











# VICTORIAN CODE FOR BROILER FARMS 2009

## Plus 2018 Amendments

VICTORIA
State Government

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# Foreword

The chicken meat (broiler) industry is a significant component of Victorian agriculture, contributing approximately $400 million annually to the Victorian economy. The industry has an established base in Victoria, with a well-developed network of processors, feed producers, growers and customers. The *Victorian Code for Broiler Farms* (this Code) has been developed to provide clear environmental standards for those wishing to establish new, or expand existing, broiler farms, and assurance for the surrounding landholders who may be impacted by broiler farming activities.

This Code provides a basis for the planning, design, assessment, approval, construction, operation and management of broiler farms in Victoria. It presents an appropriate balance between the operational needs of the broiler farm industry and the protection of the environment, particularly the air environment for people who live near broiler farms.

The Code acknowledges existing land use rights, but places rigorous conditions on the development of all new broiler farms and the expansion of existing farms.

Compliance with this Code is mandatory for the establishment of all new broiler farms and expansions in Victoria.

This Code was originally developed in 2001 following extensive consultation with industry, community and government stakeholders. The Code became effective in September 2001 when it was incorporated into the *Victoria Planning Provisions* and all planning schemes in Victoria under the *Planning and Environment Act 1987*.

The Code was reviewed in 2006–2009 through a consultative process involving the Mornington Peninsula, Golden Plains, Bendigo and Strathbogie shire councils, the Victorian Farmers Federation Chicken Meat Group, the Victorian Chicken Meat Council and a Community Representative. A steering committee comprising representatives of the Department of Primary Industries (DPI), the Department of Innovation, Industry and Regional Development, the Department of Planning and Community Development and the Environment Protection Authority Victoria (EPA Victoria) was responsible for the development of a draft revised Code which was placed on public exhibition from 6 March 2009 to 8 May 2009. In response to the submissions the final version of the Code was prepared.

This Code (*Victorian Code for Broiler Farms 2009*) was incorporated into the *Victoria Planning Provisions* and all planning schemes in Victoria in 2009. It replaces the previous code.

The Code and other supporting documents are available on the Agriculture Victoria website at http://agriculture.vic.gov.au/agriculture/livestock/poultry-and-eggs/poultry-legislation-regulations-and-standards/the-victorian-code-for-broiler-farms.

**The Victorian Code for Broiler Farms 2009 (the Code) has been updated to include reforms to the *Victoria Planning Provisions* as follows:**

- new definition for broiler farm to include free-range chicken meat farms
- a minimum farm size for which the Code applies.

The updated Code also includes changes to the titles of government departments and other relevant references.

# 1. Introduction

This section describes the purpose and intent of this Code, how it fits into the planning system, and the roles of the various stakeholders.

## Purpose of this Code

**The purpose of the Victorian Code for Broiler Farms is to:**

1. deliver sound environmental performance in the planning, design, construction, operation and management of broiler farms
2. protect local amenity from adverse impacts, including offensive odours, dust, noise and visual impacts
3. protect the surrounding environment from adverse impacts
4. permit an economically viable, competitive and sustainable broiler farm industry.

**To achieve these outcomes, this Code sets requirements for the:**

- siting and size of broiler farms
- application of best practice in the design, construction, operation and management of broiler farms to satisfy relevant environmental standards
- preparation, assessment and determination of broiler farm development proposals through the planning permit system
- ongoing monitoring of broiler farm operations through routine audits.

This Code provides a framework for the economically and environmentally sustainable development and operation of the broiler farming industry in Victoria, recognising the needs of the industry and the community.



## Does this Code regulate animal welfare?

No. This Code is an environmental Code to ensure high environmental standards are achieved through the Victorian planning process.

Animal welfare standards and controls are given effect in state regulation such as the *Prevention of Cruelty to Animals Act 1986* and the *Prevention of Cruelty to Animals (Domestic Fowl) Regulations 2006*. In addition Victorian poultry welfare Codes apply to the broiler industry (see also 'Relevant legislation and other requirements' section of this Code).

At the time of writing this document, national welfare standards were under development that may replace the Victorian welfare codes for poultry. The most relevant standards and Codes are available on the Agriculture Victoria website1.

## What is a broiler farm?

A broiler farm is land used to keep broiler chickens for the production of meat. Chickens are grown to specific processing weight in sheds, where they are free to roam the shed floor and where they have ready and continuous access to feed and water. Broiler farms can also include an outdoor area adjacent to the sheds. Once birds are old enough, they have regular access to the outdoor range area in addition to the indoor shed space. These farms are often referred to as free-range broiler (chicken meat) farms.

Free-range chicken meat farms can vary significantly from very small-scale farms with mobile housing systems (e.g. mobile sheds, shelters or caravans) located in paddocks/pastures to large scale commercial farms with tunnel ventilated sheds and associated infrastructure.

This Code is concerned with large scale broiler farms, including large free-range farms.

Shed ventilation is typically provided by either natural cross ventilation across the shed width, modern tunnel ventilation systems, or a combination of extraction fans, natural ventilation and / or tunnel ventilation. The shed floor is covered with litter, which is a bedding material – usually rice hulls or wood shavings. Feed is provided automatically via an auger system in regularly spaced pans, and water is most commonly supplied through a nipple drinking system.

The chickens are grown to an age of five to eight weeks. They are collected for processing at intervals within this period, depending on their weight and the requirements of the chicken meat processor. Following the removal of a complete batch of chickens, the litter bedding is removed, sheds are cleaned and disinfected, and fresh litter is applied, to decrease the risk of disease, and to prepare for the following batch of chickens. Each grower rears an average of approximately five and a half batches a year.

Growers typically rear chickens on behalf of the processing companies, in return for a growing fee. The processing company delivers day-old chicks, provides feed and medication as required, provides management advice throughout the growing period and collects the birds when they are ready to process. The grower provides the infrastructure (shedding and equipment), and the labour required to rear the chickens to processing age.

[1] http://agriculture.vic.gov.au/agriculture/animal-health-and-welfare/animal-welfare

## How does the planning system apply to the use and development of broiler farms?

It is State planning policy to facilitate the establishment and expansion of broiler farms in a manner consistent with orderly and proper planning and protection of the environment.

In all Victorian planning schemes a planning permit is always required to use and develop land for a broiler farm in Victoria. A planning permit can be applied for in the following rural zones:

1. **Farming Zone**
2. **Rural Activity Zone**
3. **Green Wedge Zone.**

Establishment of a new broiler farm is prohibited in all urban zones[2], the Rural Conservation Zone, the Green Wedge A Zone and the Rural Living Zone.

Other types of zones may permit the application for a planning permit for a broiler farm. Prospective applicants should consult the responsible authority (council) if they are unsure whether the zoning of their land permits an application for a broiler farm.

This Code is an incorporated document under Clause 81.01 of the *Victoria Planning Provisions* and all planning schemes.

Under Clause 52.31 of the *Victoria Planning Provisions* and all planning schemes, all new broiler farms and expansions must comply with the requirements of this Code. However, this Code does not apply to all planning permit applications associated with the development of broiler farms. The section 'Scope of the Code' sets out the types of applications that this Code applies to.

Compliance with this Code alone will not ensure all relevant requirements of a planning scheme are met. The Code must be read in conjunction with other parts of the planning scheme including:

- relevant land use and development polices contained in the *State and Local Planning Policy Frameworks*
- the purpose of zones, any overlays or other local controls, and relevant decision guidelines.

## Role of the responsible authority

Municipal (local) councils are generally the responsible authority for the administration or enforcement of planning schemes. This means that councils will assess and determine broiler farm planning permit applications. Councils are also responsible for monitoring and enforcing the compliance of broiler farm operators with their planning permit conditions.

Prospective applicants are encouraged to consult with the responsible authority early in the planning stages to identify the responsibilities of the applicant and the permit application requirements.

## More advice and information

In addition to the responsible authorities, advice or support is available from the following State Government departments and agencies:

1. EPA Victoria can provide environmental and technical advice regarding this Code. This Code also requires that EPA Victoria be given notice by the responsible authority of certain types of applications (see the 'Odour Environmental Risk Assessment (Odour ERA)' section of this Code).
2. Agriculture Victoria can provide advice on the requirements of this Code.
3. The Regional Development Victoria and InvestAssist can assist prospective broiler farm investors through provision of the following investment facilitation services:
    - site location service
    - specialist advice on the development approvals process
    - identification of infrastructure and utility requirements.

Industry groups, such as the Victorian Chicken Meat Council and the Victorian Farmers Federation Chicken Meat Group, may be able to help prospective applicants with design, operation and management advice that conforms to industry best practice, training and educational materials, and accreditation under the Victorian Farmers Federation Chicken Care program, an industry environmental care initiative.

## Other regulatory considerations

A range of legislation may impose additional requirements on the development and operation of broiler farms. While these requirements may not be relevant to the planning permit process, prospective applicants should be aware of them and build them into the planning of a broiler farm. The 'Relevant legislation and other requirements' section of this Code summarises some of the other legislation that may apply to a broiler farm in Victoria.

## Future development of the Code

This Code's standards and approved measures are based on current information, knowledge and practice. Further investigation, research and innovation in farm practice may establish new standards and redefine best practices and measures for the industry.

This Code will be revised as new information and expertise relating to the design, operation, management and environmental impact of broiler farms becomes available. Reviews will be undertaken approximately every five years at which time new information will be considered. Any amendment to this Code will require an amendment to the *Victoria Planning Provisions*.

[2] For example: Residential Zones, Industrial Zones, Business Zones, Urban Growth Zone


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# 2. Using The Code

## Overview of the Code

This Code has 13 sections that describe the key considerations for a broiler farm development:

1. **Introduction:** This section describes the purpose and intent of this Code, how it fits into the *Victoria Planning Provisions* and all planning schemes, and the roles of the various stakeholders.
2. **Using the Code:** This section provides an overview of the key sections that make up the Code.
3. **Scope of the Code:** This section details the type of land uses and proposed developments that must comply with this Code.
4. **Key amenity and environmental issues:** This section outlines the key amenity and environmental issues that must be considered in the development of a new broiler farm or expansion, and describes the accepted principles to manage the risks. This will give a general overview to planners and other interested stakeholders who are not familiar with broiler farm operations.
5. **Classification of broiler farms:** Broiler farms are classified as Class A, Class B, Special Class or Farm Cluster. The Code applies different information and assessment requirements, and notification and review rights to the different farm classifications. This section details the criteria for the different farm classifications and the land use planning considerations for each farm class.
6. **Odour Environmental Risk Assessment (Odour ERA):** This section sets out the requirements to conduct an Odour Environmental Risk Assessment (Odour ERA) for a Special Class Farm or a Farm Cluster.
7. **Farm design and operation elements:** This section specifies the six best practice elements of broiler farm siting, design and operation that make up the key components of this Code, and against which all permit applications must be assessed.
8. **Auditing requirements:** This section explains that all broiler farms approved under this Code are required to conduct routine audits to ensure the farm's ongoing compliance with the approved environmental management plan. It outlines the requirements for routine and special audits, and the responsibilities of all parties in association with the audits.
9. **Application documentation requirements:** This section outlines the documentation required to submit a planning permit application for a broiler farm.
10. **Application process:** This section outlines the process for the submission, assessment and approval of a planning permit application for a new broiler farm or broiler farm expansion. It includes the different processes for Class A, Class B, Special Class and Farm Clusters.
11. **Strategic and land use planning considerations:** This section provides guidance on land use planning considerations for new or expanded broiler farms, farm upgrades, and for the development of new sensitive uses close to existing broiler farms. It addresses some of the key planning considerations related to the use of land around a broiler farm, and important matters such as land rezoning, subdivision and development of new sensitive uses near existing broiler farms.
12. **Relevant legislation and other requirements:** This section summarises some of the other legislation that may affect the development and management of broiler farms.
13. **Glossary:** This section explains key words and phrases used in the Code. Permit applicants and responsible authorities should familiarise themselves with these glossary descriptions when using this Code.

The remainder of the Code provides supporting information that may help permit applicants prepare their application.



# 3. Scope of The Code

This section details the type of land uses and proposed developments that must comply with this Code.

This Code applies to a planning permit application to use and develop land for a broiler farm with a farm capacity of more than 10,000 birds that includes any of the following:

- the establishment of a new broiler farm
- an increase in the farm capacity of an existing broiler farm (farm expansion)

This Code **does not apply** to:

- a broiler farm of 10,000 birds or less
- an existing broiler farm where there is no increase in the farm capacity
- the use and development of land to keep or breed:
  - poultry for egg production
  - poultry that produce chicks to be supplied to broiler farms for rearing (poultry hatcheries or the raising of pullets and broiler breeders)
  - non-broiler poultry species, such as quail, duck, turkey and geese.

While the Code does not apply in these cases, a planning permit may still be required.

**FARM CAPACITY** is the maximum number of chickens allowed on the farm at any one time.

For new farm and farm expansion applications, the proposed total farm capacity must be declared in the planning permit application. If a planning permit is granted the farm capacity should be stated on the planning permit in the description of what the permit allows[3].

## Farm capacity and existing farms

Sometimes it will be necessary to validate the capacity of an existing farm. Where possible, the existing farm capacity is defined within a valid planning permit. Where the existing farm capacity has not been defined within a valid planning permit, the existing farm capacity can be established from (in order of priority):

1. a current contract or other formal documentation that establishes the bird numbers on farm or
2. the area of the existing shed floor and determining bird numbers based on a placement density of 21.5 birds/$m^2$.

The placement density value of 21.5 birds/$m^2$ is representative of a typical industry placement density for the young chicks in the shed. This density will be reduced during the batch as birds are removed at intervals for processing. This figure is not mandatory and is used in this Code only for the purposes of establishing a farm capacity number for an existing farm's current broiler operation in the absence of a planning permit (or other documentation) that otherwise provides the required information. From this information the responsible authority can then determine whether a broiler farm planning permit application is an expansion or an upgrade.

**Note:** The farm capacity for a new development does not need to be based on the above placement density. Permit applicants may plan a new development based on other densities. For example, some applicants may wish to have a lower placement density (ie less birds/square metre) in order to grow larger birds or so that they may be able to respond to changing animal welfare requirements in the future.

[3] See also Section 'Application Process' (Stage 5).

## Application of this Code to farm expansions

Except where explicitly specified otherwise in this Code, where a permit applicant proposes to increase the farm capacity of an existing broiler farm (farm expansion), the facilities and operations of both the existing farm and the proposed expansion must comply with this Code to the satisfaction of the responsible authority. For example, the equipment and farm management practices of the existing farm may be upgraded to satisfy the objectives and standards of this Code, but major upgrades of the existing building or structures may not be practical or necessary.

## Outdoor range area for an existing broiler farm

A permit is not required for the addition of an outdoor range area in association with an existing broiler farm provided the following requirements are met:

- the maximum number of birds on the land is not increased
- there are no more than 150,000 birds permitted on the land at any time.

This exemption does not apply to the requirements of any overlay that applies to the land.

Once a broiler farm has an outdoor range, the farm can operate as either a conventional broiler farm (with birds permanently in the shed) or a free-range farm (with birds having access to the range) without being considered a 'change in use'.

## Existing farms

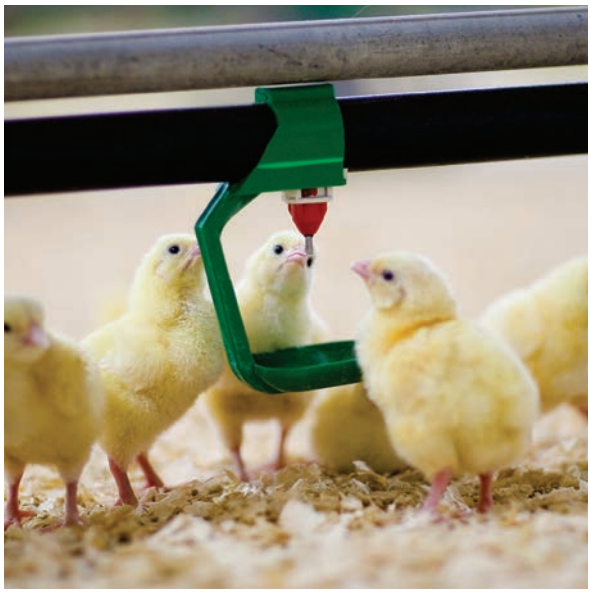
Broiler farms that were lawfully established before the introduction of this Code may continue to operate in conformity with their previous lawful operations and the conditions of any valid planning permit that pertains to the broiler farm. These rights are referred to as 'existing use rights'. Sections 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 broiler farm operators are encouraged to regularly undertake improvements and upgrades that improve operating efficiency and / or reduce the impact of the farm on neighbours. Existing farm operators should consult with the relevant responsible authority to determine whether they require a planning permit before undertaking any improvements or upgrades.

Whilst this Code does not apply to farm upgrades that do not increase the farm capacity, the 'Strategic and land use planning considerations' section of this Code provides guidance to assist local councils in the assessment of farm upgrade planning applications. Responsible authorities are also encouraged to use the Code as a reference to inform their assessment of an upgrade application.

## Establishment of new sensitive uses near existing broiler farms

The 'Strategic and land use planning considerations' section of this Code provides guidance to permit applicants and responsible authorities on the land use considerations for the orderly and proper planning of new sensitive uses near existing broiler farm operations.



# 4. Key Amenity and Environmental Issues

Key amenity and environmental issues must be considered in the development of a new broiler farm or broiler farm expansion.

This section outlines those issues and describes the accepted principles to manage the risks, as a general overview to planners and other interested stakeholders who are not familiar with broiler farm operations.

## Amenity issues

Community amenity refers to the comfortable enjoyment of life and property, particularly in terms of air quality (ie odour and dust), noise, lighting and visual appearance. Of these, odour emissions generate more complaints from the community than any other issue in relation to broiler farms.

### 1. Odour

Raising of broilers is inherently an odour-producing process. It is an intensive form of animal husbandry and like other forms of intensive animal farming (for example, intensive piggeries and cattle feedlots) odours are produced due to the intensity of the processes used.

Odour is produced from the anaerobic decomposition of manure, spilt feed and other organic matter, and also from the birds and bird respiration. High moisture content in the litter assists this biological reaction (anaerobic digestion).

Odour emissions may have adverse impact on the amenity of existing sensitive uses beyond the broiler farm boundary if farms are not well located, sited, designed and operated. Generally, the greater the frequency, intensity, duration and offensiveness of an odour, the more likely it is to cause annoyance and lead to complaints. A number of inter-related factors can influence odour emissions from broiler farms including:

- the number of birds
- the age of the birds
- the broiler farm management and operation
- disease and digestive upsets in the birds
- the feed formulation
- the amount of faecal material in the litter
- the moisture content of the litter
- the shedding, equipment and other technologies (for example, odour reduction technologies) employed
- the waste management practices.

In addition, the likelihood of odour emissions impacting nearby sensitive uses is influenced by:

- local meteorological conditions (wind, temperature)
- topographical features (terrain, vegetation) that govern the transport and dispersion of odorous emissions
- the distance of the receptor (sensitive use) from the odour source(s)
- the nature and sensitivity of the receptor.

Odour emissions primarily originate from the broiler sheds, although some may be generated from inappropriately sited or managed temporary litter stockpiles, compost piles, or from the spreading of litter.

### 2. Dust

Dust can be a physical irritant as well as pose a respiratory or allergenic risk. Dust from broiler farms may originate from a number of sources. Within the broiler shed, the birds, feed and litter are significant sources of dust. Dust can include feather particles, skin cells, feed, litter, moulds, fungi, bacteria, and other organic matter from the decomposition of the litter, feed and faeces. All these contribute to the dust load that is expelled from sheds via the ventilation systems.

Other activities associated with broiler farms that could also be sources of dust are:

- delivery and dumping of litter to spread in sheds before the introduction of a batch of chickens
- removal of litter from the sheds after the batch of chickens has been harvested
- stockpiling of used litter on farms before its removal from the farm
- composting of used litter and reuse as a fertiliser
- transport movements on farms where vehicles use unsealed internal roads and loading areas
- transport movement on local roads, especially if they are unsealed or single-lane roads
- excessive bare ground in range areas.

Like odours, dust emissions will be dispersed by the prevailing meteorological conditions. However unlike odour emissions, which are dispersed by strong winds, dust emissions from broiler sheds can be exacerbated by strong winds stirring up dust from surfaces such as unsealed roads and loading areas.

## 3. Noise

While activities around the broiler shed and the broiler shed fans may generate some noise, truck and tractor movements are the main source of noise impact.

The impact of noise emissions can be affected by many factors, including atmospheric conditions, local topography, and natural and artificial barriers. Residents are more sensitive to noise during the evening and night, when there is greater potential to interrupt sleep.

## 4. Light spill

Light spill can impact nearby residences if lights from roadways, parking areas and broiler sheds are visible, particularly during the night (for example, during the night-time collection of birds).

## 5. Visual amenity

While broiler sheds, like other agricultural buildings, are an acceptable part of the rural landscape, the construction of several large sheds may significantly alter the landscape character.

