

Applying for a planning permit to farm broiler chickens

Planning Practice Note 63

SEPTEMBER 2018

This practice note provides guidance for applicants and responsible authorities about:

- preparing and assessing a planning permit application for a broiler farm
- adding an outdoor range area to an existing broiler farm.

This practice note does not apply to poultry farms for egg production, poultry hatcheries or the raising of pullets and broiler breeders, and to non-broiler poultry species such as quail, duck, turkey and geese.

More information about planning schemes and the permit application process is available online:

planning.vic.gov.au

Planning for sustainable animal industries

Victoria's animal industries are significant contributors to the Victorian economy. They are major employers in rural and regional Victoria, employing around 52,000 people (on farm and in processing). Animal industries contribute over 60 per cent (\$8.1 billion) of Victoria's total value of agricultural production.

In September 2018, Amendment VC150 amended the Victoria Planning Provisions (VPP) and planning schemes to introduce reforms to clarify and simplify the planning framework to support the growth of animal industries, while protecting the environment and community amenity. The reforms included:

- new land use definitions (including a new definition for 'broiler farm')
- new decision guidelines for broiler farm applications
- a simplified application process for low density mobile outdoor broiler farms
- new guidelines for low density mobile outdoor broiler farms.

More information about these reforms and the Victorian Government's ongoing work on planning for sustainable animal industries is available at: planning.vic.gov.au and agriculture.vic.gov.au



When is a planning permit required?

The following table summarises when a planning permit is required to **use land for a broiler farm** and when the use is prohibited.

Zone	No more than 100 chickens	101 to 10,000 chickens	More than 10,000 chickens
Farming Zone	No permit required	Permit required	Permit required
Rural Activity Zone	No permit required	Permit required	Permit required
Green Wedge Zone	No permit required	Permit required	Permit required
Rural Living Zone	No permit required	Permit required	Prohibited
Green Wedge A Zone	No permit required	Permit required	Prohibited
Rural Conservation Zone	No permit required	Permit required	Prohibited
Urban Growth Zone	No permit required	Permit required	Prohibited
Urban Floodway Zone	Prohibited		
Residential Zones	Prohibited		
Industrial Zones	Prohibited		
Commercial Zones	Prohibited		

If a permit is required to use land for a broiler farm, a permit will also be required to **construct a building or to construct or carry out works** associated with the broiler farm. This also applies to existing broiler farms even if there is no increase in the farm capacity (the number of chickens).

If a permit is not required to use land for a broiler farm, a planning permit may still be required to construct a building or construct or carry works, depending on the planning controls that affect the property and the location of the buildings and works (for example, in rural zones a permit is required to construct a building within specified setbacks).

The application process for low density mobile outdoor broiler farms is simplified if requirements specified in Clause 53.09-4 of the planning scheme are met. The simplified process is designed for broiler farms that pose a low level of risk to amenity and the environment if carefully sited and managed.

The *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (June 2018)* are incorporated into planning schemes and assist planners to determine if an application meets the requirements for the simplified process. See also the section on notice and VCAT review below.

Before lodging a permit application, contact the relevant local council to confirm:

- what planning controls affect the property
- what planning permission is required

- the matters that will need to be addressed in the application.

How is a broiler farm defined in planning schemes?

The following land use definitions apply in all planning schemes:

Animal production - Land used to keep or breed farm animals for the production of livestock, eggs, fibre, meat, milk or other animal products.

Poultry farm - Land used to keep or breed poultry.

Broiler farm - Land used to keep broiler chickens for the production of meat.

What are the different types of broiler farms?

Broiler farms include:

- **Conventional farms** where chickens are kept and reared permanently in sheds. Chickens can move freely in the sheds and have ready access to food and water.
- **Free-range farms** where chickens are raised in sheds or other housing with access to outdoor range areas.
- **Low density mobile outdoor farms** (sub-category of free-range farms) where:
 - chickens live outdoors in paddocks



- stocking densities are kept low
- range areas are rested to allow ground cover to be maintained and to restrict the rate of manure nutrient additions to the soil
- mobile housing is provided to protect poultry in paddocks from the elements
- housing, feeders and watering points are regularly and frequently moved to distribute manure nutrients more evenly.

