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The Chairman
Animal Industries Advisory Committee
C/- Department of Transport
Planning and Local Infrastructure
State Government of Victoria
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Dear Committee

Animal Industries Advisory Committee Discussion Paper

Australian Pork Limited (APL) welcomes the opportunity to make a submission on the Animal Industries Advisory Committee Discussion Paper (the "Discussion Paper").

APL is the national representative body for Australian pork producers. It is a producer-owned, not-for-profit organisation, which combines marketing, research & innovation and policy development to assist in securing a profitable and sustainable future for the Australian pork industry.

The Australian pork industry employs more than 20,000 people in Australia and contributes \$2.8 billion in gross domestic product to the Australian economy. The pork industry contributes approximately 2.13% of total Australian farm production with roughly 1500 pig producers producing around 4.7 million pigs annually.

APL works in close association with key industry and government stakeholders to ensure that pork production in Australia is environmentally sustainable while meeting regulatory requirements and community expectations.

Accordingly, a large part of APL's charter is to ensure that pork producers are aware of, and meet, industry best practice across a range of areas including health, biosecurity, food safety and the environment. This includes meeting all relevant state agency policies and regulations by ensuring industry specific risks are addressed at both a planning and operational level.

In the case of environmental management, this work is supported by a robust and proactive research, development and extension program that continually reviews and updates management practices based on the latest science and technologies. It is this science that underpins the pork industry's guidelines including the National Environmental Guidelines for Piggeries (NEGP 2010), the National Environmental Guidelines for Outdoor Production (NEGROP 2013) and the Piggery Manure and Effluent Management and Reuse Guidelines (2015).

The development and expansion of the pork industry in Victoria has been significantly impacted by the current planning definition of intensive versus extensive, and use of the Pig Code 1992, a now outdated Code given the changed production systems now in operation.

Over the last few years, the pork industry has seen growth in both conventional and outdoor production systems. Moreover, the industry's "Shaping Our Future" initiative to move breeding sows to 'loose housed', coupled with demand for Australian pork, has seen an

increase in planning applications across Victoria. The current and near future economic climate within the pork industry is likely to see this growth continue.

The current planning definition of intensive and extensive has and continues to create confusion for both proponents and councils. Outdoor pork producers do not see themselves as intensive (this is a planning term and does not reflect production type or marketing focus) and therefore do not apply for a permit. Due to the distinct dunging and foraging habits of pigs APL is concerned that outdoor systems, if not sited, designed and managed appropriately, can have significant environmental impacts, including nutrient hotspots and soil erosion.

Councils also find interpretation of planning requirements difficult often defining outdoor as “extensive”. Subsequently councils often advise outdoor producers that they do not need a planning permit. Producers receive conflicting advice, and in some cases years later, often after complaints, discover they should have obtained a permit. Such situations require a retrospective permit, which may be refused in some instances, due to initial poor siting, design and management of the piggery.

This results in outdoor producers trying to demonstrate that they meet the 50 per cent (food) requirement to avoid the need to seek a retrospective permit. The science shows monogastric animals, such as pigs, cannot obtain adequate nutrition from grazing and foraging. Maintaining adequate groundcover is also difficult on an outdoor system due to the instinctive rooting behaviour of pigs. This has led to cases where pigs have been underfed with inherent implications for animal welfare.

The Victorian Planning Scheme currently refers to the 1992 Piggeries Code (the Code). Planners often overlook the Code due to it being ‘nested’ differently to the other animal industry codes. The Code does not reflect modern industry standards, practices and technologies and has made the assessment of piggeries in Victoria difficult. For example, the Code does not take into account nutrient issues or fencing requirements needed to ensure that proper rotation systems are implemented in outdoor production systems.

The Code does not allow for site reductions from new technologies such as biogas, as the basis of its buffer calculations is a formula that does take into account modern sheds, odour emission rates and site specific characteristics. Consequently, producers are faced with unnecessary requests for further information, refusals based on an inability to meet prescriptive requirements (that are irrelevant), delays, angst, and VCAT hearings.

A major concern from a pork industry’s perspective is that the Code does not offer the same level of environmental protection as afforded by industry guidelines which are based on up to date science and information. This situation is compounded when the Code is then reflected in other Victorian Government regulations such as the Victoria EPA separation distance guidelines. While the EPA separation distances are recent, these still refer to the Code buffers zones rather than the industry’s 2010 separation formula where buffer distances are based on modern odour emission rates and practices.