## Avoiding the adverse amenity impacts

Three ways of avoiding the above emissions from adversely impacting the amenity of nearby sensitive uses is to:

1. set any new broiler sheds, temporary litter stockpiles or compost piles back from the broiler farm boundary (the **boundary setback** or 'boundary buffer' in the previous Code).
2. provide a **separation distance** between the broiler shed and existing or potential sensitive uses.
3. employ **best practice** in the design, siting, operation and management of the broiler farm (including landscaping).

### 1. Boundary setbacks

The boundary setback is defined in this Code as the fixed setback of at least 100 m required between the nearest external edge of any new broiler shed (or litter stockpile / 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.

### 2. Separation distances

The separation distance is the distance from the nearest external edge of the new or existing broiler shed to the nearest external edge of the sensitive use (that is the nearest edge of the house) on land beyond the broiler farm property. It excludes sensitive uses directly associated with the broiler farm operations – eg. dwellings on the broiler farm property.

The separation distance is therefore the distance from the new or existing broiler sheds within which no sensitive use is located.

The Code uses a formula to determine the required minimum separation distance and which is based on the proposed farm capacity and the requirements set out in the 'Classification of broiler farms' section of this Code.

Separation distances provide sufficient space to minimise the risk of offensive odour and dust emissions under both routine and abnormal (or upset) conditions adversely impacting the amenity of existing sensitive uses. The greater the separation distance and the boundary setback, the lower the probability of offensive odour and dust adversely impacting the surrounding community.

### 3. Best practice planning and management

Broiler farms cannot rely solely on boundary setback and separation distances to avoid off-site impacts and associated complaints. Broiler farms must also employ best practice to manage and control emissions and wastes. The separation distance requirements in this Code were established assuming that the design and ongoing management of broiler farms employ best practice.

In addition to effective 'boundary setback' and separating broiler sheds from sensitive uses ('separation distances'), a combination of sound shed design, good farm management practices, including regular cleaning and maintenance of facilities, and effective waste management is essential to minimise the risk of offensive odour and dust emissions.

- **Dust:** The management of dust from broiler sheds is primarily dealt with through the provision of adequate separation distances for minimising the adverse impacts of odour emissions. If appropriate measures are taken to ensure the odour impact on sensitive uses is avoided, then there is a low risk of dust adversely impacting sensitive uses.

  The management of dust from litter stockpiles, compost piles and re-spreading areas is dealt with by meeting the required setback distances from the broiler farm boundary and sensitive uses. Good management of the litter at all stages of use is essential. Covering stockpiles can also help to avoid potential adverse impacts of dust on nearby sensitive uses.

- **Noise:** Management of noise associated with vehicle movements requires consideration of the layout of internal roads and parking areas so that these are located away from sensitive uses as far as practicable. Consideration of noise when selecting farm equipment and vehicles may also be beneficial, as would shielding noisy equipment and activities.

- **Visual amenity:** Visual amenity can be managed through landscaping and siting that utilises existing topography and vegetation.

## Regulation of odour, dust and noise in Victoria

The *Environment Protection Act 1970* is the statutory basis to protect against odour, dust and environmental noise. More specific requirements to control odour, dust and noise are included in the following documents:

- *State Environment Protection Policy (Air Quality Management)* (SEPP (AQM))
- *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1* (in metropolitan Melbourne) (or SEPP N-1).
- *Interim Guidelines for Control of Noise from Industry in Country Victoria* (EPA Victoria publication no. 3/89, or its most recent update).

More information on these policies and guidelines is provided in the 'Relevant legislation and other requirements' section of this Code.

Under Clause 13.04 (Noise and Air) of the Victoria Planning Provisions and all planning schemes, the decision making by planning and responsible authorities must consider the above documents as relevant.

## Environmental issues

The key environmental issues pertaining to broiler farms are associated with the run-off of nutrients or waste to the surrounding environment – that is, into ground and surface waters, particularly waterways. The main potential source of run-off is waste areas such as temporary litter piles, compost piles; outdoor range areas and litter spreading areas that are inappropriately sited or managed. However all aspects of the broiler farm operation (including the broiler sheds and stormwater systems) must be designed to avoid nutrient run-off to ground and surface waters.

The main waste products associated with broiler farms are:

- spent litter
- dead birds
- general farm waste, including chemicals.

**Note:** Most processors will have set protocols for the management of waste such as spent litter and dead birds. The applicant should consult with the processor to ensure their intended management system complies with the specific requirements of the processing company.

### 1. Spent litter management

Litter is the bedding material applied to the shed floor for each batch of birds. Typically, rice hulls, wood shavings and saw dust are used for litter. At the end of each batch, the spent litter is removed and a fresh batch of litter is applied for the next batch of birds. Spent litter contains a mixture of the bedding material, urine, faeces, feathers, spilt feed and other organic matter.

There are several systems to manage spent litter:

(a) removing spent litter off farm at the end of the batch (which may include short-term or temporary stockpiling of litter before removal off farm)

(b) composting litter on farm before removing it off farm

(c) partially or fully re-using spent composted litter on farm.

- **Removing litter off farm at the end of the batch:** The immediate removal of litter is the most effective means to avoid the risk of nutrient farm run-off discharging to groundwater and waterways, and the risk of dust and odour emissions, and it is required for some flood-prone areas. Best practice is based on prompt removal after each batch directly from the sheds (via transport off farm in enclosed vehicles) and prompt clean-up of any spillage.

  Some temporary storage (stockpiling) of litter on farms may be required for a few days (up to three days) to match the seasonal or other demand patterns of the end users. Long term storage of litter (more than three days) can have additional adverse odour impacts particularly when the stockpile is

disturbed. Storage of litter for longer than 3 days should be under cover to protect the pile from weather and to protect nearby sensitive uses from offensive odour and dust emissions.

Assessment of proposals to remove litter off farm at the end of the batch should identify the best siting, construction and management of suitable temporary litter stockpiling areas (if required).

- **Composting litter on farm:** Composting is the controlled biological decomposition or treatment of an organic part of a material (in this case, spent litter) to a condition sufficiently stable for nuisance-free storage and for safe and beneficial use in land applications. Composting of spent litter on farm may be a favourable option for some operations, particularly larger farms that have the land available to ensure composting can be conducted away from the broiler sheds and away from nearby sensitive uses. Composting can reduce the odour of the stockpile, destroy weed seeds and pathogens, and produce a more consistent product for re-use than raw spent litter because the larger organic material is broken down. Organic matter and nutrients are stabilised in the composting process which reduces the potentially negative impacts of atmospheric emissions (for example from odorous and 'greenhouse' gases) and nutrient leaching when spent litter is applied to land.

  Composting requires active management of the pile with regular turning, aerating, and ensuring adequate moisture content and temperature is maintained. Further technical advice should be obtained to ensure composting is appropriately and adequately undertaken.

  Other conditions, too, may govern the composting of manure on farm. Composting must be conducted in accordance with the EPA *Designing, constructing and operating composting facilities Guidelines 1588.1*.

  Assessments of proposals to compost litter on farm must consider the suitability of this system for the property, and identify the best siting, construction and management of suitable composting areas. Consultation with the relevant water authority or flood plain management authority may be warranted.

- **Re-using litter on farm:** Litter **must** not be fed to livestock. Litter re-use **must** not pose any biosecurity risk to the poultry farm or surrounding poultry farms.

  Only composted litter should be spread on the farm. This is generally suitable for larger farms (which accommodate larger separation distances between sheds and nearby sensitive uses), which may benefit from re-using litter on the additional land. Re-use of composted litter must be carefully managed to take into account the potential for odour and adverse impacts on nearby sensitive uses. Spreading of compost should be undertaken at time when the weather is suitable to this activity (for example not windy). Rates of application **must** be managed to prevent nutrient build-up, leaching or off-site run-off to ground or surface waters. It is recommended that periodic soil tests are carried out to ensure that rates of compost application are sustainable.

  Assessments of proposals to re-use composted litter on farm must consider the suitability of this system for the property, and identify the best siting and management of the litter spreading areas.

For existing farms, the management of waste – including spent litter and dead birds – must be conducted in accordance with the conditions of the existing planning permit. For example, farms may not stockpile, compost or spread litter if the permit conditions require removal of all litter directly off-farm.

### 2. Dead bird management

The disposal of dead birds is a daily operation on a broiler farm. There are several management systems to dispose of dead birds:

(a) store dead birds short term, then remove off farm

(b) compost dead birds on farm.

- **Storing dead birds then removing off farm:** Where dead birds are regularly removed from the farm, they are collected from the shed, placed in an enclosed container, and either taken off site daily or stored in freezers until the regular collection. Dedicated freezers must have sufficient capacity to handle carcasses between collections.

  To manage on farm biosecurity, the collection point must be as far as practical away from the farm site so the collection vehicle does not enter the site. For public amenity, dead birds (or bird bins) must not be left in public view.

  Dead birds must be disposed of legally at licensed composting facilities, rendering plants or licensed landfills. In addition to existing systems, new technologies are under development that may provide efficient alternatives for the disposal of dead birds (and spent litter) with improved environmental outcomes for the industry. Such technologies may include, for example, digestors and pyrolysis systems. Responsible authorities should be receptive to the use of such technologies if their environmental benefits are established.

- **Composting dead birds on farm:** Dead birds can be composted with the spent litter on farm. Composted correctly, this system can provide a nutrient-rich product that can be used as a fertiliser. The composting must be carefully managed, however, to minimise biosecurity risks, run-off of nutrients to ground or waterways, vermin issues and / or adverse impacts on local amenity from dust or odour emissions.

For further guidance on best practice waste management on broiler farms, see the Victorian Farmers Federation Chicken Care program (an industry environmental care initiative)4, the *National Environmental Management System for the Meat Chicken Industry – Version 2 (2014)*5 or EPA Victoria's *Environmental Guidelines for Composting and Other Organic Recycling Facilities*6.

4 See http://vff.org.au/ or contact the Victorian Farmers Federation Chicken Meat Group (03 9207 5570).

5 See http://www.agrifutures.com.au Rural Industries Research and Development Corporation (RIRDC) 2003 under the 'Publications' section of this Code.

6 See EPA Victoria 1996a under the 'Publications' section of this code.

# 5. Classification of Broiler Farms

Broiler farms are classified as Class A, Class B, Special Class or Farm Cluster.

**The Code applies different information and assessment requirements, and notification and review rights to the different farm classifications. This section details the criteria for the different farm classifications and the land use planning considerations for each farm class.**

The potential for broiler farm emissions to adversely impact on sensitive uses largely depends on:

- the distance to nearby sensitive uses that the proposed development may affect
- the number of birds kept on the farm
- the design, management and operation of the farm
- local environmental conditions (including meteorology and topography).

The risk associated with a proposed development varies depending on the separation of emission sources from sensitive uses. This Code includes a formula that **must** be used to calculate the required separation distance between broiler sheds and sensitive use beyond the broiler farm boundary.

The **SEPARATION DISTANCE** is the distance from the nearest external edge of the new or existing broiler shed to the nearest external edge of the sensitive use (that is the nearest edge of the house) on land beyond the broiler farm property. It excludes sensitive uses directly associated with the broiler farm operations – eg. dwellings on the broiler farm property.

The separation distance is therefore the distance from the new or existing broiler sheds within which no sensitive use is located.

Formula 1 sets out the minimum separation distance requirements for Class A and Class B farms.

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.

This Code classifies farms according to different levels of environmental and amenity risk, and applies different approval requirements and notification and review rights to planning permit applications. The farm classification is dependent on:

- the number of birds kept on the farm
- the ability to contain the separation distance within the broiler farm boundary
- the proximity to other existing and proposed broiler farms.

The Code applies different requirements, and notification and review rights to the different farm classes. As such, the first key step in preparing a planning permit application is to determine the farm classification of the proposed development.

### CLASS A BROILER FARM

A broiler farm is classified as Class A if **all** of the following apply:

- the farm capacity is between 10,000 and 400,000 birds
- the minimum separation distance requirement (as defined by Formula 1) is fully contained within the broiler farm boundary.

While a planning permit is required, Clause 52.31 of the *Victoria Planning Provisions* and all planning schemes exempts these applications from the notification requirements and objector review rights under the *Planning and Environment Act 1987*. The permit applicant retains the right of review of any decision of the responsible authority.

**Note:** Depending on the proposal, notification and objector review rights may be in place if the proposal triggers other types of planning permit applications (eg. native vegetation removal).





### CLASS B BROILER FARM

A broiler farm is classified as Class B if **all** of the following apply:

- the farm capacity is between 10,000 and 400,000 birds
- the development can meet the minimum separation distance requirement (as defined by Formula 1) but this distance is not fully contained within the broiler farm boundary.

### SPECIAL CLASS BROILER FARM

A broiler farm is classified as Special Class if **any** of the following apply:

- the farm capacity is greater than 400,000 birds or
- the development is unable to meet the minimum separation distance requirement (as defined by Formula 1) but a reduction in separation distance is warranted through the adoption of odour reduction technology on farm (see 'Farms that cannot meet the minimum separation distance requirements' below).

An Odour Environmental Risk Assessment (Odour ERA) must be completed in accordance with Section 6 of this Code.

Under Clause 66.05 of the *Victoria Planning Provisions* and all planning schemes, notice of an application for a Special Class broiler farm must be given to EPA Victoria in accordance with Section 52(1)(c) of the *Planning and Environment Act 1987*.

### FARM CLUSTER

A broiler farm is classified as a Farm Cluster (or part of a farm cluster) if **all** of the following apply:

- the minimum separation distance requirement (as defined by Formula 1) overlaps with the minimum separation distance requirement of any existing broiler farm, a broiler farm approved by a planning permit or a proposed broiler farm that is the subject of a permit application that has been lodged with the responsible authority
- the combined farm capacity of the broiler farms with overlapping minimum separation distances (as defined by Formula 1) is greater than 400,000 birds.

An Odour ERA must be completed in accordance with Section 6 of this Code.

Under Clause 66.05 of the *Victoria Planning Provisions* and all planning schemes, notice of an application for a Farm Cluster must be given to EPA Victoria in accordance with Section 52(1)(c) of the *Planning and Environment Act 1987*.



**BROILER FARMS THAT CANNOT MEET THE MINIMUM SEPARATION DISTANCE REQUIREMENTS**

No new broiler farm development or expansion is permitted for farms that cannot meet the minimum separation distance requirements (defined by Formula 1).

However, the responsible authority may approve a reduction in the separation distance if odour reduction technology is incorporated into the farm design. This type of application is to be assessed as a Special Class Farm.

See 'Odour Reduction Technology' in the 'Odour Environmental Risk Assessment (Odour ERA)' section of this Code.

## Formula for the calculation of separation distances

### FORMULA 1:

The separation distance for a Class A or Class B broiler farm **must** be at least 250m or as otherwise calculated in accordance with the following formula (whichever is larger):

**$D = 27 \times N^{0.54}$**

D = Separation Distance (metres)

N = farm capacity /1000

0.54 is an exponential factor that is applied to N.

The formula is applicable to farms between 10,000 and 400,000 birds.

For example, for a 100,000 bird farm:
$D = 27 \times (100)^{0.54} = 325m$

**Table 1 and Figure 1 illustrate the minimum separation distances required for a range of farm sizes based on the above formula.**

**TABLE 1: Examples of separation distance requirements for Class A and Class B farms**

| FARM CAPACITY (number of birds) | MINIMUM SEPARATION DISTANCE (measured from the external edge of a broiler shed) |
|---|---|
| MINIMUM | 250 m |
| 100,000 | 325 m |
| 150,000 | 404 m |
| 200,000 | 472 m |
| 250,000 | 532 m |
| 300,000 | 588 m |
| 350,000 | 638 m |
| 400,000 | 686 m |

**Figure 1:**
**Minimum separation distances required for a range of farm sizes based on the above formula.**

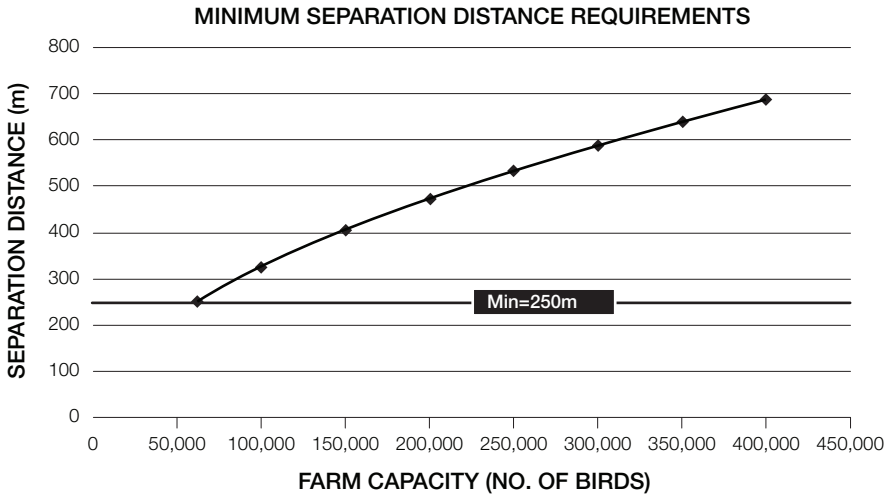
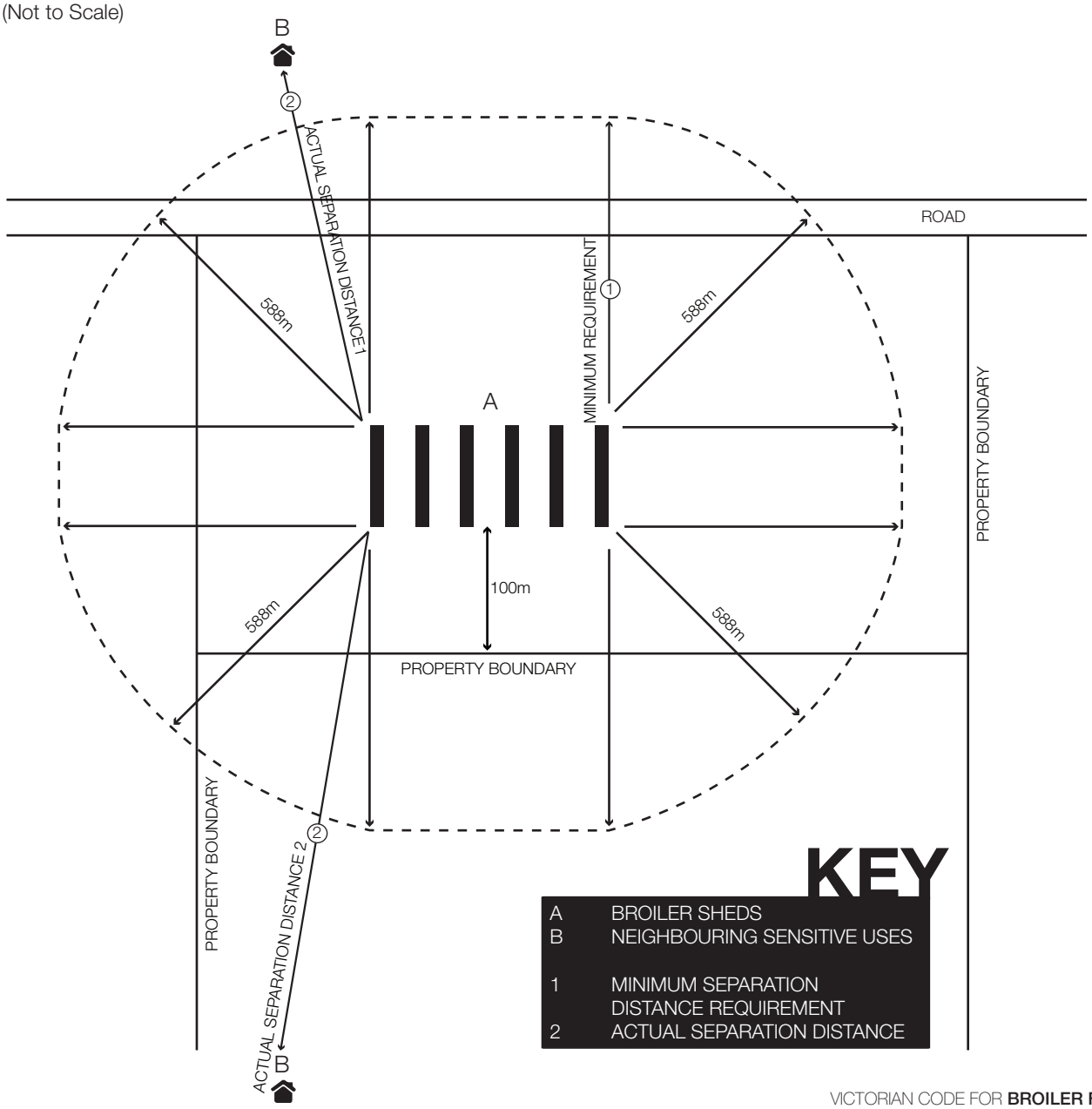



**Figure 2:**
**Broiler Farm 300,000**

Example of Separation Distance for a 300,000 bird, class B farm.
(Not to Scale)



# 6. Odour Environmental Risk Assessment (Odour ERA)

**An Odour Environmental Risk Assessment (Odour ERA) must be completed for all Special Class and Farm Cluster broiler farm planning permit applications, following the requirements set out in this section.**

The Odour ERA **must** be conducted in accordance with the requirements of the SEPP (AQM), and as described in the section below 'Requirements for undertaking an Odour ERA'.

