Section B:

Regulatory Requirements

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Regulatory Requirements

For a summary of a common application process, please refer to Figure 1 in Section 10.6.

7.0 Regulations

7.1 Municipal Planning Schemes

All Victorian Municipalities have recently introduced their new format planning schemes in accordance with the Victoria planning provisions. The schemes are performance based, i.e. it is up to the applicant to demonstrate how their proposal fits with the policies of the State Government and the Municipality. As such, applicants generally have to supply considerable detail with their applications and these Guidelines will assist with this.

The schemes are based on a hierarchy of controls:

1. State Planning Policy Framework – this section is uniform statewide and sets policy for things such as housing, settlement, agriculture and the environment.

2. Municipal Strategic Statement –
this section is written for each Municipality and sets the vision for the Municipality, for example it might say that all new intensive animal industries should be located in the northwest part of the Municipality.

3. Local Planning Policy -
These policies are developed by the Municipality to provide the applicant with the local context for specific planning issues such as rural subdivision.

4. Zones –
These control what can happen where and are now consistent across the state. For example the Rural Zone allows you to practice extensive agriculture as of right but requires a permit for the production of rice. The Municipality decides the zoning of land.

5. Overlays –
Sometimes areas have special features or risks that need to be considered. Overlays provide additional controls to those contained in the zones. For example, the Salinity Management Overlay means that on land where the overlay applies, a permit is required to construct or carryout works e.g. build a shed. If the land was only covered by the Rural Zone, a permit would not be necessary.

7.2 Retrospectivity

7.2.1 Municipal Planning Schemes

Feedpads that were constructed prior to the relevant Municipality bringing in their new scheme fall into three categories:

1. Feedpads built with planning approval under an "old" scheme are still legal as long as they comply with any original conditions attached to the permit.
2. Feedpads built under "old" planning schemes, which did not require a planning permit, are still legal. In other words, the feedpad has the backing of the previous planning scheme and has existing use rights provided no change that requires a permit occurs.
3. Feedpads built without planning approval when an "old" scheme required approval are not legal and approval should be sought as soon as possible.

7.2.2 Guidelines

In the case where a feedpad was constructed prior to the development of these Guidelines and the feedpad does not meet the best practices outlined in these Guidelines, the following apply:

- An existing feedpad should be assessed based on the fulfillment of the fundamental Guideline feedpad principles outlined in Section 4, as opposed to detailed animal loading or design criteria in the Guidelines.
- Owners of existing facilities should be provided with support and adequate time, assistance and advice to meet the best practices in these Guidelines .

- The Guidelines are a 'guide' they are not a 'policy' or 'statute', therefore a feedpad cannot be closed down based solely on these Guidelines.

8.0 Comparing Feedpads

There is a need for a simple system when discussing and comparing feedpads. There is also a need for a method of calculating animal loading. The number of stock alone is not adequate as other factors must also be considered including stock weight and how long the stock are located on the pad.

For the purpose of these Guidelines a unit termed a 'Dairy Cattle Unit' (DCU) has been employed. Details of calculating the number of DCU's are provided in Appendix E. The number of DCU's is used to compare feedpads and to help determine buffer distances. A DCU is based on:

- The number of dairy cows' on the feedpad
- The average weight of dairy cows on the feedpad
- The duration the dairy cows' are located on the pad

The term DCU is intended to take account of the time animals are on a surface to help discriminate between the purposes of a feedpad and a feedlot.

9.0 Buffer Distances

The feedpad must be located in a way that takes into account the location of existing housing, other sensitive uses and land zoned for residential or urban purposes. Conventional practice favours the adoption of buffer distances based on the nature of a receptor and the organic loading generated by an emitter. Criteria has been determined, originating from feedlot practice and based on potential noise and odour production, which relate the type of feedpad, cow density, cow duration on the feedpad and the class of feedpad to the distance from all sensitive uses. Buffer distance determination also depends on the frequency of cleaning and the method of cleaning employed, be this flood washing or mechanical scraping. Details and a formula for the determination of buffer distances are provided in Appendix H.

Alternatively, proponents may wish to undertake odour dispersion modeling to demonstrate satisfactory performance for a proposed site and in these cases reference should be made to Appendix I. Where there is an existing feedpad in close proximity to a proposed feedpad or it is proposed to develop two feedpads on one site, reference should be made to Appendix H.

The feedpad location must consider both existing and foreseeable residential development and urban communities. The feedpad must allow sufficient distance from the nearest residential development so as to satisfy the Guideline feedpad principles outlined in Section 4. While management and design can reduce things like odour generation, buffer distances are a necessary means of reducing the effects of emissions.