APL expects all pork producers to operate their farms in a sustainable manner, such that producers obtain the appropriate approvals to ensure their farms are operating to science based best practice to minimise impacts on the environment and community.

Obtaining appropriate approvals allows the Australian pork industry not only the ‘right to farm’, but the ‘right to farm right’. If the planning scheme *status quo* remains with its ambiguous definitions, a growing proportion of the outdoor production pork industry will continue to believe or be told they do not need a permit. This allows these sites to operate without requirements for good siting, design and management, and with little opportunity for regulators to apply planning conditions that ensure future management is maintained and enforcement options are available. Using the Code and failing to acknowledge current

industry best practices will have potentially deleterious impacts on the environment, community and reputation the of Australian pork industry.

Ultimately the intensive definition confusion and the Code will be detrimental to the expansion and development of the pork industry in Victoria.

APL supports the Victorian Government's review into animal industries and planning. APL is committed to an ongoing dialogue with the Victorian Government to ensure that efforts to improve rural planning policies are appropriately implemented for optimum environmental and community outcomes, whilst also facilitating the growth of the Victorian pork industry.

Attached are APL's detailed comments on the Animal Industries Advisory Committee Discussion Paper.

Should you have any questions regarding this submission, please do not hesitate to contact Ms Janine Price (Environment Manager, Research & Innovation Division) on 02 62708827 or via email Janine.Price@australianpork.com.au.

Yours sincerely

A handwritten signature in black ink that reads "Deb Kerr". The signature is written in a cursive, slightly slanted style.

Deb Kerr
General Manager Policy

APL response to the Animal Industries Advisory Committee Discussion Paper

1. Provide stronger strategic guidance by undertaking regional agricultural land capability assessments and identifying appropriate areas for intensive agriculture in local planning policies.

- APL provides in principle support.
- APL supports the identification of preferred areas for intensive livestock. However, APL notes that the word 'appropriate' infers that all other areas are unsuitable for development. All intensive livestock industries still need to be assessed on the site specific characteristics. Proponents seeking to develop sites not in an identified preferred area should still have the opportunity for their proposals to be assessed on a case by case basis against industry best practise.
- APL cautions against councils developing their own guidelines and siting requirements. Many intensive animal industries have existing National Guidelines which include siting and design principles based on current science and best practice, such the National Environmental Guidelines for Piggeries 2010 (2nd Edition) (NEGP), which includes a planning checklist to assist proponents and councils. This assists avoiding duplication and unnecessary regulation. A good example is the Plantagenet Shire which has referenced APL as a source for detailed information in their document for outdoor pig production.

2. Strengthen the purpose of the Farming Zone to promote agriculture activity as the priority activity and remove reference to encouraging dwellings as a means of promoting population growth.

- APL supports the policy direction proposed.
- The current farming zone is conflicting in its objective i.e. seeks to support agricultural production and employment opportunities.

3. Identify in planning schemes defined buffer distances for different types and scales of intensive animal industries.

- APL supports this policy direction in part.
- Where there is an existing land use that is, or will, potentially generate impacts but is compatible with the appropriate land use zone, the relevant separation distance buffer should be specified in the local planning strategy. This will have the effect of improving awareness of the land use activity.
- The word "defined buffer" needs further consideration. Separation distances should not be fixed, as topography and surface features require consideration along with the latest science, current industry guidelines and date codes. For example, the NEGP 2010 incorporates a piggery separation distances formula that is regularly reviewed to take account of the improvements in science and technology.
- Identifying a buffer in a planning scheme would be beneficial to improve producer awareness that will trigger a permit application for a sensitive use within a buffer zone. Further details are required to make a more informed comment.
- The Victorian Government may like to consider the use of larger reverse buffers as part of its planning process. WA planning is considering such an approach.
- To avoid future opportunities for complaints, the government might consider a 'no excision' policy within an intensive animal industry buffer unless the proponent can demonstrate there will be no impacts through higher odour or noise.

- Expansion plans for existing operations (i.e. within 5 years) should be considered within the strategic plan to avoid future conflicts. Existing operations should be given preference over new sites especially if new activities are incompatible with the objectives of the farming zone.
- It is in the best interests of an intensive livestock operation to have a permit and buffers included in strategic maps and/or plans. Councils being aware of the livestock operation will assist both councils and livestock producers, will provide protection for businesses, and assists in the allocation of resources such as roads and bush fire response capability.