The Odour ERA **must** be presented in a manner which enables the responsible authority to determine the acceptability of the risk of offensive odour adversely impacting on:

- the amenity of existing sensitive uses beyond the broiler farm boundary
- orderly and sustainable use and development of land beyond the broiler farm property boundary having regard to:
    - the existing and likely future use and development of the land, including any approved sensitive use
    - the purpose and decision guidelines of the zone applying to the land and any other relevant decision guideline in the planning scheme
    - any strategies and policies in the planning scheme which may affect the use and development of land.

An Odour ERA for Farm Cluster broiler farms **must** assess cumulative odour emissions from all the broiler farms within the cluster.

More information on conducting an Odour ERA in accordance with the requirements of the SEPP (AQM) is provided in the *Guidelines for an Odour Environmental Risk Assessment for Victorian Broiler Farms* (at www.epa.vic.gov.au/our-work/publications/publication/2017/january/1643).

Under Clause 66.05 of the *Victoria Planning Provisions* and all planning schemes, notice of an application for a Special Class Farm or Farm Cluster must be given under section 52(1)(c) of the *Planning and Environment Act 1987* to EPA Victoria.

This notice should be given as soon as the permit application is received so that EPA Victoria can provide its response and enable the responsible authority to require any necessary further information early in the application process.

In its response, EPA Victoria should state whether:

- the Odour ERA has been appropriately conducted
- the Odour ERA has adequately addressed the relevant odour amenity issues
- the Odour ERA is consistent with the principles of the SEPP (AQM).

The responsible authority **must** not accept any Odour ERA not conducted in accordance with the SEPP (AQM).

For Special Class Farms and Farm Clusters, the applicant is encouraged to contact EPA Victoria early to seek advice regarding the Odour ERA requirements and what information will be required as part of this analysis. Such consultation will assist in avoiding delays in the application assessment stage by ensuring all the necessary information is provided up-front.

## What is an Odour ERA?

An Odour ERA is a staged process of modelling and analysing odour emissions from broiler farms that enables the responsible authority to assess the acceptability of the risk of offensive odour adversely impacting beyond the broiler farm boundary.

An Odour ERA will:

- enable assessment of environmental risks (odour) on a case-by-case basis
- help the responsible authority to understand the level of risk in relation to the local characteristics of an area
- provide greater certainty to industry that an investment in a new or expanded broiler farm will not have detrimental impacts on surrounding community amenity beyond the broiler farm boundary
- provide greater certainty to the community that a broiler farm will not affect their amenity.

An Odour ERA will not:

- determine a separation distance
- describe an acceptable level of risk. The responsible authority needs to decide on the acceptability of the risk.



## Requirements for undertaking an Odour ERA

An Odour ERA involves determining potential odour emissions and sources, and analysing potential impacts. An Odour ERA must be conducted in accordance with the requirements of the SEPP (AQM). To achieve this, a permit applicant may need to undertake one or more of the following stages to demonstrate that the proposed development (including the existing farm for an expansion application) is unlikely to affect surrounding sensitive uses.

### Stage 1

Air dispersion modelling (odour modelling) is the first stage in an Odour ERA and must be done in accordance with the SEPP (AQM). The modelling is used to predict the geographic area (potential impact zone) and intensity of odour plume. The predicted impact can then be compared against an assessment criteria (that is the design criteria) described in the SEPP (AQM). If the odour modelling results meet the SEPP (AQM) design criteria at and beyond the broiler farm boundary, then the responsible authority should accept that the risk of odour amenity impact is low and no further assessment is required.

### Stage 2

In the majority of permit applications, the odour modelling results will exceed the SEPP (AQM) design criteria at and beyond the broiler farm boundary. However, this does not necessarily make the application unacceptable. Rather, it indicates that further assessment is required (Stage 2).

Stage 2 involves analysis of the odour modelling results to determine the frequency (how often) of odour impact, duration (the length of time) and extent (the number of odour units) on surrounding sensitive uses (that is, for dwellings). This information can then be used to determine whether the risk of adverse odour impacts beyond the broiler farm boundary is acceptable.

Typically, this analysis is undertaken at the locations of existing sensitive uses within the predicted odour plume. However, the responsible authority may also require analysis at other points to determine the risk of offensive odour adversely impacting the orderly and sustainable use and development of land beyond the broiler farm boundary.

At this stage, the applicant should use the odour modelling results and information, interpretation of outcomes and site-specific information, together with any site management, technologies, or reactive management/ contingency plans that reduce the likelihood of risk, to demonstrate why the level of risk is acceptable.

### Stage 3

If, following Stage 2 analysis, the risk of adverse odour impacts beyond the broiler farm boundary is considered to be unacceptable, then design of the broiler farm will need to be modified. This may include, for example, reducing the number of chickens and / or relocating the broiler sheds.

Depending on the assessed level of risk, the nature and extent of the required changes to the application and the stage of the planning permit process at which the assessment has been made, the responsible authority can choose to:

- require the applicant to submit further information
- provide the applicant with the opportunity to amend their application
- issue a notice of decision to refuse the granting of a planning permit.

**Note:** Odour modelling is not suitable to determine a specific separation distance, but will help to understand the risk of odour emissions at various distances from a broiler farm. Sensitive uses may be located within the impact zone identified through the odour modelling. The Odour ERA will then describe the risk in relation to the sensitive uses.

## Odour reduction technology

Odour reduction technology is any technology, equipment or measure that is proven to significantly absorb or reduce odour emissions from the shed. Where its use is proposed, an Odour ERA must examine the effectiveness of the technology and its ability to reduce off-site impacts. The modeling results must support the acceptability of having a reduced separation distance compared to the minimum requirements of the Code. These modeling results will help the prospective applicant and the responsible authority to determine the acceptability of this technology for the planning permit application.

**Stacks:** Ventilation stacks can be added onto one or more of the exhaust fans of sheds to alter the dispersion of odour emissions from the sheds. Short stacks are commonly used on broiler sheds. Recent studies[7] have indicated that the efficacy of short stacks in improving odour dispersion was variable and no definitive conclusion of overall performance could be reached. For this reason, stacks (particularly short stacks) are not considered acceptable technology to support a reduction in the minimum separation distance requirements of this Code. However, in the above studies, short stacks did exhibit greater dispersion resulting in decreased downwind ground level concentrations. Short stacks may be a useful option to consider in resolving an odour emission problem. However the selection of stacks (exit velocity of air required, the height and number of stacks required) needs to be carefully considered on a case-by-case basis.

[7] Dunlop, M. and Galvin, G. 2006, Dunlop, M. 2009. See the 'Publications' section of this Code.



# 7. Farm Design and Operation Elements

**This section specifies the six best practice elements of broiler farm siting, design and operation that make up the key components of this Code. Each of the six elements addresses the different issues that prospective permit applicants must consider when planning a broiler farm development.**

All planning permit applications (regardless of the farm classification) for a new or expanded broiler farm must be assessed against each element.

This Code divides the six elements into three parts – 'Location, farm size and setback requirements'; 'Farm design'; and 'Farm operation and management' – as follows:

**PART 1 Location, farm size and setback requirements**
Element 1 (E1): Location, siting and size

**PART 2 Farm design**
Element 2 (E2): Farm design, layout and construction
Element 3 (E3): Traffic, site access, on farm roads and parking
Element 4 (E4): Landscaping
Element 5 (E5): Waste management

**PART 3 Farm operation and management**
Element 6 (E6): Farm operation and management (environmental management plan (EMP))

The Code defines **objectives, standards** and **approved measures** as follows:

**Objectives:** An objective describes the desired outcome to be achieved from the completed development and operation of the broiler farm. All permit applications **must satisfy** the objectives for each element.

**Standards:** A standard contains the requirements to meet the objective. In most cases, a standard is expressed as a design or operational requirement. All permit applications **must comply** with all relevant standards.

All broiler farm planning permit applications (regardless of the farm classification) are required to meet the objectives and standards of the 6 Elements of this Code.

**Approved measures:** An approved measure is an approach, action, practice or method that permit applicants should incorporate into their development proposal to comply with the standard. Where the development proposal adopts all the approved measures for a standard, the application is deemed to comply with the standard.

**Alternative measures:** Development proposals will usually meet an approved measure. Circumstances of a particular development proposal may however provide a need or an opportunity to propose alternative ways of meeting the objectives and standards. The responsible authority may consider an alternative measure if the applicant can demonstrate that the relevant Code objectives and standards can still be met with equivalent or superior performance. Responsible authorities should consider development proposals that include new technology and innovative approaches if these can be demonstrated to satisfy Code requirements.

The Code elements should be considered as a whole, as many of the approved measures are inter-related. A responsible authority may require more detailed information to demonstrate compliance with particular elements, depending on the circumstances and risks of the proposed development and the development site.

**Approved measures** are approaches deemed to comply with a standard. They are not mandatory. A permit application may propose an **alternative measure(s)** as long as the applicant can demonstrate to the responsible authority's satisfaction that the relevant Code objectives and standards can still be met with equivalent or superior performance.



# Element 1 (E1): Location, siting and size

This element addresses the location and siting objectives that a proposed development must meet to minimise potential amenity or environmental impacts, including odour, dust and noise emissions, and the pollution of ground and surface waters. These objectives are primarily addressed by providing sufficient separation (or 'setback') of emission sources (namely, broiler sheds, temporary litter stockpiles, compost piles and litter spreading areas) from sensitive uses, waterways and other existing broiler farms.

**Note:** The following requirements apply in addition to the separation distance requirements used to determine farm classification (found in the 'Classification of broiler farms' section of this Code).

**Note:** Other requirements of the planning scheme, including the purpose and decision guidelines of the zone or overlays, and strategies and policies, may influence the location and siting of a broiler farm. For example, if a Special Building Overlay, Environmental Significance Overlay, Land Subject to Inundation Overlay, Floodway Overlay or Rural Floodway Overlay affects the development site, then additional requirements may apply to the permit application (including referral to the relevant authority for approval).

**Note:** The responsible authority should ensure works at or near waterways protect and enhance the environmental qualities of waterways, and consider any relevant river restoration plans or waterway management works programs approved by a Catchment Management Authority or waterway authority.

## Objective, element 1

To ensure the location and size of the broiler farm, and the siting of the broiler sheds, temporary litter stockpiles, compost piles, outdoor range areas, and litter spreading areas:

- minimise the risk of adverse amenity impacts on nearby existing, planned and potential future sensitive uses as a result of odour, dust and noise
- do not adversely affect the use and development of nearby land
- avoid pollution of ground and surface waters
- avoid adverse impacts on the visual quality of the landscape
- minimise biosecurity risks.

**Standard E1 S1 Amenity protection**

Adverse impacts on the amenity of the surrounding area are minimised by ensuring broiler sheds, temporary litter stockpiles, compost piles and litter spreading areas are adequately separated from existing and planned residential and rural living areas, sensitive uses and broiler farm property boundaries.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:





### Approved measure E1 M1.1

The nearest external edge of a new or existing broiler shed(s) or temporary litter stockpile / compost pile is / are set back by at least 1000 m from the boundary of a:

- residential zone, urban growth zone or other urban zone where housing is a primary purpose of the zone or
- future residential area, shown on a plan or strategy incorporated in the planning scheme.

### Approved measure E1 M1.2

The nearest external edge of a new or existing broiler shed(s) or litter stockpile / compost pile is / are set back by at least 750 m from the boundary of a:

- zone that provides for rural living (ie. a Rural Living Zone or Green Wedge A Zone), or
- future rural living area shown on a plan or strategy incorporated in the planning scheme.

### Approved measure E1 M1.3

Prevailing meteorological conditions and topographical features are taken into account in determining the adequacy of separation distances to nearby sensitive uses. The minimum separation distances (as prescribed by Formula 1 of the Code) may need to be greater for some limited site specific circumstances. For example, the separation distance to a sensitive use located downslope in a drainage valley may need to be increased to minimise the risk of odour impacts.

### Approved measure E1 M1.4

The nearest external edge of any new shed or temporary litter stockpile / compost pile is / are set back at least 100 m from the broiler farm property boundary. This distance is referred to as the **boundary setback**.

For the purposes of this measure, a new shed includes an extension to an existing shed to house an increased number of birds.

### Approved measure E1 M1.5

The nearest external edge of a temporary litter stockpile / compost pile is / are set back at least 300 m from an existing sensitive use beyond the broiler farm property boundary.

### Approved measure E1 M1.6

The nearest external edge of a litter spreading area is set back at least 20 m from the broiler farm boundary.

### Approved measure E1 M1.7

The nearest edge of a litter spreading area is set back at least 100 m from any existing sensitive use beyond the broiler farm property boundary.

**Standard E1 S2 Waterway protection**

Adverse impacts on waterways are avoided by ensuring that broiler sheds, temporary litter stockpiles, compost piles, outdoor range areas and litter spreading areas are adequately separated from waterways, or other risk mitigation measures are incorporated and approved by the responsible authority.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

**Approved measure E1 M2.1**

A natural vegetative buffer zone of at least 30 m (or any greater distance specified in the planning schemes, or by the Catchment Management Authority) is maintained along waterways. No buildings, roads, outdoor range area or litter storage or litter re-spreading areas are located in the vegetative buffer zone. The measuring point for a waterway is the point water may reach before flowing over a bank (the bank-full discharge level).

**Approved measure E1 M2.2**

A clearance of a further 20 m from the edge of the natural vegetative buffer zone to the nearest external edge of any broiler shed or outdoor range area is provided to ensure adequate shed ventilation, minimise vermin habitat and provide adequate access to the sheds and fire-fighting protection.

**Note:** Under Clause 14.02-1 of the *Victoria Planning Provisions* and all planning schemes, planning authorities should encourage, where possible, the retention of natural drainage corridors with vegetated buffer zones at least 30 m wide along waterways to maintain the natural drainage function, stream habitat, wildlife corridors and landscape values, to minimise erosion of stream banks and verges, and to reduce polluted surface run-off from adjacent land. Greater distances may be required to address site-specific issues, the requirements of the planning scheme, or any relevant river restoration plans or waterway management works programs approved by a Catchment Management Authority or other waterway authority.

**Approved measure E1 M2.3**

No solid or liquid waste (including temporary litter stockpiles, compost piles and litter spreading areas) is stored or disposed of within:

- 800 m of any potable water supply take-off controlled by a statutory authority
- 200 m of any waterway supplying potable water
- 100 m of any other type of waterway.

**Standard E1 S3 Protecting the visual quality of the landscape**

Buildings and works are sited to account for the topography of the site and views from public roads, to minimise their visual impact on the landscape.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

**Approved measure E1 M3.1**

Buildings and works are not sited on steep slopes (greater than 20 per cent slope).

**Approved measure E1 M3.2**

Buildings and works are oriented to follow the contours of the land.

**Approved measure E1 M3.3**

Existing ridgeline vegetation is maintained to avoid breaking the ridgeline silhouette.

**Standard E1 S4 Biosecurity**

An appropriate distance is provided between the broiler farm (that is the broiler sheds, temporary litter stockpiles, compost piles and litter spreading areas), and other existing poultry farms under separate management, to minimise the risk of disease transmission.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

**Approved measure E1 M4.1**

The nearest external edge of new or existing broiler sheds is / are set back from sheds on other poultry farms by the distance specified in Table 1 of *Biosecurity Guidelines for Poultry Producers* Agnote AG11555 at http://agriculture.vic.gov.au/agriculture/pests-diseases-and-weeds/animal-diseases/poultry/biosecurity-guidelines-for-poultry-producers.

**Approved measure E1 M4.2**

Temporary litter stockpiles or compost piles are separated by at least 100 m from a new or existing broiler shed on the subject land, or are sited and managed as otherwise stipulated by the processor to meet biosecurity requirements.

**Approved measure E1 M4.3**

The litter spreading area is separated by at least 20 m from a new or existing broiler shed on the subject land, or is sited and managed as otherwise stipulated by the processor to meet biosecurity requirements.

**Standard E1 S5 Future use and development of neighbouring land**

Broiler sheds are sited so that offensive odour, dust and noise emissions will not adversely impact the orderly and sustainable use and development of land located beyond the farm property boundary, including the ability to establish a dwelling (excluding a bed and breakfast or caretaker's house) on a vacant property, having regard to:

- the existing and likely future use and development of the land including any approved sensitive uses
- the existing physical and environmental characteristics of the land
- the purpose and requirements of the zone applying to the land
- any applicable land use decision guidelines, policies and strategies in the planning scheme.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

**Approved measure E1 M5.1**

Class B Farms – The required minimum separation distance covers no more than 50 per cent of the area of a property located beyond the broiler farm property boundary[8].

**Approved measure E1 M5.2**

Class B Farms – Where a property located beyond the broiler farm property boundary is not currently developed with a dwelling (excluding a caretaker's house or a bed and breakfast) the remaining area of the property (unaffected by the separation distance requirement) is capable of providing a 20 metre x 30 metre building envelope for a dwelling taking into account the following siting considerations[9]:

- any applicable planning scheme requirements including zoning considerations and any setback requirements for buildings not requiring a planning permit under the applicable zoning provisions
- whether the land is encumbered by steep terrain, native vegetation, offsite impacts of an existing intensive animal industry or any other significant topographic, environmental or land use characteristic that may significantly limit the ability to establish and use a dwelling
- whether the land is identified in the planning scheme as being subject or susceptible to flooding (both river and coastal inundation), landslip or any other form of hazard that may limit the ability to establish and use a dwelling.

However, the remaining land does not need to be capable of providing a building envelope if the land covered by the minimum separation distance requirement is equally unacceptable in terms of providing the building envelope having regard to the siting considerations listed above.

**Special Class and Farm Clusters** – There are no approved measures for Special Class and Farm Clusters under Standard E1 S5. These broiler farm applications must be assessed against this standard on a case-by-case basis using the information produced by the Odour ERA (see the 'Odour Environmental Risk Assessment (Odour ERA)' section of this Code).

**Note: Appendix 1 provides a summary of setback measures to meet the Code's objectives and standards, and a diagrammatic example of separation distances and some setbacks.**

8 Applies to both vacant land and land that already has a dwelling. See also 'Strategic and Land Use Planning Considerations'

9 Applies to both as-of-right to establish a dwelling and where a permit is required for the establishment of a dwelling. See also 'Strategic and Land Use Planning Considerations' section of this Code.

# Element 2 (E2): Farm design, layout and construction

This element focuses on the farm design, layout and construction considerations to maximise farm efficiency while avoiding amenity impacts (odour, dust, noise) or environmental issues.

## Objective, element 2

To ensure the design and construction of the broiler farm minimise the risk of adverse amenity and environmental impacts, and support the cost-effective operational efficiency of the farm.

**Standard E2 S1 Protecting the visual quality of the landscape**

Buildings and works are designed and constructed to minimise their visual impact. Site topography and existing and proposed vegetation are used to best advantage to screen new buildings and works from public roads and neighbouring properties.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

**Approved measure E2 M1.1**

Buildings are constructed in response to the topography of the land as follows:

- On flat land, buildings directly in the view line of adjacent roads and dwellings on neighbouring properties are screened by vegetation (see Element 4: Landscaping).
- On hilly terrain, the construction of terraces or earth platforms avoids unnecessary or excessive earthworks, and suitable erosion control measures are in place (see also Standard E1 S3 and Approved measures E1 M3.1-3.3).

**Approved measure E2 M1.2**

Broiler shed walls are clad externally in materials that are non-reflective and finished in natural colours and tones of surrounding vegetation, soil, rocks or other natural features, to improve the visual integration of buildings with the natural landscape.

**Standard E2 S2 Efficient farm operation**

The design and layout of the whole broiler farm provides environmental and amenity protection while maximising the efficiency of farm operations, including:

- orderly management of feed and water, including:
  - adequate (quality and quantity) water supply
  - drinker technology that minimises wetting of litter through water spillage
  - treatment and disinfection of non-potable drinking water supply (dams, rivers and bores).
- efficient placement of silos and feed systems
- efficient placement and collection of birds
- efficient placement of fresh litter
- collection, handling and treatment of all wastes
- cleaning and maintenance of collection areas
- protection against birds and other vermin
- efficient energy and water use.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

**Shed design and orientation**

**Approved measure E2 M2.1**

New broiler sheds are orientated to minimise the risk of odour, dust and noise impacts on the surrounding community with tunnel ventilation fans being located at the furthermost point away from the nearest sensitive use and taking into account the locality and concentration of other sensitive uses.