If buffer distances are to be implemented effectively, the points between which the distance is to be measured must be clearly defined. At the "emitting" end, it will be the closest boundary of the feedpad or the facility giving rise to air emissions. At the "receptor" end, it will be the boundary of any sensitive land use nearest the emission source.

As the buffer distances for a feedpad are based on cow numbers and duration on the pad, any variations in these factors will require a re-calculation of the distances to ensure the feedpad still complies with buffer recommendations.

The formula provided in Appendix H can also be used to determine the minimum buffer distances from storages to neighbouring houses. It should however be recognised that not all feedpads have effluent ponds, or the effluent

storage are not necessarily adjacent to the feedpad, so this criteria is generally only employed where the feedpad has a flood washing system and therefore an effluent pond. In cases where buffer calculations are less than 300m, the recommended minimum distance from an anaerobic pond to a neighbouring residence of 300m will need to be adopted (if this is appropriate).

10.0 Agency Consultation

10.1 Statutory Requirements

Often when planning to construct, implement or expand a feedpad, a planning permit will be required and this process can sometimes be detailed and time consuming. It is important to allow sufficient time for processing of applications etc, prior to the commencement of construction. However, if the correct agencies are consulted in the appropriate order and presented with the required documentation, this process can be made more efficient. Often cooperation between agencies is required and different agencies have set processes that need to be followed. For a summary of a common application process, please refer to Figure 1 in Section 10.6.

A check list of relevant planning considerations is provided in Section 15.

10.1 Statutory Requirements

10.1.1 Planning Permits

You must consult the Municipal Planning Officer of your local Municipal Council for advice about whether a planning permit is required. This will depend on your proposal and the land on which it is being constructed. A planning permit is generally required when any ONE of the following circumstances transpire:

- The feedpad meets the definition of a cattle feedlot (refer to Section 6.5)
- The site is covered by an Overlay (e.g. Salinity Management Overlay, Flooding Overlay etc.)
- The site is within the Shepparton Irrigation Region and works will affect flooding or discharge from the property (this would include most earthworks)
- It is proposed to remove native vegetation
- A building is to be constructed

10.1.2 Policies and Regulations

There are a number of acts, policies and regulations that should be adhered to when designing and implementing a feedpad. These are listed in Appendix G.

10.2 Municipal Council

If a planning permit is required, an application needs to be lodged with the Municipal Council, as this is the body that will issue the permit and will give the final consent. It would therefore be pertinent to initially consult the Municipal Planning Officer to help ensure that all requirements are met thereby avoiding unnecessary delay with the application. In cases where development will influence regional development, the Municipal Planning Officer may refer you to the Department of Infrastructure. If a planning permit is needed, you may be required to advise your neighbours of your application and to provide evidence that you have done so. The Municipal Council will most likely refer the application to other agencies for advice so it would therefore be pertinent to make contact with any relevant agencies prior to application lodgment. In some situations if a statutory agency objects to the Permit being approved, then Council is obliged to refuse the Permit. Details of other relevant agencies are provided hereunder. These agencies **may** or **may not** be relevant, depending on the circumstances of the feedpad.

Construction based on a planning permit should be commenced within 2 years of permit issue and construction should be completed within 4 years of permit issue. If an applicant is dissatisifed with the result of a permit application, an avenue for appeal is available through the Victorian Civil and Administrative Tribunal.

10.2.1 Goulburn Broken Catchment Management Authority (GBCMA)

In most cases the GBCMA will need to be involved in relation to the potential impacts on natural waterways. The definition of a waterway is provided in Appendix F. The GBCMA will consider:

- Flood Overlays
- Flood levels
- Waterway determinations
- Waterway impacts
- Groundwater impacts
- Salinity issues
- Construction aspects that could affect flooding patterns
- Construction aspects that could affect surface water discharge from the property

For GBCMA, purposes it would be advisable to prepare a plan delineating:

- The distances to any potential waterways
- Proposed measures to minimise impacts on waterways (bunding etc.)
- Information regarding any impediment to flood flows.

10.2.2 Goulburn-Murray Water (G-MW)

In most cases and in any irrigation area, G-MW will need to be involved in relation to the source of water and the utilization or impacts on water supply channels or drainage channels. G-MW have Guidelines for the Protection of Water Quality that should be abided by and G-MW will consider:

- Drainage
- Groundwater impacts
- Surface water impacts
- Alterations that could affect surface water discharge from the property

For G-MW purposes, it would be useful to prepare a plan delineating:

- The distance to and location of any water supply channels in the vicinity
- The distance to and location of any drainage channels in the vicinity
- The details of any bores in the vicinity including distances, location and bore identification
- The depth to watertable
- Any proposed water access points

10.2.3 Neighbours

With any planning issue it is critical to avoid alienation of neighbours and whenever possible they should be consulted as early as possible in the process. If possible, talk to neighbours first, particularly if the facility is to be located on a boundary or is likely to be of a scale that causes concern. Discuss prospects for re-siting or shrouding by vegetation. If a planning permit is required, it may be a requirement to give notice of the application to neighbours. When the official notice comes in the mail they are less likely to react negatively if they were already aware of your plans.

