When to use this practice note
This practice note can be used by:
• applicants when preparing a planning permit application
• responsible authorities (usually council) when assessing and deciding a permit application.

When is planning approval required?
In the Victoria Planning Provisions and all planning schemes the following definitions apply:

**Broiler farm**
“Land used to keep broiler chickens which are permanently housed in sheds and reared for meat production.”

**Intensive animal husbandry**
“Land used to keep or breed farm animals, including birds, by importing most food from outside the enclosures.”

This includes a free-range chicken meat farm where the chickens have access to an outdoor range and an indoor shelter and are kept or bred by importing most food from outside the enclosures.

A broiler farm and a free-range chicken meat farm are prohibited in all urban zones, the Rural Conservation Zone, the Green Wedge A Zone and the Rural Living Zone.

An application can be made for a broiler farm and free-range chicken meat farm in the following rural zones:

• Farming Zone
• Rural Activity Zone
• Green Wedge Zone.

Planning approval will generally be required for:

• the use of land and buildings and works for a new broiler farm or free-range chicken meat farm (Intensive animal husbandry).
• buildings and works for the expansion (increasing farm capacity) of an existing broiler farm or free-range chicken meat farm

• buildings and works to upgrade (no increase in farm capacity) an existing broiler farm or a free-range chicken meat farm.

Prospective applicants should consult the local council to confirm what planning controls affect the property and the approvals that are required.

Making an application

This section outlines some of the common matters that need to be considered for all proposals.

Table 1 provides a summary of the matters discussed in this practice note.

Information to be submitted with an application

The information required to be submitted with an application will vary depending on the nature and complexity of the proposal. Applicants are encouraged to contact the council early in the process of preparing an application to establish what is required. In particular, check:

• the documentation, plans and supporting information that is required

• the application process that the responsible authority intends to follow

• whether there are any issues that may affect the prospects of a planning permit being granted

• that the Municipal Strategic Statement and any other planning policies or overlays in the planning scheme generally support the development

• whether consultation is required with other relevant authorities

• whether notice and review applies.

Where relevant, applicants are also encouraged to talk to the neighbours to identify any concerns. Taking the time to talk to neighbours at this early stage may save time if changes can be made to the plans to address their concerns. Most people appreciate the opportunity to discuss plans before the formal notice process commences, although it will not always be possible to make changes that satisfy every concern.

The Broiler Code

The Victorian Code for Broiler Farms 2009 (Broiler Code) provides the basis for the planning, design, assessment, approval, operation and management of broiler farms in Victoria. The Broiler Code does not apply to a free-range chicken meat farm.

The Broiler Code is an incorporated document in all Victorian planning schemes. Clause 52.31 of planning schemes requires that the Broiler Code must be applied to a permit application for a new broiler farm or to increase a farm’s capacity (bird numbers).

The Broiler Code specifies different information and assessment requirements and different notification and review rights for an application depending on the classification of the proposed farm.

The Broiler Code classifies broiler farms as Class A, Class B, Special Class or Farm Clusters reflecting the different level of environmental and amenity risk of the broiler farm.

The Broiler Code does not apply to all planning permit applications associated with the development of broiler farms. For example, the Broiler Code does not apply to farm upgrades that do not increase the farm capacity. Refer to Table 1.

Where the Broiler Code does not apply it may still be a useful reference for identifying relevant issues and responses to inform the preparation and consideration of a proposal. However, it must not be used as a statutory assessment tool in these circumstances.

Environmental Management Plans and audits

An Environmental Management Plan (EMP) is a document detailing a management framework for handling the environmental aspects of a project. Where an EMP is required as a condition of the planning permit it may require that it be routinely audited to ensure its ongoing compliance.

Effective operation and management of chicken meat farms significantly reduces the potential for environmental problems to arise. The operation and auditing of an EMP is considered a key to best practice management.