**Approved measure E2 M2.2**

The design and construction of broiler sheds, associated works and roads facilitates the efficient delivery of feed and birds, collection of birds, and the cleaning and maintenance of sheds and collection areas.

#### Approved measure E2 M2.3

Broiler sheds and feed silos are constructed to prevent access by wild birds, vermin and rodents.

### Feeding and watering systems

#### Approved measure E2 M2.4

A continuous water supply is available to the proposed development site (from reticulated town water supply, dams or a bore) for drinking, shed cooling and shed wash down (disinfection).

#### Approved measure E2 M2.5

A back-up supply or storage of water is available to hold at least one day's total requirement, in case of a breakdown or loss of normal water supply.

#### Approved measure E2 M2.6

When dam or river water is used to supply water, chlorination, ultraviolet light systems or other appropriate disinfection procedures are used to disinfect the water.

#### Approved measure E2 M2.7

Feed and watering systems can be adjusted to meet the requirements of the birds as they grow.

#### Approved measure E2 M2.8

Nipple drinkers with trays are used to provide drinking water.

#### Approved measure E2 M2.9

Silos and feed systems are designed, sited and constructed to minimise spills of feed.

**Standard E2 S3 Avoiding environmental impacts from broiler sheds**

Broiler shed floors and areas surrounding the sheds are designed and constructed to avoid the leaching of nutrients into the ground.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

#### Approved measure E2 M3.1

A concrete hard stand area is located at the entrance to each broiler shed.

### Broiler shed floors

#### Approved measure E2 M3.2

The base of the broiler sheds is constructed from low permeability materials such as concrete, compacted clay or another sealed surface.

#### Approved measure E2 M3.3

The finished floor level of the broiler sheds is above the natural surface level to prevent the entry of stormwater run-off. Alternatively, the shed is bunded or a surface drainage system is installed to prevent the entry of stormwater run-off.

**Standard E2 S4 Noise management**

The broiler farm development meets the requirements of the Interim *Noise from industry in regional Victoria (2011)* (or its most recent update). To achieve this, in addition to the requirements of Element 1, Standard 1 (E1 S1); and Element 3, Standard 2 and Standard 4 (E3 S2 and E3 S4), the broiler farm further manages noise levels by ensuring farm vehicles and equipment associated with farm operations do not cause adverse noise impacts on nearby sensitive uses.

**Appendix 2 provides information on typical noise criteria that apply within the Metropolitan Region (the policy area for SEPP N-1), and country Victoria.**

To comply with this standard, applicants should incorporate the appropriate measures of Element 1 (E1 M1.1 – 1.4) and Element 3 (E3 M2.1, E3 M4.1 – 4.2), and the following approved measures into their development proposal:

### Farm equipment

#### Approved measure E2 M4.1

The design, siting and selection of all mechanical equipment, including fans, pneumatic feed systems and other equipment, minimises the generation of mechanical noise and the likelihood of off-site vibration.

**Standard E2 S5 Stormwater drainage**

Stormwater and / or wastewater run-off from the broiler farm does not contaminate nearby waterways or groundwater, or cause erosion. Stormwater is also prevented from entering the broiler sheds.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

#### Approved measure E2 M5.1

Clean stormwater collection areas are separated from areas that broiler farm waste may affect.

#### Approved measure E2 M5.2

Stormwater from sheds and hard standing apron areas is collected and managed on site in a dam(s) or tanks within the broiler farm boundary.

#### Approved measure E2 M5.3

Stormwater table drains with an appropriate gradient are established along all building lines to collect stormwater run-off from sheds and hard standing apron areas.

#### Approved measure E2 M5.4

In areas subject to soil erosion, the system design incorporates mitigation methods such as crushed rock traps and drops.

#### Approved measure E2 M5.5

Stormwater management is consistent with any stormwater management plan of the responsible authority.

#### Approved measure E2 M5.6

Retaining dams are constructed with the capacity to retain run-off from a one-in-ten-year storm.

Photo courtesy of Australian Chicken Meat Federation Inc.

# Element 3 (E3): Traffic, site access, on farm roads and parking

This element is concerned with vehicle movements to and from the site, and the accommodation of farm vehicles on site. The prospective applicant should contact the responsible authority at an early stage to determine appropriate access and road layout requirements, and to identify whether the approval of VicRoads is required. The permit application must include a traffic plan that addresses the objectives and standards of this element.

## Objective, element 3

To ensure the location, design and construction of the farm access points, internal roads and parking areas, and the movement of vehicles for broiler farm operations support the safe and efficient operation of the farm, and minimise adverse amenity impacts on nearby sensitive uses.

**Standard E3 S1 Site access (Standard 1)**

Vehicle access points are designed and constructed to allow all-weather safe entry and exit for the anticipated type and frequency of vehicles, accounting for road and traffic conditions.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

**Approved measure E3 M1.1**

Access points are constructed to a standard that minimises deterioration in the road pavement, avoids sharp turns and provides sufficient road width for truck turning movements.

**Approved measure E3 M1.2**

For site access from a public road, the gate to the broiler farm is at least 30 m inside the broiler farm boundary, so articulated vehicles requiring access can park off the public road while the gate is being opened.

**Standard E3 S2 Site access (Standard 2)**

Vehicle access points to the broiler farm from public roads are located to minimise noise and vehicle light impacts on existing sensitive use.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

**Approved measure E3 M2.1**

Vehicle access points are located as far away as possible from a sensitive use not associated with the broiler farm.

**Approved measure E3 M2.2**

All lighting is located, directed and baffled to limit light beyond the development site boundaries.

**Standard E3 S3 Internal roads and car parking (Standard 1)**

Internal roads and parking areas are designed, constructed and maintained to operate in all weather conditions. Adequate provision is made for the parking and movement on the property of articulated and other vehicles associated with the farm's operation, including the delivery of birds, litter and feed to the premises, and the collection of birds and waste.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

**Approved measure E3 M3.1**

Internal roads and parking areas are constructed of a compacted sub-base with table drains, and a compacted gravel layer with a camber to shed rainwater to the drains.

**Approved measure E3 M3.2**

An area(s) is provided for parking articulated vehicles involved in loading and unloading stock, feed, litter and waste.

**Standard E3 S4 Internal roads and car parking (Standard 2)**

Internal roads and parking areas are designed and sited to minimise noise and light impacts on neighbouring sensitive uses.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

**Approved measure E3 M4.1**

Internal roads and parking areas are designed to ensure efficient traffic flow and to reduce the need for vehicles to reverse. The layout allows ease of access to the site, avoids the use of sharp turns, and for vehicles to leave the farm travelling in a forward direction.

**Approved measure E3 M4.2**

Internal roads and parking areas are located as far away as possible from a sensitive use not associated with the broiler farm.

**Approved measure E3 M4.3**

All lighting is located, directed and baffled to limit light beyond the development site boundaries.

# Element 4 (E4): Landscaping

This element focuses on the role of landscaping to soften the visual impact of broiler farms, to integrate farms into the landscape and to help avoid light and dust impacts on surrounding sensitive uses. Landscaping is also important to manage on farm biodiversity.

Prospective applicants should seek advice from the responsible authority in the early stages of planning to identify any additional overlays and to understand their obligations to manage on-farm vegetation and biodiversity. The permit application must include a landscape plan that addresses the objectives and standards of this element.

For further information on best practices for broiler farm landscaping, contact the Victorian Farmers Federation Chicken Care program[10].

## Objective, element 4

To ensure landscaping is used to minimise the visual impact of broiler sheds and litter storage areas, further reduce the risk of adverse impacts from light and dust on nearby sensitive uses, and protect, manage and enhance on-farm native vegetation and biodiversity.

### Standard E4 S1 Landscaping

Landscaping provides substantial visual screening from roads, public areas, nearby sensitive uses not associated with the broiler farm; integrates the farm into the surrounding landscape; and provides adequate access and clearance around the sheds.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

#### Approved measure E4 M1.1

The landscape plan provides for dense vegetation and planting along frontages to public roads and other highly exposed site boundaries to provide screening of the broiler farm buildings, structures and handling areas.

#### Approved measure E4 M1.2

The landscape plan incorporates a mix of trees and large shrubs to ensure effective upper level and lower level screenings of the farm.

#### Approved measure E4 M1.3

As far as possible, the landscape plan retains existing trees, particularly native vegetation, and a mix of native and local indigenous plant species that blend into the landscape[11].

#### Approved measure E4 M1.4

Mounds to a height of approximately 2 m are used if the combination of natural topography and tree planting cannot effectively screen a broiler farm. Soil from shed excavation, stormwater drains and farm dams may be suitable for constructing these mounds.

[10] See footnote 4.

[11] A planning permit may be required to remove, destroy or lop any native vegetation. Where native vegetation is removed as part of a development, the applicant may be required to off-set this removal.





**Approved measure E4 M1.5**

Plantings and vegetation are located no closer than 20 m from the perimeter of the broiler sheds to ensure adequate shed ventilation, minimise vermin habitats, and provide adequate shed access and fire-fighting protection.

**Approved measure E4 M1.6**

Unpaved areas around sheds are grassed to prevent soil erosion and minimise the heat load on the buildings through radiation from bare ground.

**Approved measure E4 M1.7**

Ground surfaces that are exposed to erosion are stabilised with ground cover planting or other means to minimise erosion.

**Approved measure E4 M1.8**

The permit approval requires the establishment of a landscape performance bond, to ensure effective implementation of a landscape plan approved by the responsible authority. This plan includes a reasonably detailed estimate of the quantity and types of materials, watering equipment, plants and other inputs required. The amount of the bond provides an incentive for the broiler farm operator to fully implement the landscape plan and maintain the vegetation during the establishment period.

The bond arrangement is based on:

- a quote that the permit applicant obtains from a reputable landscape business to implement the landscape plan, with sufficient detail to identify the costs of materials, plants and labour
- the responsible authority's verification of the quote, based on its experience
- application of a 25 per cent margin of the verified quote for unforeseen costs – that is, the total bond equals the cost of the quotation plus a 25 per cent margin
- a bank guarantee for the total amount of the bond to be lodged with the responsible authority
- a time limit for landscape works to be completed
- release of 85 per cent of the bond when landscape works are completed to the satisfaction of the responsible authority
- retention of 15 per cent of the bond by the responsible authority as a maintenance bond for three years
- inspection by the responsible authority at the end of the three-year maintenance period, and release of the maintenance bond if the landscaping has been maintained to the satisfaction of the responsible authority
- if the landscaping has not been satisfactorily maintained, the maintenance bond amount is used by the responsible authority to restore the landscaping to the required standards.

# Element 5 (E5): Waste management

This element is concerned with the environmentally responsible management of all waste generated by the operation of the broiler farm.

Further information on best practice for waste management can be obtained from the *National Environmental Management System for the Meat Chicken Industry – Version 2 (2014)*, which contains the *Manual of Good Environmental Practice*. In addition, the Victorian Farmers Federation Chicken Care program contains
a range of technical notes to manage waste[12].

## Objective, element 5

To manage waste from broiler farm operations to:

- minimise adverse amenity impacts from odour and dust on nearby sensitive uses
- prevent the pollution of ground and surface waters and land
- avoid biosecurity risks.

**Standard E5 S1 Spent litter**

The management and disposal systems for spent litter are designed to minimise odour and dust generation and the likelihood of disease transmission, and to prevent nutrient run-off to surrounding land, waterways or groundwater.

To comply with this standard, applicants should incorporate the appropriate setback measures of Element 1 (that pertain to litter stockpiles/compost piles or litter spreading areas) and the following approved measures into their development proposal:

### Temporary stockpiling or composting of litter on farm

**Approved measure E5 M1.1**

Temporary litter stockpiles or compost piles are not visible or are well screened from neighbouring sensitive uses. If piles are visible from the broiler farm boundary, then they are screened by shedding or other suitable material.

**Approved measure E5 M1.2**

Temporary litter stockpiles or compost piles are located to prevent water run-off into sensitive areas, such as stormwater drains, waterways and catchments. Additional bunding may be required to prevent entry to, and contamination of, stormwater run-off. It may also be required to prevent extraneous stormwater run-off from entering the compost pile.

**Approved measure E5 M1.3**

Nutrient-rich run-off from the temporary litter stockpiles or compost piles is collected in a sump or dam and may be re-used to add moisture to the pile.

**Approved measure E5 M1.4**

Temporary litter stockpiles or compost piles are on an impermeable base such as concrete, compacted clay or cement-stabilised soils, to prevent nutrient leaching.

### Re-use (spreading) of litter on farm

**Approved measure E5 M1.5**

The litter application site is not on land subject to flooding, steep slopes (greater than 10 per cent), rocky, slaking or highly erodible land or highly impermeable soils where there is any risk of nutrient run-off to waterways, surrounding land or groundwater.

[12] See footnote 4 and 5.

**Standard E5 S2 Dead birds**

The management and disposal of dead birds is designed to minimise the likelihood of disease transmission, complies with the *National Biosecurity Manual for Contract Meat Chicken Farming*[13] (or its most recent update) and minimises odour and dust generation.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

### Disposal by removal off farm

#### Approved measure E5 M2.1

Where birds are to be frozen before collection, adequate freezers and space for the freezers are provided.

#### Approved measure E5 M2.2

The collection point (for the collection vehicle) is as far as practical away from the farm site so that dead bird bins are not left in public view, and the collection vehicle does not come in close proximity to the broiler sheds.

#### Approved measure E5 M2.3

The collection point is appropriately constructed so the bins are protected from extreme weather conditions (for example, from winds that will cause lids to open or bins to tip over); and the site can be easily cleaned in the event of a spill.

#### Approved measure E5 M2.4

Dead bird collection vehicles and all containment systems are leak proof and vermin proof.

### Disposal by composting on farm

**Approved measures** E5 M1.1-1.4 all apply to meet the standard for this system of dead bird management.

### Additional general measures

#### Approved measure E5 M2.5

Incineration of dead birds is conducted only in incinerators built for purpose.

#### Approved measure E5 M2.6

On-site burial of dead birds is undertaken only in an emergency situation and with the approval of the relevant authorities (the Chief Veterinary Officer of Agriculture Victoria and EPA Victoria).

**Standard E5 S3 Chemical waste**

The management and disposal systems for chemical waste and general farm waste are designed to ensure the safe storage, use and disposal of chemicals.

#### Approved measure E5 M3.1

Secure sheds, with an impermeable concrete base and appropriate bunding to avoid contaminated run-off, are provided to store chemicals, fuels, chemical waste and / or waste containers (before disposal).

[13] See Australian Chicken Meat Federation 2003 under the 'Publications' section of this Code.

# Element 6 (E6): Farm operation and management (Environmental Management Plan (EMP))

Effective operation and management of a broiler farm may significantly reduce the potential for environmental problems to arise. An environmental management plan (EMP) is an effective tool to recognise environmental risks and to provide clear strategies and measures to minimise those risks. An EMP includes strategies and measures to minimise environmental risks, and also contingency actions to manage environmental problems that may arise in the day-to-day operation and management of the farm.

Planning permit applications must include an EMP that addresses the objective and standard of this element detailed below. When planning permission has been granted, the EMP will form the basis to conduct regular or special auditing of farm operations.

The responsible authority needs to recognise that the EMP should be regularly reviewed and updated in line with continuous improvements of the environmental management system on farm. The 'Auditing requirements' section of this Code outlines how to update the EMP within the scope of the responsible authority's approval.

The permit applicant should develop the EMP in consultation and agreement with the processor they will be servicing to ensure management practices, contingency plans and other actions align with those of the processor. Some processors require specific management approaches. If these requirements are not built into the EMP, further permit applications may be required to amend the approved EMP.

### Objective, element 6

To apply best practice management of the broiler farm to avoid or minimise the risk of adverse amenity and environmental impacts on the surrounding environment and nearby sensitive uses.

**Standard E6 S1**

An environmental management plan (EMP) is developed that includes strategies and measures to avoid or minimise environmental risks, and also contingency actions to manage environmental problems that may arise, as follows:

The EMP must have the following components in an auditable format:

- overall objectives that addresses the following components with specific, measurable and time-bounded targets:
  - management of facilities and stormwater system
  - management of outdoor range area
  - odour and dust management through best practice operations
  - noise management
  - road and traffic management
  - landscaping management
  - waste management issues (spent litter, dead birds, waste chemicals and chemical containers)
  - chemical handling
  - fire prevention.








- day-to-day best practice management strategies that address the above objectives and avoid or minimise the site-specific risks of the property
- details of contingency plans to deal with accidents and emergencies. Contingency plans must identify the trigger points for their implementation, along with target response times for critical incidents. At a minimum, contingency plans must be in place for:
  - power failure
  - water and feed supply failures
  - shed malfunctions
  - higher than average bird mortalities
  - emergency disease outbreaks or catastrophic mortalities
  - chemical or fuel spills and spray drift
  - fire
  - large feed spillages
  - odour or dust events
  - gas leakage
  - flooding
  - any other site specific issues.
- details of the respective responsibilities of processor and grower for environmental management
- details of monitoring systems to assess environmental performance, and procedures to ensure the regular and accurate recording of data. Monitoring records are to be available to responsible authorities on request.
- procedures to respond to complaints
- procedures to investigate causes after an environmental incident, review emergency actions, and to report to the responsible authority, if requested
- details of how the applicant intends to meet the routine auditing requirements described in the 'Auditing requirements' section of this Code.

To comply with this standard, applicants should incorporate the following approved measures into their development proposal:

**Approved measure E6 M1.1**

An environmental management plan (EMP) is developed that is site specific and based on the approved generic EMP (as amended and updated from time to time).[14] If the EMP lodged with permit application does not address any part of the generic EMP, the applicant has addressed why that part is not relevant or applicable.

Alternatively, the EMP may be developed under the Victorian Farmers Federation Chicken Care program. To expand an existing Chicken Care-accredited farm, the EMP must be updated to incorporate any new or additional risks as a result of the farm development and to ensure compliance with this Code. Where the EMP does not address any part of the generic EMP, the applicant has addressed why that part is not relevant or applicable.

**Approved measure E6 M1.2**

The farm grower / operator maintains and updates (as required) a manual containing the EMP, which is available for inspection by the responsible authority.

**Note: Appendix 3 provides additional guidelines for the best management practice of litter for broiler farms, including the monitoring of litter moisture levels in order to reduce the likelihood of offensive odours beyond the site boundary.**

[14] The Generic Management Plan for the Ongoing Operations and Management of New or Expanded Victorian Broiler Chicken Farms is located at www.agriculture.vic.gov.au/agriculture/livestock/poultry-and-eggs/poultry-legislation-regulations-and-standards/the-victorian-code-for-broiler-farms.

# 8. Auditing Requirements

All broiler farms approved under this Code are required to conduct routine audits to ensure the farm's ongoing compliance with the approved environmental management plan.

**The following section outlines the requirements for routine and special audits and the responsibilities of all parties in association with these audits.**

Environmental auditing is a systematic method to review a facility's environmental performance and identify opportunities for improvement. The audit process is the primary mechanism to review the environmental management plan (EMP), other endorsed plans, contingency plans and farm management practices, to enable ongoing improvement to manage any environmental risks of the farm and its operations.

The audit process produces a record of performance that the responsible authority may refer to when considering an application to expand a farm or when dealing with a complaint. All growers are encouraged to establish an EMP and conduct periodic audits, even if their operation was not approved under this Code.

The two types of audit associated with broiler farms are **routine audits** (biennial) and **special audits**.

## Routine audit

The routine audit aims to determine whether the farm operator is managing environmental risk against the EMP and the planning permit conditions, and to identify areas for improvement. It must:

- be completed once every two years (biennially)
- assess compliance with the conditions on the planning permit and related endorsed plans and documents (for example, the landscaping plan and road plan)
- review the EMP and associated contingency plans, operational and management practices relating to environmental performance and the management of environmental risk (including emergency response), and other measures to prevent or minimise environmental impacts
- evaluate any improvements to the system since the EMP has been in place, and confirm that the EMP adequately describes and documents improved management systems
- evaluate the grower's response to any verified complaints.

There are two options for the routine audit of broiler farms:

1 For growers not accredited and not seeking accreditation with the Victorian Farmers Federation Chicken Care program, an independent,[15] suitably qualified and experienced quality systems auditor (such as a JAS-ANZ or ISO 9000-certified auditor, who may be an employee of the processor) or an EPA Victoria-approved environmental auditor must conduct the routine biennial audit.

2 For growers wishing to be audited under the Chicken Care program, the biennial Chicken Care audit may be substituted for the routine audit, providing it is conducted in accordance with that program's requirements and includes an audit of the farm's permit conditions and EMP.

[15] An independent auditor means that the auditor has no ownership (in full or part) of the broiler farm or any of its facilities, and was not involved in or contracted to contribute to the design, planning or construction of the broiler farm or any of its facilities.

Proof of a completed audit (which may be an audit report, a certificate of accreditation or similar prepared by the auditor) must be forwarded to the responsible authority. The audit report should identify sections of the EMP that have been updated and improved since the original EMP was approved under the planning permit, or since the previous audit. And it should confirm whether changes to the EMP will deliver acceptable environmental management performance.