Most broiler chickens in Victoria are raised on large (more than 10,000 chickens) conventional broiler farms. However, the number of free-range broiler farms is increasing.

Free-range farms can vary significantly. However they generally fall within two categories:

- Small scale farms (less than 10,000 chickens) with portable feeding and fixed or mobile housing systems (for example, fixed or mobile sheds, shelters or caravans) located in paddocks/pastures. Low density mobile outdoor poultry farms are an example of this.
- large-scale farms (more than 10,000 chickens) with tunnel ventilated sheds and associated infrastructure, and with access to outdoor range areas.

This practice note sets out the planning requirements and controls for all types of broiler farms.

Victoria's planning requirements for broiler farms provides farmers with flexibility to switch between conventional and free-range systems in response to market demand.

Making an application

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

The table in Appendix 1 provides a summary of the permit application process outlined in this practice note and information about adding an outdoor range area to an existing planning permit.

Applicants should contact the relevant council early in the process of preparing an application to check:

- the documentation, plans and supporting information that is required
- how the responsible authority will process the application
- if there are any issues that may affect the prospects of a planning permit being granted

- that the planning policies and controls in the planning scheme generally support the proposal
- whether the application is required to be referred to other authorities
- whether the application is exempt from third party notice and review requirements.

Where relevant, applicants are encouraged to talk to 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.

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.

The *Victorian Code for Broiler Farms 2009 (plus 2018 amendments)* sets out application requirements for the farms it applies to.

The *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (June 2018) sets out the expectations for applications for low density mobile outdoor broiler farms that meet the requirements for a simplified application process (see the section on notice and VCAT review below).

More information is available in Planning Practice Note 87: *Better Permit Applications and Model Permit Conditions for Animal Industries*.

When does the Victorian Code for Broiler Farms 2009 apply?

The *Victorian Code for Broiler Farms 2009 (plus 2018 amendments)* (Broiler Code) provides the basis for the planning, design, assessment, approval, operation and management of broiler farms in Victoria.

The Broiler Code is an incorporated document in all Victorian planning schemes.

Clause 53.09 of all planning schemes requires that an application to use or develop land for a broiler farm must comply with the Broiler Code. This requirement does not apply if:

- there are less than 10,000 chickens permitted on the land at any time; or
- the maximum number of chickens permitted on the land is not increased.



The Broiler Code specifies different information and assessment requirements and notification and different notice 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.

Farms with a capacity of less than 10,000 chickens are considered to have low environmental and amenity risks. Consequently, the Broiler Code does **not** apply to these farms.

When do the Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines apply?

The *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (June 2018) provide the basis for the planning, design, assessment, approval, operation and management of particular small outdoor poultry farms which, if suitably sited and managed, are likely to present low environmental and amenity risks.

The guidelines apply to applications for low density mobile outdoor broiler farms that meet the requirements specified in Clause 53.09-4 (see the section on notice and VCAT review below).

Before deciding an application for a low density mobile outdoor broiler farm, the responsible authority must consider the requirements of the guidelines.

When is an Environmental Management Plan required?

An Environmental Management Plan (EMP) is a document detailing how a broiler farm operator will operate and manage the broiler farm on a daily basis to ensure the farm continues to meet acceptable environmental performance targets.

The plans outline strategies and measures to minimise environmental risks and contingency actions to manage environmental problems that may arise. 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.

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 the approval being sought and whether or not it is warranted to ensure that the ongoing operation of the broiler farm meets best practice.

The operation and auditing of an EMP is considered a key to best practice management and is a requirement of all broiler farm applications that the Broiler Code applies to.

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.

Notice and VCAT review

Giving of notice involves the formal notification of the application to the owners and occupiers of adjoining properties and anyone else who may be affected by the proposal. Section 52(1) of the *Planning and Environment Act 1987* specifies how notification is to occur.

A person who is given notice of an application has the right to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the responsible authority's (council's) decision.

Specific notice requirements for broiler farms are specified in Clause 53.09-5. These apply to a new broiler farm and to an increase in 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.

In some instances, proposals are exempt from the notice and review requirements.