Many agencies are strongly influenced by the number and strength of objections, which typically emanate from neighbours.

10.2.4 Environment Protection Authority (EPA)

The EPA only need to be contacted in cases where a feedpad of greater than 5,000 head is proposed or if another agency refers the application to the EPA. In these cases reference should be made to Appendix B.

It should be noted that complaints directed to the EPA and they are obliged to investigate a complaint even if a facility is less than 5,000 head.

10.2.5 Department of Natural Resources and Environment (DNRE)

DNRE dairy extension staff should be consulted to help decide on the type of feedpad system to be adopted, where to site the facility, how to size the facility and how to manage the facility and the associated stock. DNRE staff can also access the Dairy Shed Effluent Pond Sizing Manual for effluent pond sizing and the Target 10 "NutriMatch" worksheet for nutrient loadings and removal on dairy farms. By consulting DNRE dairy extension staff and by

consulting irrigation surveyors and designers, a range of information and services can be accessed.

The Natural Resources section of the DNRE are obliged to consider the presence of Very, Rare or Threatened Species (VROT's) of flora or fauna. The Natural Resources section of the DNRE will also need to be contacted regarding the removal of, or any impacts on, native vegetation.

In these cases it would be advisable to have:

- A survey of the types, size and number of any native vegetation
- Proposed removal of native vegetation
- Proposed planting of vegetation

10.2.6 Parks Victoria

Parks Victoria will only need to be involved if the feedpad is adjacent to, or could affect, any National, State or Regional Parks.

10.2.7 Vic Roads

Vic Roads will only need to be consulted if an access point to or from a highway or major road is required.

10.2.8 Urban Water Authority

(e.g. Goulburn Valley Water) Consultation with the relevant local urban water authority will only be required in the case of feedpads proposed for:

- Declared Special Water Supply Catchment Areas
- The vicinity of any reticulated water system drawing potable water from a waterway.
- Any area that could be sensitive to disturbance of a catchment or the pollution of water that constitutes an urban areas potable water supply

In any of these cases, reference should be made to Appendix A.

10.3 Required Documentation

As part of an application the Municipal Council **may** or **may not** require the following documentation and this should be confirmed by the relevant Municipal Planning Officer.

- Property details (title boundaries, crown allotment numbers, locality etc.)
- A detailed drawn plan of the feedpad (refer to Section 10.4 'Detailed Feedpad Drawing')
- The distance to and location of any water supply channels, potential waterways, drains, bores or roads in the vicinity
- Proposed measures to control contaminated and uncontaminated runoff from the feedpad and from the farm
- A water budget for runoff dam or effluent dam sizing
- The depth to watertable
- Distances to sensitive developments
- Any covenants which apply to the property
- Evidence of compliance with buffer distances
- Proposed measures to minimise off site impacts from odour and noise
- Details of any proposed solid waste harvesting, storage and reuse
- Details of any proposed liquid waste harvesting, storage and reuse
- Details of any proposed waste treatment process
- Nutrient budget for any effluent reuse enterprises
- Water budget for any effluent reuse enterprises
- Measures for pad construction to ensure minimal permeability (for earth and stone pads)
- Measures to minimise waterway and groundwater impacts
- Details of the impact of earthworks on water movement across property boundaries

10.4 Detailed Feedpad Drawing

A detailed scaled drawing or plan of the proposed feedpad and surrounding land will demonstrate comprehensive planning and provide a valuable aid for confirming buffer distances, storage sizing, earthworks etc. and such a plan will often be required by regulatory authorities. An example of an appropriate

detailed feedpad drawing is provided in Figure 20 as part of Case Study D.

A detailed feedpad plan should include:

- Pad dimensions
- Any earthworks computations
- Any changes in levels due to earthworks
- Volume of surfacing material (e.g. concrete)
- Proposed water, electricity or gas access points
- Neighbouring sensitive developments
- Residences
- Native vegetation
- Vehicular and stock access points
- Laneway dimensions
- Water & feed trough dimensions
- Property boundaries
- Feed storage areas
- Dimensions of solids traps, culverts, pipes etc.
- Volume/dimension of flood wash system
- Volumes of effluent storages
- Catchment areas for effluent storage
- Proposed vegetation plantings
- Contours
- Location of channels, drains and waterways
- Any proposed or existing levees or bunding
- Pumps, bores or metered outlets
- Easements
- Fences
- Roads
- Other feedpads in the vicinity
- North point
- Scale

10.5 Future Regulatory Changes

These Guidelines cover the establishment and development of a feedpad system, not just a finished structure. It must be recognised that facility changes and/or technological advancements could require the facility to be modified during its operational life. In addition, changes in surrounding land use could also influence the perception of impact, so it must be recognised that change is inevitable.