The responsible authority must be satisfied that audits are conducted in accordance with the requirements of this Code, and that the grower has demonstrated the farm is minimising and managing environmental risks by adhering to permit conditions and implementing the EMP. The responsible authority should acknowledge in writing:

- receipt of the report / certificate / or other,
- the audit's note of any amendments to the EMP, and
- noted compliance with the permit conditions.

If the audit report indicates that the broiler farm does not comply with the permit conditions, then the responsible authority must communicate in writing its concerns to the farm grower, and work with them to ensure issues are addressed. 'Appendix 4: Illustration of the audit system' shows the routine audit process.

The grower must bear the cost of the routine audit and any remedial actions required.

The grower must provide a copy of the full audit report to the responsible authority on request. (When considering an application to expand farm capacity, the responsible authority may also request and review environmental data and audit findings for the existing farm, if available.)

For further information on the Chicken Care program or Chicken Care audits, contact the Victorian Farmers Federation Chicken Meat Group (see www.vff.vic.org.au). For further information on EPA Victoria-approved auditors, contact Agriculture Victoria (see http://vff.org.au) or EPA Victoria (see www.epa.vic.gov.au).

## Special audit

The responsible authority may require a special audit if it has justified concerns about the environmental performance of a broiler farm (for example, as a result of confirmed community complaints). A special audit may be a total farm audit or an investigation of a particular problem and is conducted by a suitably experienced, accredited auditor appointed by the responsible authority. The special audit must be completed to the satisfaction of the responsible authority.

The special audit aims to determine whether the farm operator is managing environmental risk against the EMP and the planning permit conditions, and to identify the cause and/or areas for improvement in relation to the issues that have triggered the audit.

In response to a special audit, the farm operator must supply any information needed to substantiate that the planning permit conditions are being adhered to.

'Appendix 4: Illustration of the audit system' shows the process for a special audit. Possible outcomes of such an audit include:

- a grower being found to comply with the permit and the EMP
- additional remedial action being required of the grower and / or processor
- additional advice or assistance being required from other specialists, and / or
- additional action being required by the responsible authority.

The grower may be required to contribute to the cost of a special audit, and they also must bear the cost of any remedial actions needed.

# 9. Application Documentation Requirements

**The following section outlines the documentation required to submit a planning permit application for a broiler farm.**

A permit application for a new or expanded broiler farm must contain the information outlined in this section of this Code, including the completed 'Broiler farm proposal summary' and 'Application checklist' found in 'Appendix 5'. Permit applicants and responsible authorities should use this checklist as a guide to ensure all the necessary information has been provided to enable the assessment of the application.

If the information requested does not apply to a particular proposed development, then the applicant should indicate why the information is not relevant or appropriate to their application, by attaching additional written documentation with appropriate document referencing.

The prospective applicant should discuss the information required with the responsible authority at an early stage of project planning. Depending on the nature of the proposed development, the responsible authority may not require completion of some items within the standard application checklist. The planning officer of the responsible authority will document those items that do not require information.

The planning application must clearly demonstrate compliance with this Code. The 'Checklist for planners: Compliance with Code elements' (in Appendix 5) provides a guide to the high level objectives of this Code, against which planners can assess the compliance of the application.

The applicant must lodge three completed copies of all documentation with the responsible authority.

A permit application for a broiler farm must include:

1. a planning permit application form
2. the planning permit application fee
3. a certificate of title, including a full copy of any covenants applying to the land
4. a completed 'Planning permit application checklist' and a 'Broiler farm proposal summary' (templates for both are found in Appendix 5 of this Code)
5. the information and documentation required by the application checklist
6. an environmental management plan
7. an Odour ERA (if required to be submitted).

Each of the requirements in the above box is discussed below.

1. **Planning permit application form:** A planning permit application form is available from the responsible authority (usually the council within which the farm is to be located) or from www.planning.vic.gov.au/home.
2. **Planning permit application fee:** A planning permit application fee is payable when the application is submitted.
3. **Certificate of title:** For each individual parcel of land to be used and developed for a broiler farm, a full, current copy of the certificate of title and a copy of any restrictive covenants applying to the land must be submitted with the application.
4. **Planning permit application checklist:** The application checklist ensures all relevant documentation has been submitted and functions as a ready index. The checklist is found in Appendix 5 of this Code.
5. **Information required by the application checklist:** All information listed in the checklist must be submitted with the application unless the applicant (a) can demonstrate to the satisfaction of the responsible authority that the information is not required or (b) has previously agreed with the responsible authority that the information is not required.

Key information required to complete the checklist includes the following:

- **Broiler farm proposal summary:** The 'Broiler farm proposal summary' provides a brief summary and overview of the proposed development, including the class of the farm proposed, the type of shed operation, bird capacity, stocking density, the number of employees and contact details for the permit applicant and the grower. The 'Broiler farm proposal summary' template is found in Appendix 5 of this Code.

- **Response to the zone objectives and planning overlays:** These show how the proposed development will support the state and local planning policy, relevant Catchment Management Authority strategies or local policies. The response to the zone objectives and planning overlays also needs to show how the development intends to address the requirements and any relevant decision guidelines of the zone objectives and planning overlays that apply to the land.
- **Site analysis and design overview:** This overview justifies how the proposed development meets the objectives and standards set out in the 'Farm design and operation elements' section of this Code. The overview should cross reference the objectives and standards of each of the six elements of this Code for ease of assessment.
- **Plans for proposed broiler farm:** The application should include detailed plans to identify the site of the proposed development in relation to surrounding beneficial and sensitive use. All maps, plans and drawings must be to an appropriate scale.

  These documents include:

  - **Aerial photograph:** A recent aerial photograph (if required by the responsible authority) must be submitted showing the location of the proposed development and surrounding area.
  - **Locality plan:** The locality plan (scale: 1:10,000) for an existing and proposed works must show:
    - the location and all land within at least 1000 m of site boundaries (5000 m for a Special Class farm or Farm Cluster)
    - setback dimensions from residential zones, a Rural Living Zone or Green Wedge A Zone
    - the location of, and distance to, surrounding sensitive uses
    - the location of all external and internal roadways
    - the location of all drainage and areas subject to flooding
    - vegetation (natural and introduced), local waterways, local topography
    - weather patterns (including wind rose data from the nearest meteorological recording station).

    The locality plan will also show any relevant separation distances and setbacks, for example:

    - setback dimensions from waterways
    - the distance between proposed sheds and the nearest poultry farm shed on a different property.
- **Site plan:** The site plan for existing and proposed works must show:
  - the location and dimensions of existing and proposed buildings, gates, silos, loading bays, parking areas, noise mitigation mounds, internal access roadways and external lighting
  - drainage points, farm bores, dams and other water supply sources, on-farm waterways, springs and groundwater recharge areas
  - easements, vegetation (natural and introduced) and topography details
  - for the site of proposed buildings and works, the contours of the land at two-metre intervals
  - all existing and proposed waste storage areas (including litter stockpiles, long-term litter composting sites, dead bird composting sites and waste chemical storage areas), and the location of removal points for spent litter and dead bird collection
  - areas on which spent litter is to be re-applied (if applicable)
  - all relevant setback distances (see 'Element 1: Location, siting and size' or 'Appendix 1: Summary of setback measures to meet the Code's objectives and standards')
  - any relevant future development
  - the location of outdoor range areas.

  Scale: 1:100 (may be reduced to 1:500 for areas outside the development site)
- **Development plan:** This plan supports the site analysis and design overview by providing details on the farm's design and construction. These detailed building plans must show:

- details of the construction materials (including external colours), the elevation of each side of the structure, maximum building heights and any building construction details (such as any management issues to consider during the construction phase)
- road construction details and intersection treatment at external roads
- details on the ventilation system design, water and power supply, and feed systems (including feed distribution and rodent control)
- an assessment of the soil's ability to support the building(s), road access and effluent storage and disposal
- the location and depth of all excavation and filling
- drainage and elevation plans showing retaining dam(s) for all sheds, the methods of stormwater retention, and existing and proposed stormwater discharge points.

- **Traffic plan:** This plan should show the road layout, farm access points, parking areas, proposed transport routes to and from the property, and the expected vehicle movements (including type of vehicle and time of day).
- **Landscaping plan:** Drawn to scale, the landscaping plan for any existing or proposed works must show all existing vegetation, along with the location of all proposed vegetation.

  It should include:

  - details of plant species, height and growth characteristics
  - areas where existing vegetation is to be removed (if applicable). If any native vegetation is to be removed, then the application must also address the requirements of Clause 52.17 of the planning scheme regarding native vegetation (see also 'Native vegetation' under the "Relevant legislation and other requirements' section of this Code)
  - the location of the broiler sheds and other buildings, and any sensitive uses, to illustrate how the vegetation will be effective to provide visual screening of the farm operations
  - the proposed landscape treatments
  - a quote for implementing the landscaping plan, identifying the cost breakdown for plants, materials and labour.

6. **Environmental management plan (EMP):** The applicant must prepare the EMP in accordance with 'Element 6: Farm operation and management: (environmental management plan (EMP))'.
7. **Environmental risk assessment:** Some development proposals may require an Odour ERA. Guidelines for an Odour Environmental Risk Assessment for Victorian Broiler Farms is available at the Department of Primary Industries website (www.agriculture.vic.gov.au/agriculture/livestock/poultry-and-eggs/poultry-legislation-regulations-and-standards/the-victorian-code-for-broiler-farms).



# 10. Application Process

The following section outlines the process for the submission, assessment and approval of a planning permit application for a new broiler farm or broiler farm expansion.

**The following stages only provide a summary of the key stages for a prospective applicant in the planning permit process. For a comprehensive overview of the planning permit process visit www.dpcd.vic.gov.au or contact the local council.**

## Stage 1: Site selection, farm classification and consultation

- The prospective applicant is encouraged to seek the views of the responsible authority on the proposed location and siting of the broiler farm, in particular to:
    - ascertain whether any issues may affect the prospects of successfully obtaining a planning permit
    - confirm that the Municipal Strategic Statement and any other planning policies or overlays in the planning scheme generally support the establishment of a broiler farm in the proposed location
    - consider any local planning decisions relevant to the permit application
    - in the case of applying to expand an existing farm, be prepared to discuss how the existing operation will be improved to ensure the whole farm complies with this Code
    - consult with any other relevant authorities.
- The applicant must determine whether the proposed development is a Class A, Class B, Special Class or Farm Cluster (see 'Classification of broiler farms' section of this Code).
- The applicant is encouraged to talk to the neighbours to identify any concerns. Taking the time to talk to them at this early stage may save time later if changes can be made to the plans that 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 everybody.

## Stage 2: Preparation and lodgement of planning permit application

- The prospective applicant should confirm with the responsible authority what information must be submitted with the application.
- For Special Class Farms and Farm Clusters, the applicant should contact EPA Victoria early to seek advice regarding the Odour ERA requirements and what information will be required as part of this analysis. Such consultation will assist in avoiding delays in the application assessment stage by ensuring all the necessary information is provided up-front.
- The applicant must prepare the planning permit application form, the proposal summary (Appendix 5), the application checklist (Appendix 5), the plans and any other required documentation, including an Odour ERA for Special Class or Farm Cluster permit applications.
- The applicant must lodge three completed copies of the planning permit application and all documentation with the responsible authority.

## Stage 3: Assessment, notice and determination of applications

### Class A farms

- Under Clause 52.31 of the *Victoria Planning Provisions* and all planning schemes in Victoria, an application to use or develop land to establish or to increase the farm capacity of an existing Class A Farm is exempt from the notice requirements of section 52 (1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987*.
- The application might be sent for comment to other departments (for example, engineering services) within council. It might also be formally referred to external agencies such as VicRoads or a Catchment Management Authority if the application affects their interests.

- If the responsible authority supports the application it will grant a planning permit with conditions. If council refuses to grant the permit, a 'Refusal to Grant a Permit' notice will be issued that identifies the grounds for the refusal.
- If council fails to make a decision about the application within 60 days, an application for a review can be made with the Victorian Civil and Administrative Tribunal (VCAT). The 60 days must be calculated in accordance with Regulation 30 of the *Planning and Environment Regulations 1998*.
- If the permit application is refused an application for a review can be made. This must be done within 60 days of responsible authority giving notice of the refusal. As a matter of courtesy, tell the council planner you have lodged an application for review before you are formally instructed to do so by VCAT.
- If the responsible authority grants the permit with conditions, the permit applicant can apply for a review of the conditions. This must be done within 60 days of the permit being issued, or the Notice of Decision to Grant a Permit being given.

**Class B farms**

- Under Section 52 (1) (d) of the *Planning and Environment Act 1987* notice of an application must be given to any persons the responsible authority considers may suffer material detriment as a result of the development. This is usually called advertising.
- The application might also be sent for comment to other departments (for example, engineering services) within council. It might also be formally referred to external agencies such as VicRoads or a Catchment Management Authority if the application affects their interests.
- Council will issue a written direction to advertise the application. This can be expected within a reasonable time after the application is lodged, once all the required information is provided. The advertising period is at least 14 days.
- Neighbours are usually notified of the permit application by letter. A notice may also be required to be displayed on the site.
- Any comments received are called submissions, and these should be lodged with council during the advertising period. Council must consider them when it makes its decision about the application. Submissions that oppose a proposal are objections.
- If there are no objections, the responsible authority can issue the permit immediately. If there are objections, the responsible authority can only issue a 'Notice of Decision to Grant a Permit'. All concerned parties will receive a copy of the notice. The Notice of Decision to Grant a Permit does not have the same legal status as a permit. However, it signals council's decision to grant the permit and identifies the conditions to be included on it.
- If council refuses to grant the permit, a 'Refusal to Grant a Permit' notice will be issued that identifies the grounds for the refusal. Both the applicant and each objector will each be given a copy of the notice.
- If council fails to make a decision about the application within 60 days, an application for a review can be made with VCAT. The 60 days must be calculated in accordance with Regulation 30 of the *Planning and Environment Regulations 1998*.
- If the permit application is refused an application for a review can be made. This must be done within 60 days of responsible authority giving notice of the refusal. As a matter of courtesy, tell the council planner you have lodged an application for review before you are formally instructed to do so by VCAT.
- If the responsible authority grants the permit with conditions, the permit applicant can apply for a review of the conditions. This must be done within 60 days of the permit being issued, or the Notice of Decision to Grant a Permit being given.
- An objector can also apply for a review of a decision to grant the permit. This must be done within 21 days of the Notice of Decision to Grant a Permit being given. An objector will also be notified of an application for review by the applicant.

**Special Class farms and Farm Clusters**

- Under Clause 66.05 of the *Victoria Planning Provisions* and all planning schemes the responsible authority must notify the EPA Victoria of the permit application.
- Under section 52 (1) (d) of the *Planning and Environment Act 1987* notice of an application must be given to any persons the responsible authority considers may suffer material detriment as a result of the development. This is usually called advertising.
- The application might also be sent for comment to other departments (for example, engineering services) within council. It might also be formally referred to external agencies such as VicRoads or a Catchment Management Authority if the application affects their interests.
- Council will issue a written direction to advertise the application. This can be expected within a reasonable time after the application is lodged, once all the required information is provided. The advertising period is at least 14 days.
- Neighbours are usually notified of the permit application by letter. A notice may also be required to be displayed on the site.
- Any comments received are called submissions, and these should be lodged with council during the advertising period. Council must consider them when it makes its decision about the application. Submissions that oppose a proposal are objections.
- If there are no objections, the responsible authority can issue the permit immediately. If there are objections, the responsible authority can only issue a Notice of Decision to Grant a Permit. All concerned parties will receive a copy of the notice. The Notice of Decision to Grant a Permit does not have the same legal status as a permit. However, it signals council's decision to grant the permit and identifies the conditions to be included on it.
- If council refuses to grant the permit, a Refusal to Grant a Permit notice will be issued that identifies the grounds for the refusal. Both the applicant and each objector will each be given a copy of the notice.
- If council fails to make a decision about the application within 60 days, an application for a review can be made with VCAT. The 60 days must be calculated in accordance with Regulation 30 of the *Planning and Environment Regulations 1998*.
- If the permit application is refused an application for a review can be made. This must be done within 60 days of responsible authority giving notice of the refusal. As a matter of courtesy, tell the council planner you have lodged an application for review before you are formally instructed to do so by VCAT.
- If the responsible authority grants the permit with conditions, the permit applicant can apply for a review of the conditions. This must be done within 60 days of the permit being issued, or the Notice of Decision to Grant a Permit being given.
- An objector can also apply for a review of a decision to grant the permit. This must be done within 21 days of the Notice of Decision to Grant a Permit being given. An objector will also be notified of an application for review by the applicant.

## Stage 4: Review of an application following determination by the responsible authority

- If an application for review is lodged with VCAT by the applicant or by an objector, a hearing will be held to give all parties to the application for review the opportunity to present written and oral submissions, to call or give evidence and to ask questions of witnesses. VCAT decides the merits of the application and can make a new decision, or affirm, modify or overturn the decision being reviewed.
- The Tribunal's decision contains an order to give effect to its decision. For example, the order may direct that a permit is not issued, or that a permit is issued with specified conditions.
- VCAT's decision is final and binding on all parties unless there is an appeal to the Supreme Court of a question of law.

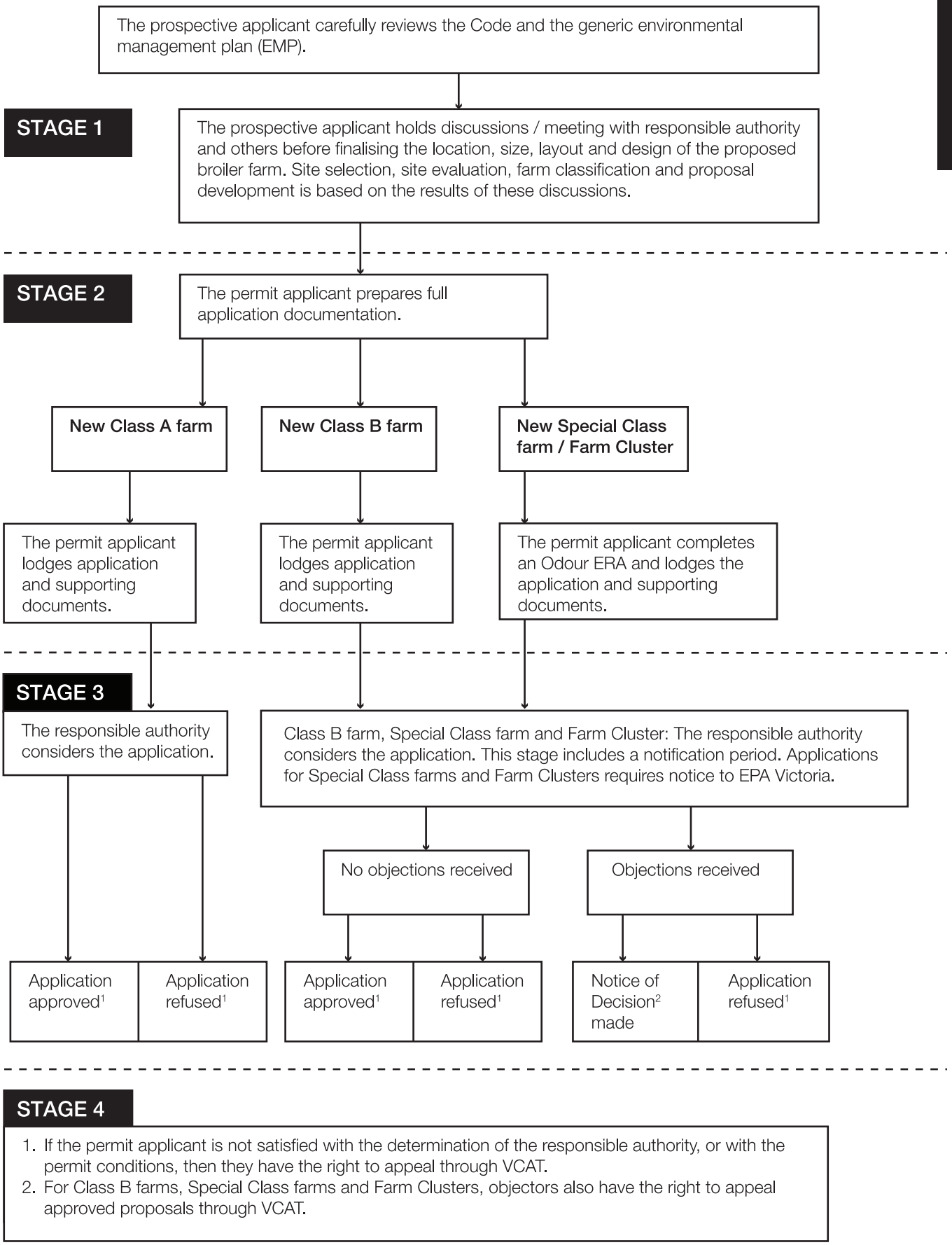
## Stage 5: Issuing a planning permit

The planning permit preamble should specify the approved farm capacity, for example:

> *The permit allows: The use and development of the land for a broiler farm with a farm capacity of 180,000 birds.*

The approved Environmental Management Plan should be endorsed by the responsible authority and form part of the planning permit. A planning permit condition may be included on the planning permit requiring that the use be conducted in accordance with the endorsed Environmental Management Plan at all times.