Exemptions from the notice and review requirements are specified in Clause 53.09-4. These exemptions apply to:

- Class A Broiler Farms (as specified under the Broiler Code)
- Low density mobile outdoor poultry farms (refer below).

Low density mobile outdoor broiler farms

Low density mobile outdoor broiler farms keep chickens outdoors in paddocks with mobile housing (caravans) and *often* mobile electric fencing. The chicken stocking density is kept low to provide for the maintenance of ground cover and nutrients are managed so that the system is sustainable.

Clause 53.09-4 exempts applications for low-density outdoor broiler farms from notice and review requirements if the following requirements are met:

- The number of chickens does not exceed 10,000.



- The outdoor stocking density does not exceed 1,500 chickens per hectare.
- A Nutrient Management Plan demonstrates chickens are kept outdoors on paddocks with:
 - a minimum of 50 per cent ground cover
 - mobile housing and feeding infrastructure that is relocated at least every two weeks.
 - An area used as a poultry range, including associated buildings and works, meets the setbacks in following table:

Chicken Numbers	Minimum distance to a building used for a sensitive use (accommodation, child care centre, education centre and hospital)	Minimum distance to land in a residential zone
1,000 broiler chickens or less	50 metres	200 metres
More than 1,000 broiler chickens	100 metres	400 metres

More information is available in the *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (June 2018).

Making a decision

Key considerations for planners assessing an application for a broiler farm include:

- **Siting, farm design and operation**
The siting and location will reduce the risk of adverse impacts on the environment and adjoining land uses.
- **Farm type**
Type, scale and operation of the farm will determine the scope of the issues and impacts that may need to be considered.
- **Boundary setbacks (or buffers)**
The boundary setback is the distance between the nearest external edge of any broiler shed, litter stockpile or compost pile, and the broiler farm boundary.

Boundary setbacks mitigate visual amenity issues, and the immediate impact of odour, noise and dust emissions from broiler sheds, litter stockpiles or compost piles on the amenity of the surrounding area.
- **Separation distances from sensitive uses**
For a broiler farm of more than 10,000 chickens, the separation distance relates to the distance from any poultry shed wall to the nearest sensitive land use beyond the farm property boundary. A sensitive land use includes a dwelling.

For a low density mobile outdoor broiler farm that meets the requirements for the simplified application process, the separation distance relates to the distance from any chicken range area to the nearest sensitive land use beyond the farm property boundary.

The separation distance is required to minimise the risk of routine and abnormal odour and dust emissions from the broiler sheds adversely impacting on nearby sensitive uses.

- **Setbacks from waterways**
The separation distance between sheds or range areas and waterways. This may determine whether the application should be referred to the Catchment Management Authority or other water authority.

Note: New farms (or existing farms increasing their stock numbers) with more than 10,000 chickens must comply with the requirements prescribed by the Broiler Code, including buffers and setbacks. Unless the proposed farm meets the requirements for the simplified application process, there are no prescribed buffers or setbacks for farms with less than 10,000 chickens, therefore separation distances will need to be determined on a case-by-case basis.

Issuing a permit

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

Planning Practice Note 87: Better Permit Applications and Model Permit Conditions for Animal Industries provides guidance on model permit conditions.

Model conditions are also provided for eligible farms in the *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (June 2018).