4. Require a permit in the farming zones for new dwellings within the buffer distance of intensive animal operations.

- APL supports the intent of this policy proposal.
- APL considers this proposal needs to be expanded to land uses other than dwellings, i.e. other sensitive receptors.
- APL recommends that section 70A of the Transfer of Land Act be placed on the Certificate of Title for an area that falls within the buffer of an intensive livestock operation. This allows notification to be placed on the Certificate, with the practical effect that any matter that may affect the use of the land or building will be advised to the title holder. For example, the land title will advise whether the land may be affected by emissions from a nearby land use, noise from machinery during harvesting, dust, odour from a poultry farm or that the intensive operation may have future plans to expand.
- An existing intensive livestock operation should have preference over new development proposals especially if these developments will fall within an existing buffer. The onus should therefore be on the proponent (if not prohibited) to demonstrate that they will not be affected i.e. odour modelling if required.

5. Base the generic definition of intensive animal husbandry on the impacts of the operation.

- APL supports this policy direction.
- Defining an operation based on potential impact takes into account all aspects associated with intensive animal husbandry and the potential impact to land, and nutrient and waste management.
- This approach will:
 - Ensure that the ambiguity and interpretational issues currently experienced with the definition relating to feed imports is removed;
 - Is likely to assist in removing the seasonal drought misinterpretation;
 - Would remove the management/production misinterpretation in relation to free range who consider themselves as intensive; and
 - Eliminate the debate over the feed quantities and from where it is sourced. For example, the misinterpretation that feed grown on site and fed in an enclosure is considered extensive.

6. Base the requirement for a permit for animal industries on the potential environmental and amenity impacts of the operation derived from an assessment with an online tool.

- APL does not support the approach presented.
- There is insufficient information to determine how this proposed online tool would be conducted and on what basis.

- Site-specific conditions and risks must still be considered when assessing development proposals.
- A permit system based on thresholds that create trigger levels exposes the process to ambiguity and interpretation. APL considers it more important to make an assessment of development proposals in relation to the siting, design and management of a proposal and that it meets general policy objectives. If the above conditions are met the permit process should be relatively straightforward.
- Experience suggests that some operations may nominate a number of animals across an entire farm but in reality, the same livestock numbers may be run on a smaller area or the producer may fail to implement proper management processes such as paddock/animal rotation systems.
- Many of the issues associated with intensive animal industries are derived from smaller operations rather than the larger production facilities that have gone through a permit assessment process and are generally sited, designed and managed well. If not sited, designed and managed well, small sites can have more impacts than larger sites. Without a permit, the site is not assessed on the site specific characteristics, resulting in no planning conditions, which making enforcement difficult.
- Considerably more detail is needed to comment on an online tool, however APL would support an online system that directs new livestock operation proposals to the appropriate existing industry information and other tools to assist in planning process.

7. Create specific land use terms for poultry farms (broiler, egg and hatcheries), cattle and sheep feedlots and piggeries and other clearly intensive uses, to avoid reliance on a generic intensive animal husbandry definition where possible.

- APL supports this policy direction.
- This proposal removes the ambiguity and interpretation issues currently experienced with the definition relating to feed imports in S.70 as well as assisting in removing the seasonal, drought misinterpretation.
- The policy will also remove the management/production misinterpretation in relation to free range under planning scheme definitions i.e. free range producers do not perceive themselves as intensive despite this being a common planning term.
- This proposal incorporates potential impacts from specific industries and picks up additional industries such as hatcheries that have wastewater systems that can potentially cause significant environmental impacts.
- WA, QLD and SA are clear that all piggeries are described as intensive and require a permit (see below). This reduces confusion by councils and the potential to provide incorrect advice to producers, which may need to be changed retrospectively, in some cases years later.
 - *WA: animal husbandry - intensive means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;*
 - *QLD: intensive animal husbandry - premises used for the intensive production of animals or animal products in an enclosure that requires the provision of food and water either mechanically or by hand.
The use includes the ancillary storage and packing of feed and produce.
Includes: Feedlots, piggeries, poultry and egg production
Excludes: Animal husbandry, aquaculture, drought, feeding, milking sheds, shearing sheds and weaning pens*
 - *SA: intensive animal keeping means the keeping or husbandry of animals in a broiler shed, chicken hatchery, feedlot, kennel, piggery, poultry battery or other like circumstances, but does not include horse keeping;*

- Pig Keeping, Intensive Animal Keeping, Intensive Animal Keeping includes “keeping or husbandry of animals in a piggery or the like circumstances” (see Schedule I to the Development Regulations 2008)
- All monogastric animals should require a permit as grazing alone provides inadequate levels of nutrition. To address the supplementary feeding situations to manage drought on grazing properties the use of drought declarations should be considered.
- If operating for more than four months of the year every year, e.g. a feedlot, this should be considered sustained use and permanent activity which should be permitted.