# Figure 3: Illustration of Planning Application Process



# 11. Strategic and Land Use Planning Considerations

This part of the Code provides guidance on land use planning considerations for new or expanded broiler farms, farm upgrades, and for the development of new sensitive uses close to existing broiler farms, including land rezoning and subdivision.

## Assessing the impact of broiler farm emissions on the use and development of surrounding land

The requirements of this Code recognise that, although desirable, it will not always be possible for a broiler farm to contain all emissions within the broiler farm boundary. This approach is consistent with other industries and agricultural activities. This Code includes requirements to ensure that existing sensitive uses are not adversely impacted by emissions.

One of the best means to achieve this is for broiler farms to contain as much of the separation distance within their property boundary as possible. This removes future business risks for the broiler farm in terms of new sensitive uses establishing within close proximity to the broiler farm. It is for this reason that the Class A farm has been identified and is encouraged through exemptions from notice and review provisions in the *Planning and Environment Act 1987*.

However, it is recognised that this is not always possible and that other farms – Class B, Special Class and Farm Clusters – can be responsibly established, managed and operated without adversely impacting on sensitive uses through careful siting, design and ongoing management.

It is also important to ensure that emissions do not adversely impact the orderly and sustainable development of surrounding land. When assessing a permit application for a new or expanded broiler farm, the responsible authority must consider how the broiler farm may impact on the orderly and sustainable use and development of surrounding land having regard to:

- the existing and likely future use and development of the land (for example, have any permits been approved for the subdivision of surrounding land that may increase the number of sensitive uses or the establishment of new sensitive uses)
- the existing physical and environmental characteristics of the land
- the purpose and provisions, including decision guidelines, of the zone applying to the land
- any relevant land use strategies or policies in the planning scheme setting out the council's view of relevant land use issues and its intentions for an area.

Element 1 not only includes substantial setbacks to existing residential and rural residential areas, but also to areas proposed for residential and rural residential development in a strategy or policy in the planning scheme. These setback requirements ensure that strategic planning is not compromised by the establishment of broiler farm operations and that broiler farm operations are safeguarded from future encroachment of sensitive use.

The location of intensive animal industries and their separation distances from existing and planned sensitive uses can be addressed by applying strategies, policies and appropriate land use zoning. Responsible authorities should consider whether a local policy is required and whether other planning provisions should be applied.

Broiler farm operations will usually be compatible with other forms of agricultural production and are unlikely to preclude or unreasonably limit their operation or expansion. The use of agricultural land is not considered to be a beneficial use under the *State Environment Protection Policy (Air Quality Management)* (SEPP (AQM)) and agricultural production is not a sensitive use.

However, the Code incorporates Standard E1 S5 'Future use and development of neighbouring land', and its associated measures to ensure sufficient land use flexibility is maintained for adjoining land owners to adapt to future changes. This standard controls the extent to which the separation distance may impact on neighbouring land.

The Code, through Approved Measure E1 M5.2, ensures that opportunity remains, if appropriate, on adjoining and nearby vacant land to establish a dwelling outside the required separation distance. Maintaining this opportunity ensures that future dwellings will not be adversely impacted by odour, and the broiler farm operations are safeguarded from encroachment of sensitive use. This measure requires an assessment of the suitability of the land outside the identified separation distance for the establishment of the dwelling. The assessment should include consideration of whether the establishment of a dwelling was likely regardless of the broiler farm development.

Although these strategic land use considerations have been included in this Code, it is important to recognise that Victoria's rural areas provide for a diverse range of activities and land uses. This diversity is reflected in the application of the different rural zones and the development of land use planning strategies and policies. Element 1 will generally ensure broiler farms are appropriately sited in areas identified and protected in the planning scheme for rural production and where the predominant use and development of surrounding land is for agricultural production.

## Consideration of planning permit applications for farm upgrades where there is no increase in farm capacity.

A planning permit is required to use or develop land for a broiler farm. Whilst this Code does not apply to farm upgrades that do not increase their farm capacity, this section provides guidance to assist local councils in the assessment of farm upgrade planning applications.

The most significant types of farm upgrades include:

- the expansion of shed floors or construction of new sheds, and/or
- conversion or upgrade of the ventilation system from natural ventilation to a system that includes tunnel or fan assisted ventilation.

In assessing a farm upgrade planning permit application the responsible authority should be satisfied that the overall environment and amenity is maintained and, if possible, improved as a result of the development. In assessing the application the responsible authority should ensure that:

- the development does not pose any risk of significant loss of amenity through increased exposure of nearby sensitive uses to odour or dust. Where an upgrade includes installation of tunnel or fan assisted ventilation systems, the siting and orientation of the fans must ensure nearby sensitive uses are not at significant risk of increased amenity impacts. **Note:** The 'Classification of broiler farms' section, and associated separation distances do NOT apply to farm upgrades.
- the broiler farm development does not unreasonably limit the use and development of land beyond the broiler farm property boundary.
- the broiler farm development maintains or improves the overall environmental and amenity situation in terms of traffic management, on-farm roads, vehicle movement and parking, and management of noise and light from farm operation related vehicles.
- the broiler farm development manages waste from broiler 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.

Depending on the extent of the upgrade, and potential for environmental and/or amenity risks, the responsible authority may consider whether the development of an environmental management plan, and/or routine auditing is warranted to ensure the ongoing operation of the farm meets best practice standards.

The prospective applicant is encouraged to seek the views of the responsible authority on the development, in particular to:

- ascertain the documentation requirements
- the anticipated application process that the responsible authority intends to follow
- whether any issues may affect the prospects of successfully obtaining a planning permit
- confirm that the Municipal Strategic Statement and any other planning polices or overlays in the planning scheme generally support the development
- consult with any other relevant authorities.

The applicant is encouraged to talk to the neighbours to identify any concerns. Taking the time to talk to them at this early stage may save time later if changes can be made to the plans that 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 everybody.

## Establishing sensitive uses near broiler farms

One of the duties of a planning authority under the *Planning and Environment Act 1987* is to provide sound, strategic and coordinated planning of the use and development of land in its area. This duty applies not only to the development of a broiler farm, but also to a proposed residential development, subdivision or to other sensitive use development in the vicinity of an existing broiler farm.

When considering land use and development applications (including subdivisions and rezonings) that will permit the establishment of dwellings and other sensitive uses nearby an existing broiler farm, responsible authorities should consider the impacts of broiler farm emissions on potential future sensitive uses and restrict their encroachment into the separation distances required under this Code.

Although the separation distance requirements found in the 'Classification of broiler farms' section of this Code apply only to the development or expansion of broiler farms, they can be used as a guide to identify the locations where a future sensitive use may be adversely impacted by broiler farm emissions.

The separation distances should also be used as a guide when planning for urban and rural living land use and development, including subdivisions, amendments to the planning scheme, rezonings and strategic land use planning.

For farms approved and built under the Code (or under the previous 2001 Code), planning authorities should avoid encroaching on the separation distance of an existing farm and maintain the setback requirements of Element 1 for urban and rural living zones.

Direct application of the separation distances between new sensitive uses and existing farms built prior to the Code (that is prior to 2001) however can be problematic and unreasonable for surrounding land-owners. Often these farms were established at a time when there was no expectation that the approval of the farm would limit the use of adjoining land. In these cases however, the historical performance of these farms in relation to the management of odour will be well established, and the responsible authority may be able to consider the need to maintain an adequate separation distance with the site specific knowledge of the broiler farm's likely impact. The separation distance provided by the new dwelling should be as large as reasonably possible taking into account the likely additional risk of exposure to odour.

Maintaining an adequate separation distance between potential new sensitive uses and an existing farm, however, does not exempt existing farms from minimising the risk of odour and dust impact on surrounding neighbours.

**Rezoning or subdivision:** In the case of rezoning or subdivision of land for residential purposes, the proximity of this type of development near existing broiler farms has greater implications for amenity risks as they allow significantly increased residential development. For this reason the responsible authority must carefully consider the potential impact of, and in general not support:

- establishing a residential zone, Rural Living Zone or other urban zone within the setback or separation distances of an existing or approved broiler farm
- enabling the subdivision of land for residential or rural living purposes within the setback or separation distances of an existing or approved broiler farm.

In principle, encroachment of sensitive uses into the required separation distance or identified odour impact area should only be allowed if:

- there are sound planning reasons for the distance to be varied
- the impact of the broiler farm on the potential sensitive use will be no greater than if the separation distance is maintained
- a risk assessment (including odour modelling) is conducted that shows there is minimal risk of sensitive uses being exposed to offensive odour.

The onus is on the agent of change (the permit applicant) to demonstrate that an appropriate separation between sensitive uses and an existing broiler farm is being maintained.

When assessing an application for a new use or development in the Farming Zone and Rural Activity Zone, the responsible authority must consider the proposed development's potential to limit the operation and expansion of adjoining and nearby agricultural uses. Under the Green Wedge Zone the responsible authority must consider the maintenance of agricultural production and the impact on the rural economy. These decision guidelines apply when considering applications for a new use or development adjoining and nearby to broiler farms. Appropriate weight should be given to protecting existing broiler farm operations and it is within the discretion of the responsible authority to refuse an application for a new use or development if the authority considers that it would adversely impact the existing broiler farm's capacity to operate in accordance with its approvals or existing land use rights.

Where a nearby broiler farm (or Farm Cluster) has a farm capacity of greater than 400,000 birds, the separation distances of this Code do not apply. Planning and responsible authorities should consider the use of an Odour ERA, rather than a separation distance based on the farm capacity, to ensure that sensitive uses and/or zones are not at risk of being adversely impacted by broiler farm emissions. As per the preceding section, once a required separation distance is established, it should be maintained unless there is overriding justification to approve some variation.

### Design considerations for subdivisions near broiler farms

Where an existing zoning will allow further subdivision near an existing broiler farm, the responsible authority must consider the amenity of future residents of the proposed subdivision. In cases where the subdivision is permitted, the responsible authority should require the lot layout and / or building envelopes to be designed in such a way that no dwelling is within the required separation distance or within the area identified as being at risk of being adversely impacted by broiler farm emissions.

### As of right' new residential uses near broiler farms

In some circumstances, planning permission is not required to build a dwelling in a rural area. If the proposed dwelling is to be sited close to a broiler farm, where there is potential for impact from odour and noise emissions, conflict can arise. Councils should explore how to advise future residents, so steps can be taken to minimise impacts, such as:

- siting the dwelling further from the broiler farm
- siting the dwelling up slope from the broiler farm
- using vegetation to provide visual screening.



# 12. Relevant Legislation and Other Requirements

**It is important that the broiler industry and local communities are aware of the range of significant regulatory and other controls over broiler farming activities. A summary of some of the legislation that may affect the development and management of broiler farms is provided below, but readers are encouraged to seek further information where necessary.**

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| **Agricultural industry controls** | The *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* provides controls over the use of agricultural and veterinary chemicals, including fertilisers. Fertiliser regulations made under the Act set out requirements (including labelling) relating to the content of fertilisers. The trading of fertilisers, including manures, must be accompanied by a label or document confirming the maximum levels of specified chemicals in the fertiliser. The Department of Primary Industries has published these levels in *Guide to Victorian Fertiliser Regulations (2015).*<br>The department also administers the *Livestock Disease Control Act 1994*, which provides powers to help manage, control or eradicate specified livestock diseases, including poultry diseases. |
| **Animal welfare controls** | The *Prevention of Cruelty to Animals Act 1986* and the *Prevention of Cruelty to Animals (Domestic Fowl) Regulations 2006* establishes animal welfare standards and controls, and gives effect to animal welfare codes. The welfare codes that apply to the broiler industry include:<br>• the 2003 Code of Accepted Farming Practice for the Welfare of Poultry (Revision no.2), published on the Agriculture Victoria website as Agnote AG1143.<br>• the Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock. Animal Health Australia (AHA) 2012.<br>At the time of writing this document, national welfare standards were under development that may replace the Victorian Welfare Codes for poultry. The most relevant standards and Codes are available on the Agriculture Victoria website, www.agriculture.vic.gov.au/agriculture/animal-health-and-welfare/animal-welfare. |
| **Biosecurity guidelines** | The National Biosecurity Manual for Contract Meat Chicken Farming was developed in 2010 (see www.chicken.org.au). In Victoria, it is supported by the Biosecurity Guidelines for Poultry Producers published as Agnote AG1155, http://agriculture.vic.gov.au/agriculture/pests-diseases-and-weeds/animal-diseases/poultry/biosecurity-guidelines-for-poultry-producers, which was developed in consultation with industry. |
| **Environmental controls** | EPA Victoria has powers under the *Environment Protection Act 1970* to prevent or control the pollution of air, water and land, control noise pollution and regulate the management and disposal of waste. Licences are not required for broiler farms, but pollution abatement notices may be used to minimise odours and to control odour, dust and noise emissions and waste generated by the farm. |

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| **Environmental controls** | The Act provides a strategic approach to environmental management and pollution control, based on the development and implementation of State Environment Protection Policies (SEPPs). Policies relevant to broiler farms include:<br>• *State Environment Protection Policy (Air Quality Management)*<br>• *State Environment Protection Policy (Noise from Industry, Commerce and Trade) N-1*<br>• *State Environment Protection Policy (Waters of Victoria)*<br>• *State Environment Protection Policy (Groundwaters of Victoria).*<br>Requirements and guidance to control noise in rural areas are included in the following document:<br>• *Noise from Industry in Regional Victoria guideline (EPA publication 1411) in October, 2011. N3/89*.<br>*The Authorised Version incorporating amendments as at 17 June 2015* provides controls over the use of agricultural and veterinary chemicals, to protect public health and the environment.<br>Melbourne Water and Southern Rural Water have powers in relation to the use of groundwater and the use and development of flood plains. The three metropolitan water authorities (South East Water, City West Water and Yarra Valley) and rural water authorities are responsible for sewage, and for the use and development of flood plains. |
| **Indigenous and cultural heritage** | In 2006, the Victorian Government introduced the *Aboriginal Heritage Act 2006*. The Act links the protection of Aboriginal cultural heritage more directly with planning and land development processes. It does not seek to stop or delay development, rather, it establishes a process to protect and manage Aboriginal heritage, with the involvement of Aboriginal people, while allowing development to proceed. Further information is available at https://www.vic.gov.au/aboriginalvictoria/heritage/amendments-to-the-aboriginal-heritage-act-2006-and-aboriginal-heritage-regulations-2007.html |
| **Native vegetation** | Clause 52.17 of the *Victoria Planning Provisions* and all planning schemes regulates the removal of native vegetation, and a planning permit may be required to remove, destroy or lop any native vegetation. Where native vegetation is removed as part of a development, the applicant will have obligations to off-set this removal.<br>The *Native Vegetation: Planning Permit Applicant's Kit* provides guidance on preparing a planning permit application to remove, destroy or lop native vegetation including:<br>• when a planning permit is required to remove, destroy or lop native vegetation<br>• what information is required to be submitted with an application to remove, destroy or lop native vegetation.<br>The responsible authority or the Department of Sustainability and Environment can provide information on obligations regarding the protection, retainment or replacement of native vegetation. Further information can be found at: https://www.environment.vic.gov.au/native-vegetation/native-vegetation |
| **Nuisance controls** | The nuisance provisions of the *Public Health and Wellbeing Act 2008* require councils to remedy 'as far as is reasonably possible' all nuisances in their municipalities. The Act defines 'nuisance' as 'a state, condition or activity that is, or is liable to be, dangerous to health or offensive'. Offensive is defined to mean 'noxious or injurious to personal comfort'.<br>It is an offence for a person (which includes a company or incorporated body) to cause a nuisance or knowingly allow or suffer a nuisance to exist on or emanate from any land owned, or occupied by, or in the charge of that person. |
| **Occupational health and safety** | The *Occupational Health and Safety Act 2004* and *Occupational Health and Safety Regulations 2007*, specify the key principles, duties and rights in relation to occupational health and safety in Victoria.<br>The Act and Regulations, which are administered by WorkSafe Victoria, aim to (a) secure the health, safety and welfare of employees and other persons at work; (b) protect the public from the health and safety risks of business activities; (c) eliminate workplace risks at the source; and (d) involve employers, employees and the organisations that represent them in the formulation and implementation of health, safety and welfare standards.<br>General advice and guidance in relation to these matters can be obtained by contacting WorkSafe Victoria (1800 136 089) or by accessing the Authority's website: www.worksafe.vic.gov.au. A direct link to the Worksafe Guide to the OHS Act 2004 is: https://www.worksafe.vic.gov.au/__data/assets/pdf_file/0004/209803/ISBN-Guide-to-the-OHS-act-2004-2005-11.pdf. |

# 13. Glossary

This section explains key words and phrases used in this Code. Prospective applicants and responsible authorities should familiarise themselves with the following abbreviations and glossary descriptions when using the Code.

## Abbreviations:

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|---|---|
| EMP | Environmental Management Plan |
| EPA Victoria | Environment Protection Authority Victoria |
| ERA | Environmental Risk Assessment |
| SEPP | State Environment Protection Policies |
| SEPP (AQM) | State Environment Protection Policy (Air Quality Management) |
| SEPP N-1 | State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 |
| VCAT | Victorian Civil and Administrative Tribunal |

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| **alternative measures or alternative technologies** | Methods, approaches, practices, technologies and / or actions that diverge from the approved measures described in this Code. Alternative approaches to the approved measures may be proposed and approved if the permit applicant can demonstrate that they are able to achieve equivalent or superior performance to meet the relevant Code objectives and standards. The onus rests with the applicant to demonstrate that the relevant objectives and standards will still be met. |
| **amenity** | The comfortable enjoyment of life and property, particularly with regard to visual appearance, odour, dust and noise. |
| **applicant** | See **permit applicant**. |
| **application** | See **broiler farm planning permit application**. |
| **approved measures** | Specific approaches, actions, practices and / or methods described in this Code to develop and operate broiler farms that permit applicants and growers can follow to ensure the Code objectives and standards are met. They are not mandatory. Where a development proposal meets the approved measures for a standard, it should be deemed to comply with that standard. |
| **audit** | The analysis, testing and assessment of practices, procedures and environmental outcomes. |
| **beneficial use** | A use of the environment or any element or segment of the environment which:<br>(a) is conducive to public benefit, welfare, safety, health or aesthetic enjoyment and that requires protection from the effects of waste discharges, emissions or deposits or of the emission of noise, or<br>(b) is declared in State environment protection policy to be a beneficial use. |
| **best practice** | The adoption of management practices and technologies that use the most current and recommended information, science and technologies available. The best practice managements continually change as new information and research demonstrates improved methods. Best practice thus encourages continuous improvement. |

