Dear Animal Industries Advisory Committee

Submission to Animal Industries Advisory Committee (Committee) in relation to the reform of the Victorian planning system

1. Introduction

1.1 This submission is made by Voiceless, the animal protection institute (Voiceless) and The Animal Law Institute (ALI).

1.2 Voiceless is a not for profit think tank, focused on raising awareness of animals suffering in factory farms and the commercial kangaroo industry. Our focus is on influencing policy and law reform to improve animal welfare outcomes for the animals impacted by these industries.

1.3 ALI is a registered charity and a not for profit community legal centre that is dedicated to protecting animals and advocating for their interests through the Australian legal system.

1.4 At the outset, we note that the Committee’s Discussion Paper dated 21 December 2015 (Report) is predicated on the assumption that the “trend towards more intensive production systems” is likely to continue if Victorian agriculture is to meet growing overseas demand. We are of the view that intensive animal agriculture can have significant detrimental implications from animal welfare, environmental, biodiversity, biosecurity and human health perspectives. We understand these considerations are outside of the terms of reference of the Committee (Terms of Reference), and accordingly, we have not addressed these issues in this submission. If the Committee is interested in learning about these issues, we would welcome the opportunity to discuss these further in a separate submission.

1.5 In accordance with the Terms of Reference, we respond to certain matters identified in the Report below.

2. Consideration of Report

Items 1: Land capability assessments and appropriate areas for intensive agriculture

2.1 We support the undertaking of land capability assessments for regional agricultural land, but are opposed to the expansion of land available for intensive animal agriculture. We are of the view that land capability assessments should narrowly limit the availability of land for
intensive animal agriculture and, within the Farming Zone, promote the use of more traditional farming practices (which encompasses small scale, extensive, free range and organic farming systems).

2.2 Such an approach supports family run Victorian agribusiness, as well as ensures that, culturally, regional Victoria is able to sustain its traditional farming practices (including the connection between animals and farmer) and eschew a move towards large scale, mechanised and intensive production systems. We note that this vision of the future of animal agriculture is supported by Australian and International consumers.

2.3 In a 2014 Voiceless commissioned national survey of 1041 adults aged 18 or over, it was found that:
   (a) 54.5% of respondents felt that the wellbeing of animals used for food production was ‘very important’ to them and 34.4% felt it was ‘somewhat important’;
   (b) 61% of respondents have bought ‘free range’ or ‘humanely’ derived animal products on animal welfare grounds; and
   (c) 74.9% of respondents support a law requiring that farm animals including pigs, cows, and chickens are provided with enough space to exhibit their natural behaviours.

2.4 Moreover, research suggests that consumers strongly associate improved farm animal welfare with food quality, safety, taste, nutrition and environmental impacts.¹

2.5 The expansion of intensive agriculture is not consistent with these views. Accordingly we suggest that the Committee operates with a view to promoting investment in alternatives to intensive agriculture and assisting businesses in transitioning to meet this demand.

Items 5 - 7: Definition of intensive animal husbandry and specific land use terms

2.6 The planning system is designed to ensure that land is properly developed in a co-ordinated manner. This requires that each development on land is placed within its local and regional context, with due regard had to the environmental and amenity impacts of the development on surrounding land and communities.

2.7 The present distinction between 'intensive' and 'extensive' agriculture does not (directly) take environmental impacts into account. Instead, it is based upon whether the food used to feed the animals is sourced from the land itself, or brought in from an external location. As shown on pages 21 - 23 of the Report, this can lead to uncertainty.

2.8 We support the proposition that development for intensive animal husbandry should be defined by reference to the environmental and amenity impacts on land. Given the significant potential for intensive animal husbandry to pollute the environment and result in land use conflict, it is important that the trigger for development to be classified as intensive animal husbandry be wide and varied. This trigger should be set off by one or more of the following:

(a) the number of animals that will reside on the premises at any time;
(b) the manner in which the animals are housed;
(c) the amount of waste expected to be generated;
(d) the volume and duration of the noise that will be generated;
(e) the number of traffic movements per day/week;
(f) the location of the premises within a catchment area or proximity to a watercourse; and
(g) the overall significance of the impact of the proposed development on the environment.

2.9 In relation to paragraphs (a) - (e), we also support the idea of implementing specific land use terms for all types of intensive animal husbandry uses, such as poultry farms, cattle and sheep feedlots and piggeries. These definitions should contain quantitative and qualitative descriptions in relation to paragraphs (a) - (e) above.

2.10 Such definitions will provide greater clarity and certainty for when intensive animal husbandry is, or is not, permitted on particular land.

Items 8, 9 and 15: Permit triggers and the right to object

2.11 All intensive animal husbandry must require a planning permit. The significant potential for detrimental environmental and amenity impacts requires that each application for intensive animal husbandry development is:

(a) fully considered by the determining authority (and other authorities) to minimise environmental and amenity impacts; and
(b) made available to the community so that a full range of submissions on the proposed development may be made and considered.

2.12 The implementation of a 'fast track' process would not achieve these outcomes, particularly if that system allowed for the private certification of development as compliant and/or bypassed the crucial step of community participation in the application process. It is imperative that the full impact of potentially detrimental development is given full consideration by interested and affected parties.

2.13 Similarly, any removal or reduction of the right of third parties to object to a development, or agitate for compliance with specified requirements, would only erode public confidence in the planning system. The rights of third parties to object and compliance rights constitute
a fundamental pillar of the planning system which ensures that members of the community are able to provide a safeguard for the proper application of planning laws when local authorities lack either the funds, expertise or willingness to challenge planning proposals that present concern.

Items 13, 14 and 16: Codes of Practice

2.14 In the absence of a feasible alternative benchmark, we recognise that Codes of Practice can be an appropriate guidance tool for the assessment of animal husbandry development. However, the Committee should ensure that:

(a) any Code of Practice that is developed within the Victorian planning system is comprehensive and kept up to date;
(b) the development of a Code of Practice is undertaken with meaningful input from all stakeholders;
(c) a Code of Practice is based on best practice husbandry systems rather than the minimum standards, with regard to what the best practice standards are in other jurisdictions (including in overseas jurisdictions); and
(d) compliance with a Code of Practice does not result in the automatic grant of a planning permit. Rather, compliance is a relevant consideration that may be taken into account by the decision maker in determining whether to grant a planning permit.

2.15 We are of the view that reliance upon an industry developed scheme or program (also referred to as industry Codes of Practice in the Report) is not appropriate for the following reasons:

(a) these schemes and programs are developed by industry using processes that may not align with the processes properly implemented by the Victorian Government; and
(b) as industry schemes and programs are changed over time, a decision will need to be made with each amendment as to whether that amended Codes of Practice (and the process by which it was amended) properly accords with desired planning outcomes.

2.16 Although compliance with pre-existing industry developed schemes and programs may seem like a ‘short cut’, we are of the view that this kind of outsourcing will not achieve desired planning outcomes and will undermine the community’s faith in the planning system.

We thank the Committee for considering our submission.

If the Committee has any queries or would like to discuss any of the matters raised in this submission, please contact us at emmanuel@voiceless.org.au and policy@ali.org.au.