The inclusion of an EMP and audit as a planning permit condition, or the requirement for an existing EMP or audit to change will depend on the nature of
Planning Practice Note 63 | Applying for a planning permit to farm chickens

Making a decision

When issuing a planning permit the council must be clear and unambiguous when specifying the planning scheme permission(s) being granted. The permit must clearly identify the:

- use approved (Broiler farm and/or Intensive animal husbandry)
- approved farm capacity (number of birds)
- layout of the site and buildings and works including:
  - the number and location of sheds
  - the driveway and loading apron locations
  - the shed design and air emission points (fan forced tunnel ventilated sheds or curtain sheds)
  - drainage systems
  - outdoor range areas (including such matters as the type of fencing)
- requirement for an Environmental Management Plan and audit, including how frequently audits need to be carried out.

Notice and review

Giving of notice involves the formal notification of the application to other parties. Clauses 52.31-4 and 52.31-5 of planning schemes and section 52(1) of the Planning and Environment Act 1987 specify how notification is to occur. Generally when notice is given parties have a right to apply to the Victorian Civil and Administrative Tribunal for a review of the decision.

In some instances proposals are exempt from notice and review.

Exemptions for Broiler farms are listed at Clause 52.31-4 which exempts a new broiler farm, or an existing farm that is increasing its capacity that is categorised as a Class A Broiler Farm under the Broiler Code from notice and review.

Specific notice requirements also apply to Broiler farms and are outlined in Clause 52.31-5. These apply to a new broiler farm and to an increase to the farm capacity of an existing broiler farm that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the Broiler Code.

the approval being sought and whether or not it is warranted to ensure that the ongoing operation of the broiler farm meets best practice. For example, new buildings and works that do not significantly change the operation or management of an existing farm are not likely to result in the need to amend an existing EMP or audit requirement. (Seek advice from the council about EMP requirements).
### Table 1: Planning permit requirements for chicken meat farms

<table>
<thead>
<tr>
<th>WHAT IS THE NATURE OF THE PROPOSAL?</th>
<th>APPLICATION FOR A NEW BROILER FARM</th>
<th>APPLICATION TO UPGRADE AN EXISTING BROILER FARM – NO INCREASE IN FARM CAPACITY (BIRD NUMBERS)</th>
<th>INCLUDING AN OUTDOOR RANGE AREA TO A BROILER FARM</th>
<th>APPLICATION FOR A FREE-RANGE CHICKEN MEAT FARM</th>
</tr>
</thead>
<tbody>
<tr>
<td>A new broiler farm.</td>
<td>A typical farm upgrade includes:</td>
<td>An outdoor range area is added to a lawfully established broiler farm.</td>
<td>A new free-range chicken meat farm (Intensive animal husbandry).</td>
<td></td>
</tr>
<tr>
<td>• An increase in floor area of existing sheds or the replacement of existing sheds, including re-orientation of sheds on site.</td>
<td>• A conversion or upgrade of the existing ventilation system from natural ventilation to a tunnel or fan assisted ventilation system.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IS PLANNING APPROVAL REQUIRED?</th>
<th>Yes</th>
<th>Yes</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where existing use rights do not apply.</td>
<td>Yes</td>
<td>When the requirements of Clause 52.31-3 are met. Refer to Appendix 2.</td>
<td>No</td>
<td>Council to decide. When a planning permit is required.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DOES THE BROILER CODE APPLY?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where there is no increase in farm capacity.</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IS AN ENVIRONMENTAL MANAGEMENT PLAN AND AUDIT REQUIRED?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council to decide.</td>
<td>Council to decide. When a planning permit is required.</td>
<td>Council to decide.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IS AN ODOUR ENVIRONMENTAL RISK ASSESSMENT REQUIRED?</th>
<th>No</th>
<th>No</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Class A and B Broiler Farms.</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>For Special Class and Farm Cluster Broiler Farms. Refer to the Broiler Code.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DOES NOTICE AND REVIEW APPLY?</th>
<th>No</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council to decide in accordance with s52(1)(a) of the Planning and Environment Act 1987.</td>
<td>No</td>
<td>Council to decide in accordance with s52(1) of the Planning and Environment Act 1987.</td>
<td></td>
</tr>
<tr>
<td>If no exemptions apply, Refer to Clause 52.31-4 as exemptions may apply depending on the farm class. Yes</td>
<td>Refer to Clause 52.31-1 as exemptions may apply depending on the farm class. Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>• If no exemptions apply and council decides to give notice in accordance with s52(1) of the Planning and Environment Act 1987.</td>
<td>• If specific notice requirements apply. Refer to Clause 52.31-5.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARE THERE SPECIFIC MATTERS TO CONSIDER WHEN PREPARING AN APPLICATION OR MAKING A DECISION ON A PROPOSAL?</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Must comply with the Broiler Code. Refer to the Broiler Code to establish the farm classification – different information and assessment requirements apply to each classification.</td>
<td>Establish whether existing use rights apply. Validate broiler farm capacity. Specific application and assessment information applies. Refer to Appendix 1 for further details.</td>
<td>The requirements of Clause 52.31-3 must be met. General information applies. Where a permit is required specific assessment information applies. Refer to Appendix 2 for further details.</td>
<td>Establish whether the farm will operate solely as a free-range operation. Specific application information required. Refer to Appendix 3 for further details.</td>
</tr>
</tbody>
</table>
Applying for a planning permit to farm chickens