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| **biosecurity procedures** | Procedures and practical measures to limit the spread of infectious diseases and pests both within a farm and from one farm to another. |
| **boundary buffer** | See **boundary setback**. |
| **boundary setback** | The distance between the nearest external edge of any new 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. |
| **broiler farm** | Land used to keep broiler chickens for the production of meat. |
| **broiler farm development proposal** | Any proposal to develop a new, or expand an existing, broiler farm that is (or will be) the subject of an application through the State planning permit system, as required by the *Victoria Planning Provisions* and all planning schemes. |
| **broiler farm planning permit application** | An application for a planning permit that is required before land can be used or developed to establish a new, or expand an existing, broiler farm, and which is subject to assessment by the responsible authority. |
| **bunding**<br><br>**(bunded)** | An embankment or wall of brick, stone, concrete or other impervious material that may form part or all of the perimeter of a broiler shed, litter storage area or compost area, and provides a barrier to retain liquid (that is, to prevent run-off of nutrients to surrounding environment) or to prevent the entry of liquids (that is, entry of stormwater into shed). |
| **compost piles** | See **litter compost piles**. |
| **composting** | The controlled biological decomposition or treatment of an organic part of a material (in this situation, spent litter or dead birds) to a condition sufficiently stable for nuisance-free storage and for safe and beneficial use in land applications as fertiliser. |
| **complaints –**<br><br>**confirmed and likely** | Confirmed complaint: A complaint when an offensive odour can be detected at the complainant's property by an authorised investigating officer (for example, an EPA Victoria officer or council officer) and traced back to its source<br><br>Likely complaint: A complaint when odour is detected at the complainant's home or in the general neighbourhood, and is linked to a particular broiler farm. Alternatively, a likely complaint record can be generated by a complainant who provides convincing evidence that an authorised investigation officer considers reliable. This evidence may involve a detailed description in an odour log and indications of an odour problem at the alleged source. |
| **element** | One of six key components of the Code, each addressing different issues to consider when planning a broiler farm development. For each element, the Code sets out objectives, standards and approved measures. |

| | |
|---|---|
| **development proposal** | See **broiler farm development proposal**. |
| **environmental management plan (EMP)** | 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 plan outlines strategies and measures to minimise environmental risks and contingency actions to manage environmental problems that may arise. |
| **environmental risk assessment (ERA)** | A process or tool used to identify potential environmental impacts or risks from a site. The ERA seeks to define the nature, severity and extent of the potential environmental impacts, and accounts for site-specific environment, management practices and contingency plans. The responsible authority can then assess these risks and the accompanying site information for the likelihood and acceptability of the impact on the surrounding amenity. |
| **farm area** | The physical size of a farm in hectares or square metres. |
| **farm capacity** | The maximum number of chickens allowed on the farm at any one time. For new farm and farm expansion applications, the proposed total farm capacity must be declared in the planning permit application. |
| **farm cluster** | A new farm development to occur within proximity of other broiler farms such that the farms have overlapping separation distances, and the combined capacity of the farms within the cluster is greater than 400,000 birds. |
| **farm expansion** | An increase in the farm capacity of an existing broiler farm. |
| **groundwater** | All water below the land surface that is free to move under the influence of gravity. |
| **groundwater recharge** | Replenishing of groundwater naturally by rainfall or run-off. |
| **independent auditor** | An auditor who has no ownership (in full or part) of the broiler farm or any of its facilities, and was not involved in or contracted to contribute to the design, planning or construction of the broiler farm or any of its facilities |
| **litter** | Fresh litter: sawdust, wood shavings, rice hulls or like material used as bedding material in broiler sheds.<br>Spent litter: litter after it has been used as bedding for a batch of birds and that now contains a mixture of the bedding material, urine, faeces, feathers, spilt feed and other organic matter. |
| **litter compost piles** | Stockpiles of spent litter (may also include dead birds) which are stored long term and actively managed to enable the litter to compost to a condition sufficiently stable for nuisance-free storage or to spread on land as a fertiliser. |
| **litter re-use** | The re-use (spreading) of composted litter on farm as fertiliser. |
| **litter spreading area** | Area of land on the farm on which spent, composted litter is spread as a fertiliser. |
| **litter stockpile** | See **temporary litter stockpile**. |
| **natural ventilation or cross-flow ventilation shed** | Broiler shed where the ventilation is based on a natural flow of air across the shed. It has side curtains running the length of both sides of the shed. The curtains are opened in response to ventilation needs, to allow fresh air to circulate through the shed. Natural ventilated sheds may also use other ridge or extractive fans to improve the day-to-day management of the shed. |
| **nutrient run-off** | Water containing nutrients that runs off the surface of the land when water application exceeds the instantaneous infiltration capacity of the soil. |
| **objectives** | The outcomes to be achieved from the completed development and operation of the broiler farm. A planning permit application must satisfy the objectives for each element under the Code. |
| **odour environmental risk assessment (Odour ERA)** | A process of modelling and analysing odour emissions to identify potential odour impacts that may result from a development. The ERA seeks to define the nature, severity and extent of the potential odour impacts, and accounts for site-specific environment, management practices and contingency plans. The responsible authority can then assess these risks and the accompanying site information for the likelihood and acceptability of the impact on the surrounding amenity. |

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| **odour modelling** | A computer program used to predict:<br>(a) the potential geographic area likely to be affected by the odour and<br>(b) the extent of the impact.<br>Odour modelling is used to assess the odour impacts of a proposed development. It is the first stage in the assessment of odour impact when conducting an environmental risk assessment. |
| **odour reduction technology** | Odour reduction technology is any technology, equipment or measure that is proven to significantly absorb or reduce odour emissions from the shed. Where its use is proposed, an Odour ERA must be completed that examines the effectiveness of the technology and its ability to reduce off-site impacts. The modelling results must support the acceptability of having a reduced separation distance compared to the minimum requirements of the Code. |
| **odour units (OU)** | An internationally accepted unit of measure for odour concentration. The number of odour units is the number of dilutions required for the sample to reach the threshold of detection. This threshold is the dilution at which 50 per cent of a testing panel correctly detect an odour. |
| **offensive odour** | By reason of its nature, character, components, quality or strength, or the time at which it is made, odour that is likely to be harmful and / or offensive to, and / or interfere unreasonably with, the comfort or rest of people at / or beyond the boundaries of the premises from which the odour originates. |
| **organic matter** | Living or dead plant or animal material. |
| **outdoor range area** | An area outside of the shed structure where poultry are provided unrestricted access to outdoor areas. |
| **permit applicant** | Anyone applying for the planning permit required before land can be used or developed to establish a new, or expand an existing, broiler farm, and which is subject to assessment by the responsible authority. |
| **permit application (planning permit application)** | See **broiler farm planning permit application**. |
| **pollution** | The release of a pollutant into the environment such that the resultant effects become harmful to human health, other living organisms, or the general environment. A pollutant may be chemical, physical, biological or energy (in the form of noise, heat, or light). A resource is polluted if its environmental value is adversely altered. |
| **proposal** | See **broiler farm development proposa**l. |
| **residential zone** | For example, as of 2018, this includes Low Density Residential Zone, Mixed Use Zone, Township Zone, Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone. |
| **responsible authority** | The municipal (local) council, unless the planning scheme specifies otherwise. |
| **routine audit** | An audit to confirm that the broiler farm complies with the conditions of the planning permit and endorsed plans and documents, including the environmental management plan. |
| **run-off** | See also **nutrient run-off**. |
| **sensitive use also known as sensitive land use** | A use that involves the presence of people, causing the use to be sensitive to amenity considerations such as odour, dust and noise. Sensitive uses (also referred in other documents as sensitive land uses) include a dwelling, a dependant persons unit, a residential building, a hospital, a school, a day care centre, a caravan park and other uses involving the presence of people for an extended period. Sensitive use does not include recreational areas such as parks and sporting facilities. |

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| **separation distance** | Separation distance is the distance from the nearest external edge of the new or existing broiler shed to the nearest external edge of the sensitive use (that is the nearest edge of the house) on land beyond the broiler farm property. It excludes sensitive uses directly associated with the broiler farm operations – eg. dwellings on the broiler farm property.<br><br>The separation distance is therefore the distance from the new or existing broiler sheds within which no sensitive use is located.<br><br>For Class A and Class B farms, the minimum separation distance requirement must be at least 250m or otherwise calculated in using Formula 1 of this Code (whichever is larger).<br><br>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. |
| **setback (measure, distance, requirement)** | The minimum distance required between the nearest external edge of any broiler farm shed (or litter stockpile / compost pile or litter spreading area), and various features such as the broiler farm boundary (boundary setback), planning zones, sensitive uses, on-farm broiler sheds, nearby poultry farms, waterways. Setback distances are found in the approved measures that permit applicants should incorporate into their development proposal to comply with the required standard. See also 'Appendix 1 for a summary of setback measures to meet the Code's objectives and standards. |
| **shed edge** | External wall or corner of the broiler shed from which separation distances and other setbacks are measured. |
| **spent litter** | Litter that has been used as bedding for a batch of birds and that now contains a mixture of the bedding material, urine, faeces, feathers, spilt feed and other organic matter. With its nitrogen, phosphorus, potassium and organic matter content, spent litter is useful as fertiliser or as a soil conditioner. |
| **standard** | A requirement that must be met to satisfy the objectives of the elements under the Code. In most cases, the standards are expressed as a design or operational requirement. |
| **State Environment Protection Policy (SEPP)** | A statutory instrument developed under the *Environment Protection Act 1970*. The Act sets out general provision for matters, such as the pollution of atmosphere, water and land. It provides for the development of SEPPs, which establish a statutory policy framework to protect the environment. SEPPs identify beneficial uses of the environment to be protected, set out a program of actions to ensure those beneficial uses are protected, and identify how to assess they are being protected. All individuals and organisations must comply with the SEPPs. |
| **stockpile** | See temporary litter stockpile. |
| **surface water** | The definition of surface water in the *Environment Protection Act 1970* – that is:<br><br>*Water on the land and includes dams, impoundments, rivers, creeks and all waterways where rainfall is likely to collect. It excludes groundwater and waters within tanks, artificial waste treatment systems, reticulated water supply distribution systems, off-stream private dams, and piped and underground drains.* |
| **temporary litter stockpile** | Temporary storage of spent litter from a broiler shed before removal off farm. This system is based on stockpiling litter for a few (less than 3 days) days to facilitate ongoing shed operations in the event that litter cannot be collected directly or immediately from the sheds.<br><br>Stockpiles are generally not turned or otherwise composted before removal. Litter should not remain long term on farm as a (non-composted) stockpile, because these piles have greater risk of creating an odour amenity issue when disturbed. Litter stockpiles stored for more than 3 days should be covered to protect the pile from the weather and to protect the amenity of neighbours. Long-term storage of litter piles must be managed through composting (that is, compost piles) to deliver an improved fertiliser product and reduce odour and dust amenity risks. |

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| **tunnel ventilation (including combi-sheds)** | Air ventilation for broiler sheds that is fan forced. In its simplest form, extraction fans are positioned at one end of the shed, forcing air to move down the length of the shed as if in a tunnel.<br><br>Recent shed development has shown that greater flexibility and improved air flow can be achieved by incorporating ridgeline or sidewall minimum ventilation systems to manage the times of minimum ventilation, as well as the end-wall tunnel extraction systems. Such sheds are referred to as combination or combi-sheds. Minimum ventilation fans can be staggered along both sidewalls of the shed, and/or end walls, or the elevated ridgeline of the sheds, and they are operated when there are requirements for minimal ventilation. |
| **waterway** | Defined in the *Water Act 1989* as:<br><br>*(a) a river, creek, stream or watercourse, or*<br><br>*(b) a natural channel in which water regularly flows, whether or not the flow is continuous, or*<br><br>*(c) a channel formed wholly or partly by the alteration or relocation of a waterway as described in paragraph (a) or (b);*<br><br>*(d) a lake, lagoon, swamp or marsh, being:*<br><br>*(i) a natural collection of water (other than water collected and contained in a private dam or a natural depression on private land) into or through or out of which a current that forms the whole or part of the flow of a river, creek, stream or watercourse passes, whether or not the flow is continuous, or*<br><br>*(ii) a collection of water (other than water collected and contained in a private dam or a natural depression on private land) that the Governor in Council declares under section 4(1) to be a lake, lagoon, swamp or marsh; or*<br><br>*(e) land on which, as a result of works constructed on a waterway as described in paragraph (a), (b) or (c), water collects regularly, whether or not the collection is continuous, or*<br><br>*(f) land which is regularly covered by water from a waterway as described in paragraph (a), (b), (c), (d) or (e) but does not include any artificial channel or work which diverts water away from such a waterway, or*<br><br>*(g) if any land described in paragraph (f) forms part of a slope rising from the waterway to a definite lip, the land up to that lip.* |
| **wind rose** | A wind rose is a graphical representation of a site or locality that summarises the occurrence of winds, showing their strength, direction and frequency. |
| **vacant property** | Property that has not been developed with a dwelling. |
| **ventilation exhaust air** | Ventilation air from inside broiler sheds that is extracted and exhausted outside the sheds. |

# 14. Publications

The following publications may provide information and guidance on best practice and other requirements additional to the provisions of this Code.

Australian Chicken Meat Federation 2003, *National Biosecurity Manual for Contract Meat Chicken Farming*, Version 1, (see http://www.chicken.org.au/files/biosecuritychickenfarming%5B2%5D.pdf).

Department of Primary Industries 2001, Generic Environmental Management Plan for Ongoing Operations and Management of New or Expanded Victorian Broiler Chicken Farms, Melbourne (see www.agriculture.vic.gov.au/agriculture/livestock/poultry-and-eggs/poultry-legislation-regulations-and-standards/the-victorian-code-for-broiler-farms).

Department of Primary Industries 2003, Code of Accepted Farming Practice for the Welfare of Poultry (Revision no. 2), AG1143, Melbourne (see www.agriculture.vic.gov.au/agriculture/animal-health-and-welfare/animal-welfare/animal-welfare-legislation/victorian-codes-of-practice-for-animal-welfare/code-of-accepted-farming-practice-for-the-welfare-of-poultry).

Department of Primary Industries 2008, Biosecurity Guidelines for Poultry Producers, AG1155, Melbourne (see www.agriculture.vic.gov.au/agriculture/pests-diseases-and-weeds/animal-diseases/poultry/biosecurity-guidelines-for-poultry-producers).

Department of Sustainability and Environment, 2007, Writing Planning Permits, www.planning.vic.gov.au/__data/assets/pdf_file/0023/28454/Writing_Planning_Permits.pdf

Dunlop, M 2009, *Control of Odour and Dust from Chicken Sheds – Review of 'add-on' technologies*, DAQ-341A, RIRDC Publication no. 09/034, Canberra, Rural Industries Research and Development Corporation (RIRDC).

Dunlop, M and Galvin, G 2006, *Efficacy of Windbreak Walls for Odour Reduction: Final report to RIRDC*, DAQ-321A. Canberra, Rural Industries Research and Development Corporation (RIRDC).

EPA Victoria 1989, *Interim Guidelines for Control of Noise from Industry in Country Victoria*, Publication no. 3/89, Melbourne (see www.epa.vic.gov.au/Publications).

EPA Victoria 1990, *Recommended Buffer Distances for Industrial Residual Air Emissions*, Publication no. AQ 2/86, Melbourne (see www.epa.vic.gov.au/Publications).

EPA Victoria 1991, *Construction Techniques for Sediment Pollution Control*, Publication no. 275, Melbourne (see www.epa.vic.gov.au/Publications).

EPA Victoria 1992, *Noise Control Guidelines, Publication no. TG 302/92*, Melbourne (see www.epa.vic.gov.au/Publications).

EPA Victoria 1996a, *Environmental Guidelines for Composting and Other Organic Recycling Facilities*, Publication no. 508, Melbourne (see www.epa.vic.gov.au/Publications).

EPA Victoria 1996b, *Environmental Guidelines for Major Construction Sites*, Publication no. 480, Melbourne (see www.epa.vic.gov.au/Publications).

EPA Victoria 1999, *Ausplume Gaussian Plume Dispersion Model Technical User Manual*, Publication no. 671, Melbourne (see www.epa.vic.gov.au/Publications).

EPA Victoria 2002, *A Guide to the Sampling and Analysis of Air Emissions,* Publication no. 440, Melbourne (see www.epa.vic.gov.au/Publications).

EPA Victoria 2006a, *Waste Management on Farms,* Publication no. 660, Melbourne (see www.epa.vic.gov.au/Publications).

EPA Victoria 2006a, *Enforcement Policy, Publication no. 384*, Melbourne (see www.epa.vic.gov.au/Publications).

Rural Industries Research and Development Corporation 2003, *National Environmental Management System for the Meat Chicken Industry*, Publication no. 03/038, Canberra (see www.rirdc.gov.au).

# 15. Appendices

## Appendix 1: Summary of Setback Measures to Meet the Code's Objectives and Standards

**Table 2: Minimum setback requirements from the nearest external edge of any broiler farm shed, or litter stockpile / compost pile (relevant approved measure in this Code in brackets)**

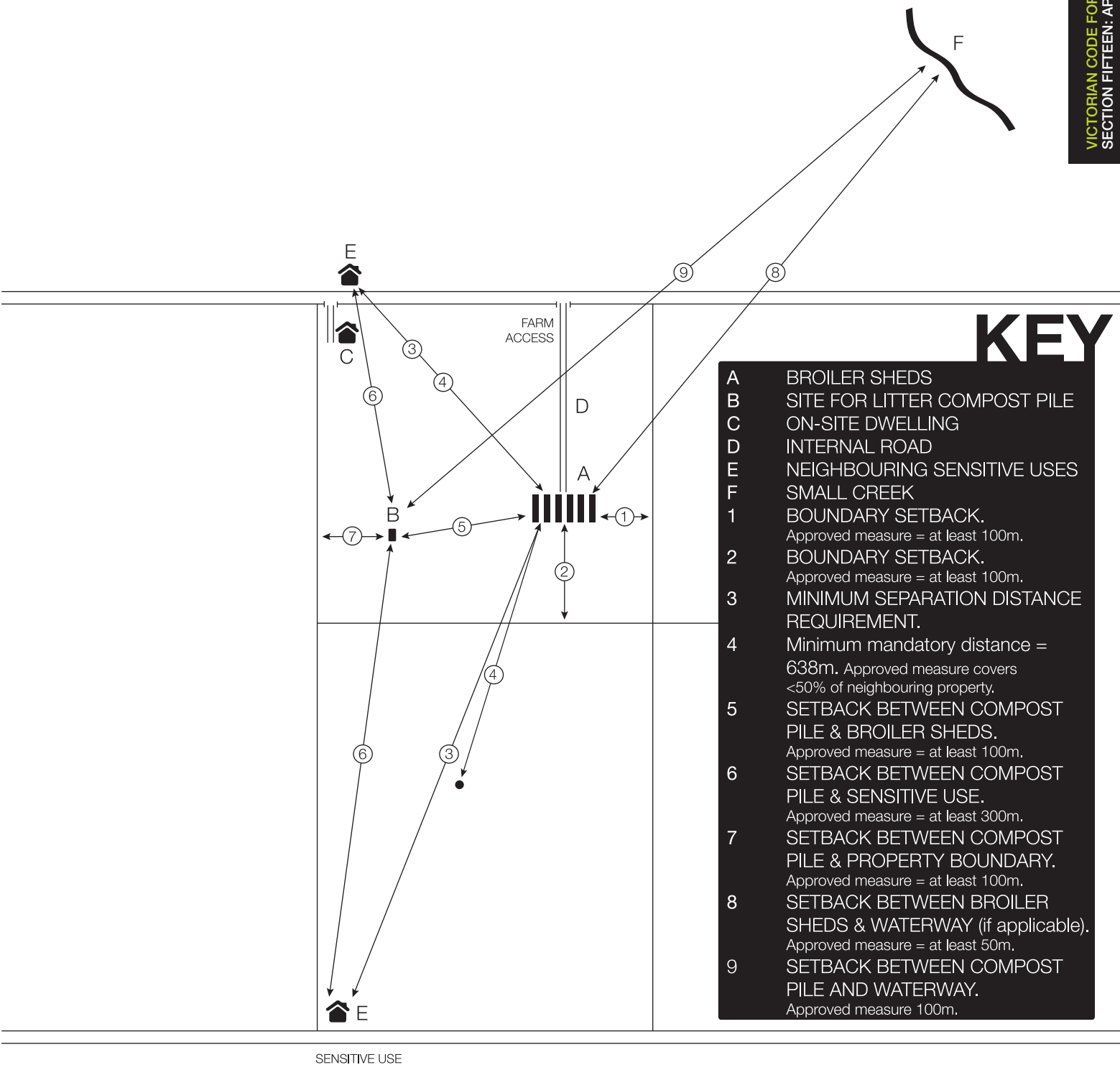
| Feature | Distance from broiler sheds (metres) | Distance from litter stockpile / compost pile (metres) |
|---|---|---|
| Residential zone | 1000<br>(E1 M1.1) | 1000<br>(E1 M1.1) |
| Rural Living Zone or Green Wedge A Zone | 750<br>(E1 M1.2) | 750<br>(E1 M1.2) |
| Broiler farm **boundary setback** | 100 (from new sheds only)<br>(E1 M1.4) | 100<br>(E1 M1.4) |
| Sensitive use | As defined by Formula 1 in the 'Classification of broiler farms' section of this Code | 300<br>(E1 M1.5) |
| On-farm broiler sheds on the farm | N / A | 100 , or are sited and managed as otherwise stipulated by the processor to meet biosecurity requirements<br>(E1 M4.2) |
| Nearby poultry farm | As per the *Biosecurity Guidelines for Poultry Producers* (Agnote AG1155)<br>(E1 M4.1) | Protection provided through compliance with the **boundary setback**<br>(E1 M1.4) |
| Potable water supply | 50<br>(E1 M2.1 & E1 M2.2) | 800<br>(E1 M2.3) |
| Waterway supplying potable water | 50<br>(E1 M2.1 & E1 M2.2) | 200<br>(E1 M2.3) |
| Other waterways or surface waters | 50<br>(E1 M2.1 & E1 M2.2) | 100<br>(E1 M2.3) |

**Table 3: Minimum setback requirements from litter spreading areas**

| Feature | Distance from litter spreading areas (metres) |
|---|---|
| Broiler farm boundary | 20<br>(E1 M1.6) |
| Sensitive use | 100<br>(E1 M1.7) |
| On-farm broiler sheds on the subject land | 20, or sited and managed as otherwise stipulated by the processor to meet biosecurity requirements<br>(E1 M4.3) |
| Potable water supply | 800<br>(E1 M2.3) |
| Waterway supplying potable water | 200<br>(E1 M2.3) |
| Other waterways or surface waters | 100<br>(E1 M2.3) |

# Figure 4: Broiler Farm 350,000

Indicative example of separation distance, boundary setback & some other setbacks for litter compost sites for a 350,000 bird, class B farm.
**(Not to Scale)**



# Appendix 2: Typical Noise Criteria

For broiler farms located in the Melbourne metropolitan region, noise levels generated by broiler farms and related activities must meet the requirements of *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1* or SEPP N-1.