These Guidelines can only draw attention to the need for planning for change and the adoption of current best management practices for waste management, odour control and animal welfare. Often acts, guidelines and regulations are being reviewed or planning and rezoning alterations are being undertaken that could affect a feedpad. Those proposing establishing a feedpad should ensure that they are referring to the latest version of any regulations. In the long-term, future legislation relating to greenhouse gas emissions and intensive land use could also be implemented.

10.6 Application Process

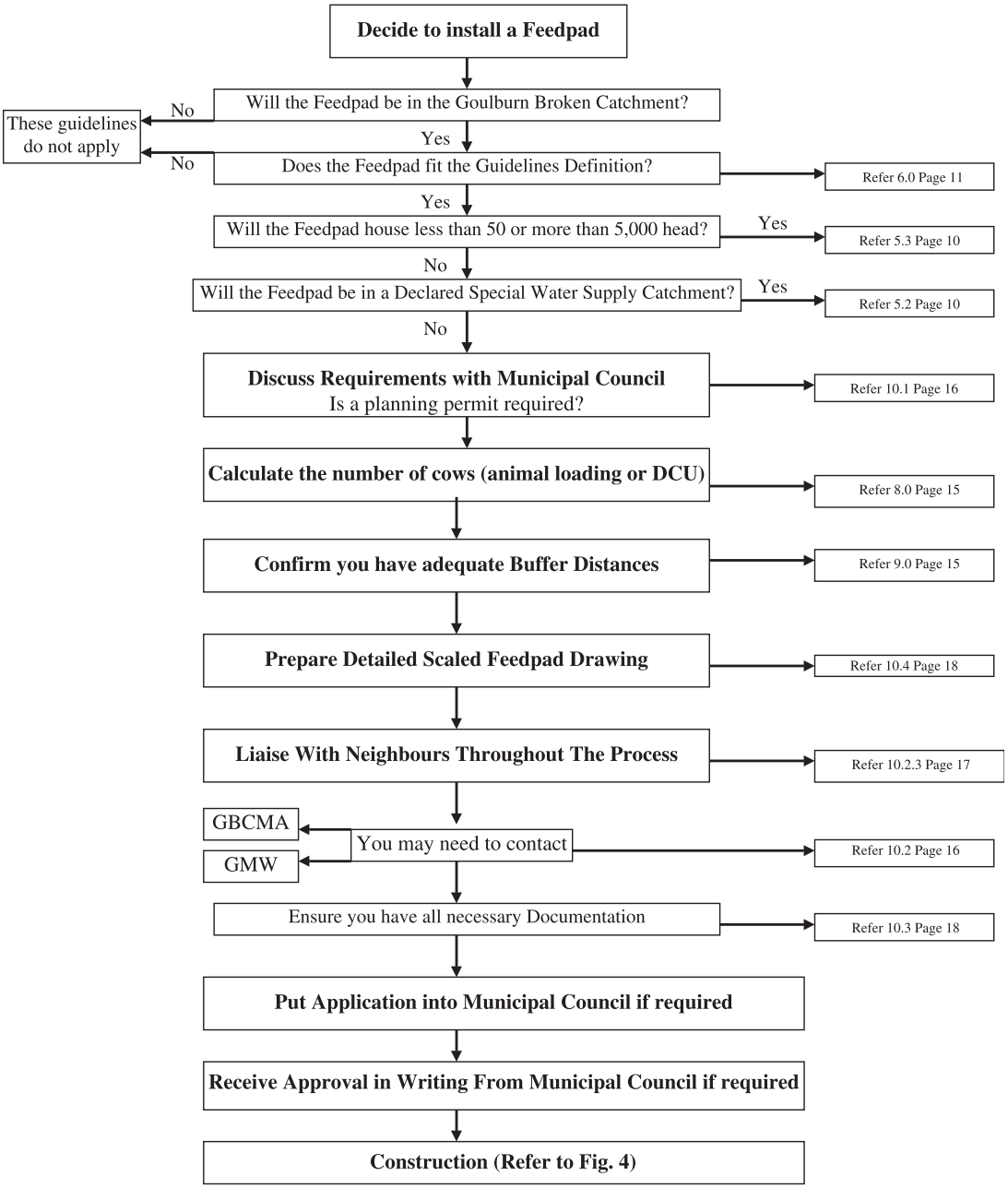

Figure 1; *An example of a process of applying for permission to construct a feedpad.*