INFORMATION FOR THE APPLICANT

• Establish whether existing use rights apply.

Broiler farms with existing use rights

A broiler farm lawfully established before the introduction of the Broiler Code may continue to operate in conformity with its previous lawful operation and the conditions of any valid planning permit for the broiler farm. These rights are referred to as existing use rights. Sections 6(3), 6(4) and 6(4A) of the Planning and Environment Act 1987 and Clause 63 of the Victoria Planning Provisions and all planning schemes contain existing use provisions.

Existing farm operators should consult with the relevant responsible authority to determine whether they require a planning permit before undertaking any improvements or upgrades.

• Validate existing broiler farm capacity.

In some circumstances, the existing farm capacity will be defined in a valid planning permit. Where it is not defined this may need to be established by the responsible authority. The existing farm capacity may be established from:

• a current contract or other formal documentation that establishes the bird numbers on a farm
• the floor area of the existing sheds with bird numbers based on a placement density of 21.5 birds/m².

Placement density value

The placement density value of 21.5 birds/m² is representative of a typical industry placement density for the young chicks in the shed. This density will be reduced as birds are removed at intervals for processing. This figure is not mandatory but could be used for the purposes of establishing a farm capacity number for an existing broiler operation in the absence of a planning permit (or other documentation) that otherwise provides the required information.

• Demonstrate that on balance the environment and amenity of the site and surrounding area is not diminished and if possible improved as a result of the proposed location, design and operational improvements.

• Manage odour dispersal to minimise the risk of impact from odour. Odour management may be influenced by the location of the shed, the means of ventilation and where and how the air is expelled from the sheds (for example cross flow ventilation of a curtain shed or funnelling emissions with fan forced tunnel sheds).

• Provide a locality and site context plan that shows:

  • the full site area and direction and distance to nearby sensitive uses or residential zones
  • an accurate description of the site, including the location of sheds and emission points
  • the emission and odour dispersal for the shed (including any dispersion barriers, mounding or the like)
  • the design of the sheds and ventilation system to be employed
  • stormwater drainage to prevent contamination of drainage lines, nearby waterways or water storages, ground water and land
  • existing vegetation and proposed landscaping that minimises the visual impact of broiler sheds, other structures and external storage areas
  • traffic, site access, on-farm roads, loading and unloading and on-site parking.

The information in the site context plan should inform a development response plan.

INFORMATION FOR THE COUNCIL

• In assessing an application the council should be satisfied that on balance:

  • the overall environment and amenity of the site and the surrounding area is not diminished and, if possible, improved
  • the upgrade does not pose a risk of any further loss of amenity through increased risk of exposure of nearby sensitive uses to odour, dust or noise
  • where the upgrade includes the installation of tunnel or fan assisted ventilation systems, either the siting and orientation of the fans or incorporation of mitigation design elements such as diversion screens or vegetation barriers should ensure nearby sensitive uses will not be affected by unreasonable amenity impacts from odour, dust or noise
• the upgrade maintains or improves the overall environmental and amenity situation including traffic management, on-farm roads, vehicle movement and parking, and management of noise and light from farm operation including loading and unloading, notwithstanding that an upgrade may result in a change of the existing separation distance between the broiler farm and an adjoining sensitive use

• the upgrade manages waste from farm operations to minimise adverse amenity impacts from odour and dust on nearby sensitive uses, prevents the pollution of ground and surface waters and land, and avoids biosecurity risks.