SEPP N-1 does not apply to broiler farms outside the metropolitan region. However, where a proposed development (or proposed expansion of an existing development) is to be located close to a large regional or rural township, or in an area with background levels comparable to those of metropolitan Melbourne, the permit applicant should comply with the provisions of SEPP N-1. For other rural and regional locations, the *Interim Guidelines for Control of Noise from Industry in Country Victoria* (EPA Victoria publication no. 3/89, or its most recent update) provides guidance on the noise levels that industry should achieve.

Table 4 shows the typical noise limits that apply within the policy area (the Melbourne metropolitan region) under SEPP N-1. An assessment by an acoustic expert is required in each case to determine the noise limits according to policy procedures.

**Table 4: Typical noise limits that apply in the Melbourne metropolitan region**

| | Noise limits dB(A) | | |
|---|---|---|---|
| **Land use** | **Monday to Friday** (except public holidays) **7 am– 6 pm Saturday 7 am– 1 pm** | **All nights 10 pm– 7 am** | **All other times** |
| Mainly residential | 50–54 | 39–43 | 44–48 |
| Residential, commercial and industrial | 54–59 | 39–43 | 48–52 |
| Commercial and industrial | 56–59 | 47–52 | 48–52 |
| Industrial | 63–68 | 52–56 | 57–61 |

In other areas of the state, the *Interim Guidelines for Control of Noise from Industry in Country Victoria* (EPA Victoria publication no. 3/89, or its most recent update) specify minimum noise limits (that is, noise generators are not required to reduce noise below these levels). These guidelines are being revised, and the following recommendations (Table 5) provide a guide to typical limits based on current published information.

**Table 5: Typical noise limits that apply in rural and regional areas**

| | Noise limits dB(A) | | |
|---|---|---|---|
| **Land use** | **Monday to Friday** (except public holidays) **7 am– 6 pm Saturday 7 am– 1 pm** | **All nights 10 pm– 7 am** | **All other times** |
| Minimum limits in quiet rural areas | 45 | 32 | 37 |

# Appendix 3: Litter Quality Management and Monitoring

Management of litter to ensure it remains dry and friable is a key tool to minimise the risk of odour impacts beyond the broiler farm boundary. Litter that is too wet can become caked and prone to anaerobic decomposition, producing offensive odorants. Litter that is too dry can produce excessive dust. Ideally, best management should aim to maintain litter moisture at 15–30 per cent.

Best practice management of litter for broiler farms includes adequate ventilation to keep litter dry and the monitoring of litter moisture levels. This practice should be a key component of the broiler farm's environmental management plan (see 'Element 6').

Litter moisture is relatively easy to assess, and growers can estimate moisture content with a reasonable degree of accuracy using the information in Table 6.

**Table 6: Litter condition and moisture content**

| Litter condition | Moisture content (%) |
|---|---|
| Dry / dusty | 0–15 |
| Dry / friable | 15–25 |
| Friable to moist | 25–30 |
| Sticky / caking | 30–40 |
| Wet and sticky / heavy caking | 40–50 |
| Very wet and sticky | >60 |

The following is one procedure to assess litter moisture content. For further information on this practice, contact the Department of Primary Industries.

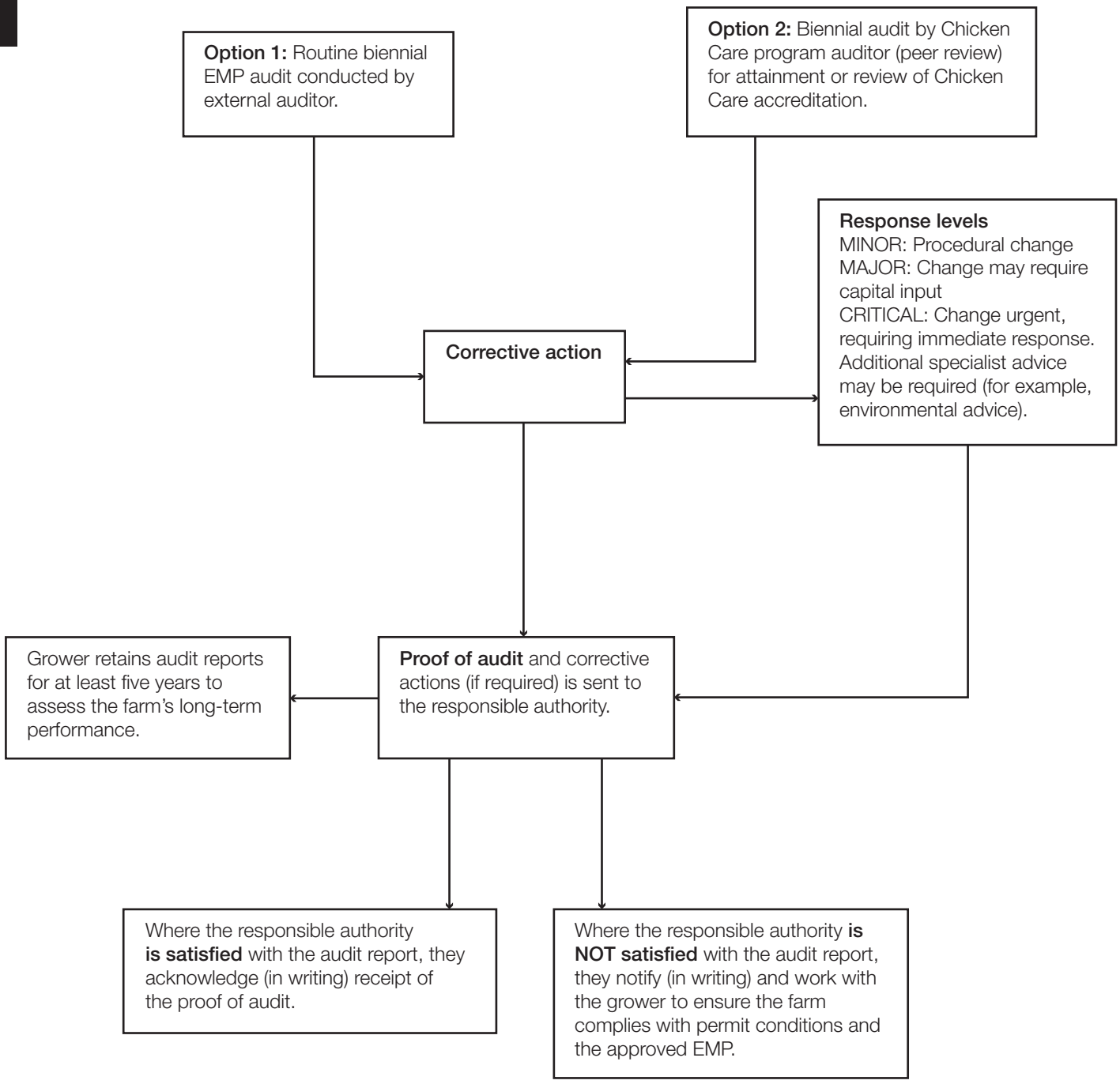
**To determine moisture levels:** Visually assess the litter in each shed, and record levels on a weekly or other regular basis. Assessment should encompass a range of areas within the shed and along the full length of the shed. It could be made, for example, on a grid based on three points equally spaced along the length of each shed and three points equally spaced across the shed (a total of at least nine points), such as:

- three points under the drinker lines
- three points between the drinker lines
- three points near a shed wall.

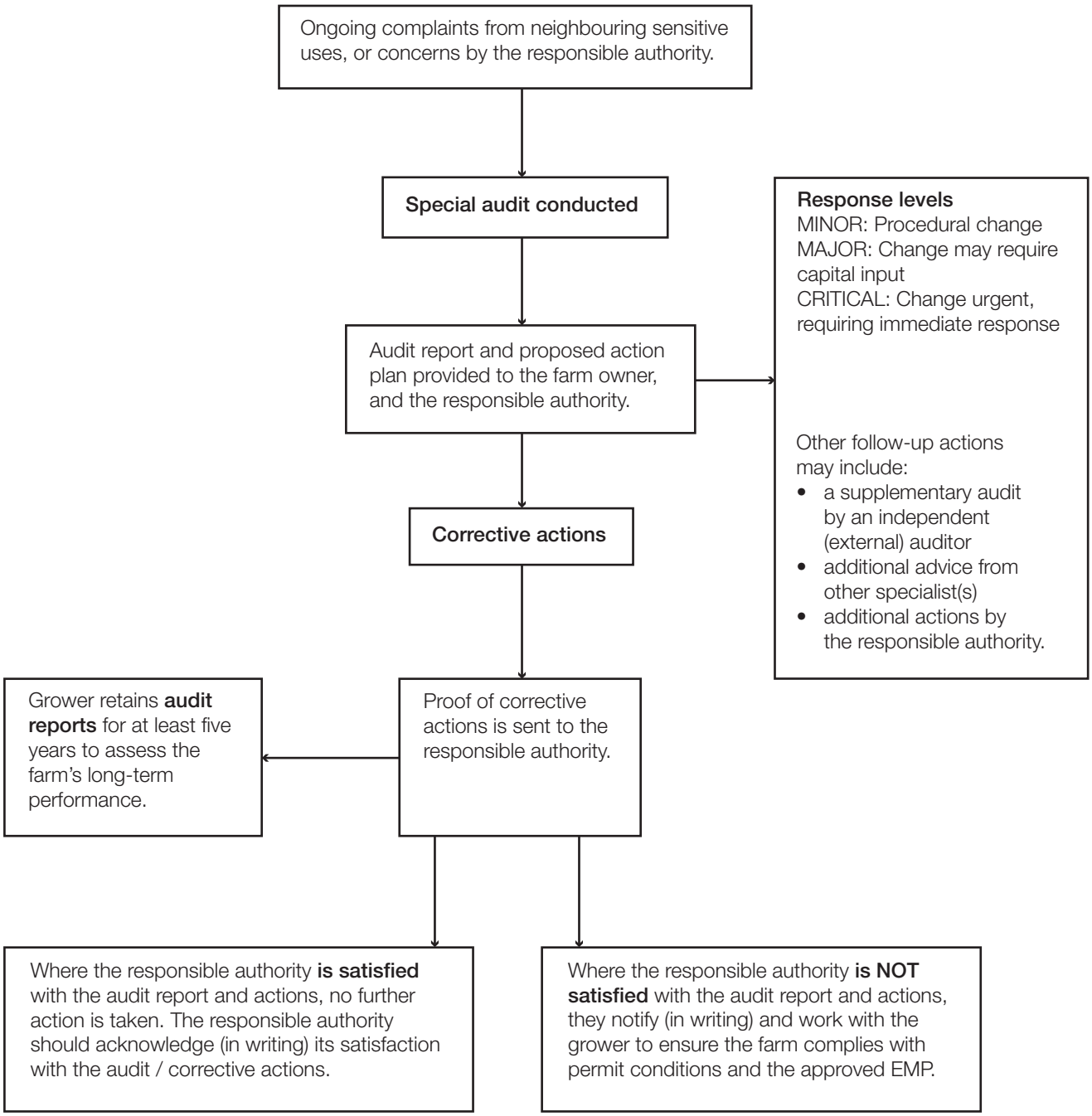
# Appendix 4: Illustration of the Audit System

The attached flow charts indicate the processes for:
1. Routine (biennial) audits
2. Special audits

## Routine audit process



## Special audit process



# Appendix 5: Proposal Summary and Application Checklist

A permit application for a new or expanded broiler farm must contain a range of information as outlined in the 'Application documentation requirements' section of this Code, including the completed 'Broiler farm proposal summary' and Application checklist' found in this Appendix. Permit applicants and responsible authorities should use this checklist as a guide to ensure all the necessary information has been provided to enable the assessment of the application.

If the information requested does not apply to a particular proposed development, then the applicant should indicate why the information is not relevant or appropriate to their application.

The applicant should also clearly demonstrate compliance with this Code. The 'Checklist for planners: Compliance with Code elements' at the end of Appendix 5 provides a guide to the high level objectives of this Code, against which planners can assess the compliance of the application.

**Broiler farm proposal summary**

| **Proposal summary** | | | | |
|---|---|---|---|---|
| Permit applicant's name: | | | | |
| Company name (if any) and ASC number: | | | | |
| Permit applicant's postal address, | | | | |
| Permit applicant's telephone number, facsimile number and email address. | | | | |
| Name of property owner (if not the applicant) | | | | |
| Company name (if any) and ASC number: | | | | |
| Property owner's postal address (if not the applicant) | | | | |
| Property owner's telephone number, facsimile number and email address (if not the applicant) | | | | |
| Processor's name (if known) | | | | |
| Processor's telephone number, facsimile number and email address. | | | | |
| Name of broiler farm: | | | | |
| Farm address: | | | | |
| Type of proposal | New farm | Expansion of existing farm | | |
| Class of proposed farm: | Class A | Class B | Special Class | Farm Cluster |
| Proposed number of employees: | | | | |
| Proposed number of new / additional broiler sheds: | | | | |
| Existing number of sheds on farm (where applicable): | | | | |
| Existing farm capacity (where applicable): | | | | |
| Farm capacity (number of birds) once development is complete: | | | | |
| Bird stocking density: | birds / $m^2$ | | | |
| Type of shed operation (for example, tunnel, natural or combination):<br>Please describe. | | | | |

## Broiler farm planning permit application checklist

The checklist is divided into two sections:

**Checklist for permit applicants and planners**

All information listed in the checklist must be submitted with the application unless the applicant (a) can demonstrated to the satisfaction of the responsible authority that the information is not required or (b) has previously agreed with the responsible authority that the information is not required.

**Checklist for planners: Compliance with the Code elements**

The development proposal (including the 'Checklist for permit applicants') should demonstrate compliance with the objectives and standards set out in this Code. This checklist should help responsible authorities to check whether the application includes sufficient information to enable them to assess the application.

**Checklist for permit applicants and planners**

| | Provided (Yes / No) | Comments |
|---|---|---|
| Planning permit application form | | |
| Planning application fee | | |
| Copy of certificate of title, including any restrictive covenants | | |
| Proposal summary (template found in Appendix 5 of this Code) | | |
| Response to the zone objectives and planning overlays | | |
| Show how the proposed development supports the state and local planning policy, relevant Catchment Management Authority strategies or local policies. | | |
| Show that the development proposed addresses the requirements and any relevant decision guidelines of the zone objectives and planning overlays applying to the land. | | |
| Site analysis and design overview, including: | | |
| Rationale for the siting and design of the proposed development | | |
| Overview of measures taken to avoid or minimise the risk of adverse impacts on surrounding:<br>•▪ sensitive uses<br>•▪ native vegetation and fauna or other biodiversity<br>•▪ waterways, ground or surface waters<br>•▪ rural landscape<br>•▪ future use and development of surrounding land | | |
| Documentation that cross-references the Code and specifically addresses compliance with the elements of the Code (found in the 'Farm design and operation elements' section of this Code) | | |

**Checklist for permit applicants and planners continued**

| Associated plans | Code reference | Provided (Yes / No) | Comments |
|---|---|---|---|
| Aerial photograph (if required by the responsible authority) | | | |
| Locality plan showing:<br>• the location and all land within at least 1000 m of site boundaries (5000 m for a Special Class farm or Farm Cluster)<br>• setback dimensions from residential zones, a Rural Living Zone and / or Green Wedge A Zone<br>• setback dimensions from waterways<br>• the location of, and distance to, surrounding sensitive uses<br>• the location of all external and internal roadways<br>• the location of all drainage and areas subject to flooding<br>• vegetation (natural and introduced), local waterways, local topography<br>• weather patterns (including wind rose data from the nearest meteorological recording station)<br>• the location and distance between proposed sheds and the nearest poultry farm shed on a different property. | Element 1 | | |
| Site plan showing:<br>• the location and dimensions of existing and proposed buildings, gates, silos, loading bays, parking areas, noise mitigation mounds, internal access roadways and external lighting<br>• drainage points, farm bores, dams and other water supply sources, on-farm waterways, springs and groundwater recharge areas<br>• easements, vegetation (natural and introduced) and topography details<br>• for the site of proposed buildings and works, the contours of the land at two-metre intervals<br>• all existing and proposed waste storage areas (including litter stockpiles, long-term litter composting sites, dead bird composting sites and waste chemical storage areas), and the location of removal points for spent litter and dead bird collection<br>• areas on which spent litter is to be re-applied (if applicable)<br>• all relevant setback distances (see Appendix 1)<br>• any relevant future development. | Elements 2 and 5 | | |

**Checklist for permit applicants and planners continued**

| Associated plans | Code reference | Provided (Yes / No) | Comments |
|---|---|---|---|
| Development plan showing:<br>• all buildings and ancillary works, including: the materials of construction (including external colours), the elevation of each side of the structure, and maximum building heights<br>• building construction details, including any management issues to be considered during the construction phase<br>• road construction details and intersection treatment at external roads<br>• details of the power supply system<br>• details of water supply<br>• fan locations and the design of the ventilation system<br>• the feed system, including feed distribution and rodent control<br>• assessments of the soil's ability to support the building(s), road access and effluent storage and disposal<br>• the location and depth of all excavation and filling<br>• drainage plans showing retaining dam(s) for all sheds, the methods of stormwater retention, and existing and proposed stormwater discharge points. | Element 2 | | |
| Traffic plan showing:<br>• road layout, farm access points, parking areas<br>• proposed transport routes to and from the property<br>• expected vehicle movements (including vehicle type and time of day). | Element 3 | | |
| Landscaping plan (drawn to scale) showing:<br>• details of plant species, height and growth characteristics<br>• existing vegetation and any native vegetation to be removed<br>• the location and species of all proposed vegetation, and proposed landscape treatments<br>• the relative location to proposed landscaping of broiler sheds, other buildings and any sensitive uses to illustrate how the vegetation will provide effective visual screening of the farm operations<br>• a quote to implement the landscaping plan, identifying the cost breakdown for plants, materials and labour. | Element 4 | | |
| Environmental management plan showing:<br>All elements are included in the generic environmental management plan (at www.agriculture.vic.gov.au/agriculture/livestock/poultry-and-eggs/poultry-legislation-regulations-and-standards/the-victorian-code-for-broiler-farms) | Element 6 | | |
| Environmental risk assessment (if required) showing:<br>All elements are covered in the Guidelines for an Odour Environmental Risk Assessment for Victorian Broiler Farms (at www.agriculture.vic.gov.au/agriculture/livestock/poultry-and-eggs/poultry-legislation-regulations-and-standards/the-victorian-code-for-broiler-farms) | | | |
| Other information or documentation | | | |

| Checklist for planners: Compliance with Code elements | Yes / No |
|---|---|
| **Element 1: Location, siting and size** | |
| Through the provision of appropriate setback and separation distances, do the location and size of the broiler farm and the siting of the broiler sheds, temporary litter stockpiles, compost piles and litter spreading areas:<br>• minimise the risk of adverse amenity impacts on nearby existing, planned and potential future sensitive uses as a result of odour, dust and noise?<br>• not adversely affect the use and development of nearby land?<br>• avoid pollution of ground and surface waters?<br>• avoid adverse impacts on the visual quality of the landscape?<br>• minimise biosecurity risks? | |
| **Element 2: Farm design, layout and construction** | |
| Is the broiler farm development designed and constructed to minimise the risk of adverse off-site impacts and support the cost-effective operational efficiency of the farm? | |
| **Element 3: Traffic, site access, on-farm roads and parking** | |
| Do the location, design and construction of farm access points, internal roads and parking areas support the safe and efficient entry and exit to the site, movement of vehicles and operation of the farm? | |
| Do the location, design and construction of farm access points, internal roads and parking areas minimise noise and lighting impacts? | |
| **Element 4: Landscaping** | |
| Is landscaping used to minimise the visual impact of broiler sheds and litter storage areas, reduce the risk of light and dust impacts on nearby sensitive uses, and protect, manage and enhance on-farm native vegetation and biodiversity? | |
| **Element 5: Waste management** | |
| Are measures in place to manage spent litter from the farm operations to minimise odour and dust generation, prevent the pollution of surface water, groundwater and land, and minimise biosecurity risks? | |
| Are measures in place to manage the disposal of dead birds from the farm operations to minimise odour and dust generation, prevent pollution of surface water, groundwater and land, and minimise biosecurity risks? | |
| Are measures in place to manage chemical waste from the farm operations to prevent the pollution of surface water, groundwater and land? | |
| **Element 6: Farm operation and management (environmental management plan (EMP))** | |
| Are measures in place to ensure best practice management of the farm to avoid or minimise the risk of adverse impacts on the surrounding environment and neighbouring sensitive uses? | |
| Does the EMP adequately describe the day-to-day operation and management of the farm, including contingency plans? | |
| Does the EMP adequately describe the routine auditing program proposed for the farm? | |



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