## 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**

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| **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.

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| **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. |

**Validate environmental and amenity suitability**

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.