• Other key considerations include:
  • surrounding land uses (in particular the location of a sensitive land use such as a dwelling)
  • topography of the site and surrounding area, existing vegetation and landscaping
  • any history of complaints and how the proposal may address these
  • any incorporated design mitigation elements.
Appendix 2: Include an outdoor range area to a Broiler farm

GENERAL INFORMATION

- Does the addition of an outdoor range area supersede the requirements of an existing planning permit?
  
  No. Any requirement of an existing planning permit including any requirements of the Broiler Code (where applicable), must continue to be complied with. This may include planning permit conditions or plans endorsed under a planning permit. This may apply to such matters as setback requirements, landscaping and the like.

- Can a farm continue to operate as a broiler farm (with birds permanently housed in the sheds) after the addition of an outdoor range area?
  
  Yes. The addition of an outdoor range area under the provisions of Clause 52.31.3 of the planning scheme provides the broiler farm the flexibility to operate with the use of the range area or with the birds permanently housed in the sheds so long as the requirements of an existing permit or existing use rights continue to be complied with.

- The addition of an outdoor range area to existing sheds of a broiler farm is likely to result in a reduced risk of odour impact as:
  
  - these farms generally operate at a lower stocking (bird placement density)
  - the birds have access to an extra 100% to 150% of space resulting in reduced manure load on the litter in the sheds
  - the litter in the sheds has greater exposure to natural ventilation, aerobic breakdown and drying and there is increased air circulation in the sheds as they are open during daylight hours.

INFORMATION FOR THE APPLICANT

Under Clause 52.31-3 no permit is required to use land or to construct or carry out works for an outdoor range area of a lawfully established broiler farm. This does not apply to the requirements for a permit for any buildings or works specifically required by an overlay in a planning scheme.

The following requirements must be met:

- there is no increase in the number of birds on the land above the maximum number permitted on the land at that time
- the maximum number of birds on the land at any one time does not exceed 150,000.

These requirements can be varied by a permit.

- The council can consider a planning permit application where either of the two requirements in Clause 52.31-3 are not met.
- It is the responsibility of the applicant to demonstrate that any change to the requirements of Clause 52.31-3 will not adversely affect the environment or amenity of the area.
Appendix 3: Application for a free-range chicken meat farm (Intensive Animal Husbandry)

INFORMATION FOR THE APPLICANT AND COUNCIL

- Establish whether the farm will operate solely as a free-range operation.

Where an applicant seeks the flexibility to operate the farm to produce both free-range chicken meat product and broiler chicken meat product (where the birds are permanently housed in the shed) then a planning permit is also required for a broiler farm and the Broiler Code must be applied.

- Key considerations include:
  - siting, farm design and operation
  - distance from any poultry shed wall to the farm property boundary- known as the ‘boundary buffer’. Boundary setbacks mitigate visual amenity issues, and the immediate impact of the farm on the amenity of the surrounding area
  - distance from any poultry shed wall to the nearest sensitive land use beyond the farm property boundary- known as the ‘separation distance’. A sensitive land use includes a dwelling. The separation distance will need to be determined on a case-by-case basis.

Note: There are no prescribed buffer or separation distance requirements.

- Specific matters to address in the application and Environmental Management Plan may include:
  - fencing of range areas
  - prevention of vermin and protection from predators
  - maintaining biosecurity (prevention of contamination from other birds)
  - maintaining vegetation/ground cover on the range area to provide grazing and to prevent dust, contamination to water and land and the unacceptable build up of nutrients
  - waste management, including stormwater drainage – consideration should be given about how to prevent the accumulation of nutrients (nitrogen and phosphorous) in the soil of the range area, potential nutrient run-off and contamination of ground and surface waters and land.