Appendix 1: Planning permit requirements for broiler farms

	APPLICATION FOR A NEW BROILER FARM		APPLICATION TO UPGRADE AN EXISTING BROILER FARM WITH NO INCREASE IN FARM CAPACITY (NUMBER OF CHICKENS) (REFER TO APPENDIX 2)	ADDING AN OUTDOOR RANGE AREA TO AN EXISTING BROILER FARM (REFER TO APPENDIX 3)
	MORE THAN 10,000 CHICKENS	10,000 CHICKENS OR LESS		
WHAT IS THE NATURE OF THE PROPOSAL?	A new broiler farm with a farm capacity of more than 10,000 chickens.	A new broiler farm with a capacity of 10,000 chickens or less.	<p>A typical farm upgrade includes:</p> <ul style="list-style-type: none"> An increase in floor area of existing sheds or the replacement of existing sheds, including re-orientation of sheds on site. A conversion or upgrade of the existing ventilation system from natural ventilation to a tunnel or fan assisted ventilation system. 	An outdoor range area is added to an established broiler farm.
IS PLANNING APPROVAL REQUIRED?	Yes	No For farms with 100 chickens or less Yes For farms with more than 100 chickens	No For farms with 100 chickens or less Yes For farms with more than 100 chickens where existing use rights do not apply. No	No When the requirements of Clause 53.09-2 are met. Refer to Appendix 3. No
DOES THE BROILER CODE 2009 (PLUS 2018 AMENDMENTS) APPLY?	Yes	No	No	No
IS AN ENVIRONMENTAL MANAGEMENT PLAN OR AUDIT REQUIRED?	Yes	No See also the Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines	Council to decide.	Council to decide. When a planning permit is required.
IS AN ODOUR ENVIRONMENTAL RISK ASSESSMENT REQUIRED?	No For Class A and B Broiler Farms. Yes For Special Class and Farm Cluster Broiler Farms. Refer to the Broiler Code 2009 (plus 2018 amendments).	No	No	No
DOES NOTICE AND REVIEW APPLY?	No If exemptions apply. Refer to Clause 53.09-4 as exemptions may apply depending on the farm class. Yes <ul style="list-style-type: none"> If no exemptions apply and council decides to give notice in accordance with s52(1) of the <i>Planning and Environment Act 1987</i>. If specific notice requirements apply. Refer to Clause 53.09-5. 	No If exemptions apply. Refer to Clause 53.09-4 as exemptions apply for outdoor farms that meet specified requirements. Yes If no exemptions apply and Council decides to give notice in accordance with s.52(1) of the <i>Planning and Environment Act 1987</i> .	Council to decide in accordance with s.52(1)(a) of the <i>Planning and Environment Act 1987</i> .	No If the requirements of Clause 53.09-4 are met. Yes When a planning permit is required, and council decides to give notice in accordance with s.52(1) of the <i>Planning and Environment Act 1987</i> .
ARE THERE SPECIFIC MATTERS TO CONSIDER WHEN PREPARING AN APPLICATION OR MAKING A DECISION ON A PROPOSAL?	Yes <ul style="list-style-type: none"> An application must comply with the Broiler Code 2009 (plus 2018 amendments). Refer to the Broiler Code to establish the farm classification – different information and assessment requirements apply to each classification. 	Yes Farms that are eligible for exemptions from notice and review under Clause 53.09-4 must demonstrate compliance with the specified requirements.	Yes <ul style="list-style-type: none"> Establish whether existing use rights apply. Validate broiler farm capacity. Specific application and assessment information applies. 	Yes <ul style="list-style-type: none"> The requirements of Clause 53.09-3 must be met. General information applies. Where a permit is required specific assessment information applies.



Appendix 2: Application to upgrade an existing broiler farm – no increase in farm capacity (chicken numbers)

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 current farm capacity will be defined under an existing 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 chicken numbers on a farm
- the floor area of the existing sheds with chicken numbers based on a placement density of 21.5 chickens/m².

Placement density

The placement density of 21.5 chickens/m² is representative of a typical industry placement density for the young chicks in the shed. This density will be reduced as chickens 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, is 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 3: Add an outdoor range area to an existing broiler farm

Is a planning permit required to add a range area to an existing broiler farm?

No (if the requirements of Clause 53.09-2 are met).

Under Clause 53.09-2 a planning permit is not required to use land or to construct or carry out works to add an outdoor range area to an existing broiler farm if the following requirements are met:

- There are no more than 150,000 chickens permitted on the land at any time.
- The number of chickens on the land is not increased.

This exemption does not apply to permit requirements under a planning scheme overlay.

If the exemption requirements cannot be met, an application for a permit to add an outdoor range area can still be made (subject to the planning controls applying to the land).

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 includes 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 conventional broiler farm (with chickens permanently housed in sheds) after the addition of an outdoor range area?

Yes. The addition of an outdoor range area under the provisions of Clause 53.09-2 of the planning scheme provides a broiler farm the flexibility to operate with the use of the range area or with the chickens 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 placement density
- chickens have access to an extra 100 to 150 per cent 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.

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