8. Strengthen permit triggers, application requirements and referral arrangements for animal industry applications.

- Given the already high cost associated with development proposals, APL would be opposed to any extra regulatory burden unless an additional environmental or business outcome could be demonstrated as a result. Adding further compliance and regulatory requirements will likely reduce investment by industry. This could potentially lead to perverse outcomes given the intent of the updated planning system is to support the establishment and expansion of productive, competitive and market responsive animal industries.
- Referral arrangements could potentially be strengthened. Presently incorrect advice is given regarding planning permit requirements. Moreover, assessments are taking significant time due to councils often having sporadic intensive livestock applications, and with staff lacking the training, skills or confidence to assess risks. This is commonly the case with EPA Vic and DEDJTR. APL suggests a non-statutory trigger meaning that advice would be obtained from an intensive livestock officer (previously adopted by the EPA). This intensive livestock officer would work on all aspects of intensive animal industries including planning.
- This model was recently adopted in WA with the appointment of a Local Government Intensive livestock/Rural Officer to assist individual councils and proponents with various aspects of intensive animal industries. The incumbent would require knowledge and skills associated with the policies, relevant regulatory requirements and processes including enforcement advice. Furthermore, this may resolve the situation facing many government agencies facing the loss of detailed corporate knowledge.
- APL suggests that the definitions need to be clearer and less open to interpretation, to provide clear intent as to the activity and subsequent planning and regulatory triggers.
- APL seeks clarification of what is proposed regarding strengthening of the application requirements. APL supports the need to improve the application assessment process particularly the criteria against which an intensive livestock industry is assessed. Presently, the application requirements are currently based on outdated Codes of Practice (CoP). The CoP are incorporated documents embedded in the planning scheme, and councils must give regard to these documents when making decisions. Unfortunately these documents have not been updated by government, meaning that applications are assessed against outdated information, management practices, and risks.
- Other policies within the EPA are also being used to assess works approvals and subsequently planning application approvals. These documents often refer to the outdated CoP or utilise outdated documents that are not intended for use with IAI such as the Reclaimed Water Guidelines (2004) that have not incorporated industry specific risks or the practices and technologies used to mitigate risks.
- There is a need to ensure the assessment tools are based on current risks, practices and science. The Victorian Government ought to implement a co-regulatory approach with industry to manage planning risks. Industry seeks the same outcomes as the Victorian Government, i.e. industry development and growth whilst ensuring a sustainable future with minimal impacts on the environment and community. The Victorian Government should

assess whether industry guideline objectives and best practices align with the Victorian Government planning objectives. If aligned the Victorian Government should utilise these industry tools.

- APL recommends that planning applications for piggeries are assessed against the NEGP 2010. A general provision Code could apply to all industries with the specific industry risks, siting, design and management referred to in industry guidelines for detail.
- In general alignment of requirements needed across government agencies including EPA. For example EPA Vic currently refer to the Pig Code 1992 for buffer distances.

9. Limit the 'right to object' in the Farming Zone when standards prescribed for an animal husbandry enterprise type are met.

- APL support in principal the policy direction.
- APL supports restricting the right to object, with the ability for VCAT intervention if proponents already meet buffer requirements. For example if there is no sensitive use within a buffer zone then no right of objection should exist particularly where proponents own their own buffer.
- Under the current system, third party's are afforded an easy avenue to appeal, often protesting by taking cases to VCAT. Such approaches cause considerable delays in approvals, and as a result increased costs and strain on resources for applications that are ultimately approved.
- This would also prevent the political 'hand-ball' that can occur when local government councillors want to be seen to support vocal constituents and not be seen as supporting intensive animal industries despite all planning requirements being met. This often results in proposal being referred unnecessarily to VCAT who subsequently approve the application.

10. Clarify when farming operations have existing use rights

- APL supports the policy subject to further details of the proposal.
- APL supports the definitions contained in s.63 of the VPP, which details existing use rights.
- Many producers do not understand that they are able to apply for a retrospective permit (producers will still need to comply with the revised CoP or industry guidelines). APL suggests that this process can be enhanced by additional clarification and the provision of clearer guidance to producers.

