and mammals that are bred for their eggs, meat, milk and fibre (for example, chickens, cattle, pigs, sheep, goats, rabbits, buffalo and camels) are typically kept in large numbers and can have off-site impacts if not properly sited and managed.

However, the raising of animals in relatively small numbers and low stocking densities (in a productive sense) will trigger a planning permit as part of this reform. One effect of these reforms is that farming systems on small rural lots are likely to require a planning permit for grazing animal production, due to the conventional use of supplementary feeding. Farming enterprises established on small rural lots contribute positively to economic development and social capital in rural areas. However, these are businesses with small margins.

As such, there is an opportunity (with these reforms) to provide assistance to applicants in meeting the requirements for a planning permit without having to pay for professionally prepared reports (on top of the Council application fee). This could be in the form of a template or checklist that concentrates specifically on, say, the issue of supplementary feeding in setbacks (see below) and what the expectations for environmental management would be.

Particular Provisions - Grazing Animal Production

The means for satisfying Particular Provisions - Grazing Animal Production decision guidelines relating to setbacks is unclear, particularly the “impact of supplementary feeding within the setback on water quality” and “whether a dwelling or land within the setback will be adversely affected by the supplementary feeding due to dust, noise or odour.” The requirement for an Environmental Management Plan to justify locating a hay bale feeder within a setback (as one example) would be disproportionate and unreasonable.

What other type of information or advice would assist proponents to prepare better applications?

A template environmental management plan specifically intended to be completed by the applicant (farmer), which would satisfy the decision guidelines relating to setbacks and assist farmers with ongoing environmental management (and compliance).

It should be kept in mind that planners are not agricultural professionals. Agriculture is an entrepreneurial, innovative and dynamic space. Is the Planning Scheme the right place to regulate this dynamic industry? Are non-agricultural professionals the right people to review and apply discretion to production systems they have no knowledge or understanding of?

What other type of conditions are routinely included in permits for intensive animal industry uses?

Environmental Management Plan condition, **if** the potential for off-site impacts is a concern.

Are there specific conditions that should be applied to specific types of animal production uses?

It should be kept in mind that planners are not agricultural professionals. Agriculture is an entrepreneurial, innovative and dynamic space. Is the Planning Scheme the right place to regulate this dynamic industry? Are non-agricultural professionals the right people to review and apply discretion to production systems they have no knowledge or understanding of?

A permanent advisory panel as a referral body should be considered to assess complex applications as a support mechanism to the municipal planning system.

APPENDIX 4: Social and Economic Impacts of Melbourne Farmers Markets²

Executive Summary

Melbourne Farmers Markets (MFM) is a not for profit social enterprise and a leading industry operator of accredited farmers' markets in Victoria. In 2016, MFM consolidated its steady annual growth with improved management processes, increasing the number of market days within the existing structure, providing more industry opportunities for stallholders and attracting more customers than in any previous year.

Highlights

MFM continued to build existing market days and profitability, most notably with the increase in frequency of Coburg Farmers' Market from fortnightly to weekly. MFM moved outside of the inner suburbs with the establishment of the Ringwood Farmers' Market, in collaboration with the Eastland Shopping Centre. MFM managed the Ringwood Farmers' Market in the Eastland Town Square every Sunday from April 24th to December 18, 2016.

A community grant from Melbourne City Council enabled MFM to facilitate the launch of 'Culture Kitchen', a local food business start-up. This program engaged migrant women of the Carlton Housing Estate and the development of 'Harari Kitchens' which now operates as an independent small business across numerous MFM markets.

2016 in a Nutshell

- 173 markets
- 6122 stall sites
- 150,000+ patrons
- Over \$5 million spent at MFM markets
- 300+ employment opportunities
- \$110,000+ raised for partnering Primary Schools, and organisations (Collingwood Children's Farm and the Abbotsford Convent & Gasworks Arts Park)

Stallholders

MFM stallholders reported that being involved with MFM markets provided important opportunities to:

- Directly interact with customers, taking full dollar and credit for their work
- Exchange ideas and business support with other stallholders
- Experiment and market new products direct to their customer base

Building Communities

MFM markets appeal to immediate market neighbourhoods (demonstrated at Coburg FM) & also the wider surrounding suburbs (demonstrated at markets with other attractions i.e. Collingwood Children's Farm, Slow Food Melbourne at the Abbotsford Convent). More than 47% of shoppers planned to visit nearby shops in the local area after the market, with obvious benefits for local retailers to further build a resilient localized economy.

² Report prepared for Melbourne Farmers Markets by Mitchell Eddy with assistance from Jillian Albus