11. Create a single point of contact for all enforcement actions whose role it is to oversee enforcement activities.

- APL does not support this policy proposal.
- APL suggests an urgent need for greater clarification and demarcation of planning responsibilities and enforcement process, communicated between the various enforcement agencies.
- There is a lack of resources in both council and EPA to adequately address this issue.
- If a council approves a planning application it should develop clear and enforceable planning conditions which council officers can enforce under the provisions of the relevant Act. If it needs to go to enforcement under the Environment Protection Act, then council should work with the EPA to provide evidence of breaches. This evidence can then be used by the EPA through their enforcement process.
- If the site is licenced by the EPA under the scheduled premise regulations then the EPA should take the lead in gathering evidence and follow the enforcement process.

- As previously mentioned, to facilitate a more streamlined and informed process APL would like to see a dedicated intensive livestock officer, that liaises with industry, employed in all three department i.e. DEDJTR, EPA and Municipal Association of Victoria. These officers would be knowledgeable on the relevant policies and Acts as well as the industry tools, practices, risks, planning and enforcement.

12. Increase the role of the EPA as an enforcement body.

- APL does not support this proposal as no compelling case has been made to justify this policy proposal.
- APL suggests improvements to the planning process so that intensive animal industries are sited, designed and managed to best practise, which would reduce the need for enforcement.
- APL is concerned that the EPA may not have the resources or expertise to increase its enforcement role. APL has proposed a dedicated EPA intensive livestock officer be employed to work with relevant agencies and industry to reduce the need for enforcement.

13. Set clearer prescribed standards and conditions for intensive animal industries in planning schemes using the Codes of Practice approach.

- APL provides in principal support for this policy direction.
- The prescribed standards for intensive animal industries do not necessarily need to be clearer. The standards need to be updated and maintained as this is not occurring i.e. piggeries are still being assessed against the Code (1992), which does not reflect modern systems, practices and technologies.
- Standards should be based on objectives supported by up to date science and current industry best practice.
- APL recommends a generic CoP for all intensive animal industries outlining the general objectives of the CoP i.e. odour, dust, noise, land management. Behind this should sit industry guidelines that describe ways of meeting the CoP's generic objectives. This ensures the industry specific risks are identified and mitigated. It should be a requirement to regularly update industry guidelines.
- Relevant industry guidelines should also be acknowledged in regulation to support and guide policy requirements. Currently the EPA defers to the 1992 Pig Code and other guidelines such as the 2004 Reclaimed Water Guidelines, which do not identify and address industry specific risks or afford the same level of environmental and planning protection as current industry guidelines.
- A co-regulatory method will ensure a more up to date approach than currently afforded in Victoria. For example a new pig code was submitted 2006, however at the time, due to a lack of resources in the Vic DPI, the Code was never included in the planning requirements.
- All other jurisdictions, that do not have imbedded CoPs, assess their planning requirements against national industry guidelines due to the documents being reviewed regularly and based on best available science.

14. Develop and maintain a contemporary Codes of Practice for all intensively farmed livestock (as a minimum for poultry (broiler, egg and hatchery), piggeries, cattle feedlots, sheep feedlots, and feedlot dairies).

- APL supports a planning process based on contemporary science and practises.
- However, APL does not support a Victorian Government CoP as these are not maintained and updated. The outdated nature of present codes has caused significant impacts on the expansion and development of intensive animal industries in Victoria.

- As mentioned above, APL supports the co-regulatory model with a generic CoP outlining the general principles/objectives to be met by each industry, with the CoP referencing the national industry guidelines.
- APL suggests a clear need to reflect this co-regulatory model across other regulatory agencies such as EPA to ensure a consistent assessment approach.

15. Introduce a fast track process for applications that meet defined standards.

- APL supports the policy direction subject to details of the proposal being provided for comment.
- APL suggests that the fast track process proposal be aligned with the removal of the option of VCAT challenges providing development requirements are met. This would speed up the process significantly.
- The Municipal Association of Victoria, DEDJTR and EPA be each assigned a designated Intensive Animal Industries Officer which may help fast track the assessment process.

16. Formally recognise participation in compliant industry assurance programs in the planning process. Some examples include APIQ, NFAS, Chicken Care and Egg Corp Assured.

- In principle, APL supports the policy direction.
- The details of how the programs can benefit planning and the proponents will need to be developed.
- The proposal may provide assurance to local councils that the piggeries are audited to meet set standards annually.