



Planning for Sustainable Animal Industries

Victorian Farmers Federation Submission

The Victorian Farmers Federation

The Victorian Farmers Federation (VFF) is the only recognised consistent voice on issues affecting rural Victoria and we welcome the opportunity to comment on the proposed reform to the planning system relating to animal industries.

Victoria is home to 25 per cent of the nation's farms. They attract neither government export subsidies nor tariff support. Despite farming on only three per cent of Australia's available agricultural land, Victorians produce 30 per cent of the nation's agricultural product. The VFF represents the interests of our state's dairy, livestock, grains, horticulture, flowers, chicken meat, pigs and egg producers.

The VFF consists of a nine person Board of Directors, with seven elected members and two appointed directors, a member representative General Council to set policy and eight commodity groups representing dairy, grains, livestock, horticulture, chicken meat, pigs, flowers and egg industries.

Farmers are elected by their peers to direct each of the commodity groups and are supported by Melbourne-based and regionally located staff.

Each VFF member is represented locally by one of the 200 VFF branches across the state and through their commodity representatives at local, district, state and national levels. The VFF also represents farmers' views on hundreds of industry and government forums.



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Foreword

The Victorian Farmers Federation welcomes the opportunity to comment on Planning for Sustainable Animal Industries. We are happy with the general direction of the changes in relation to grazing animal production but have concerns regarding as of right use for 'intensive' industries. This submission will focus on opportunities to refine the provisions to both reduce red tape but ensure fair, orderly, economic and sustainable outcomes are achieved.

Strategic Policy guidance

Planning in Victoria is about more than a zone or a definition. Policy is critical to helping determine the appropriateness of a use or development where there is a permit trigger. The VFF 'Right to Farm' policy calls for stronger policy support for agriculture. Although not included in the review document the Government has the opportunity to address these issues within the final suite of changes to the current Victoria Planning Provisions.

Agriculture is the primary purpose of the Farming Zone. The Farming Zone is the zone which covers the largest area of freehold land within the state. Agriculture contributes \$12 billion per annum in exports to the Victorian economy and is the economic driver for the regional economy. Despite this the Planning Provisions do not see agriculture as 'economic development'. Therefore the impetus to protect the industry from encroachment – or to understand that it is an industry is not achieved in the planning system.

It is essential that:

- 'agriculture' be moved from the 'natural resource' section of the planning scheme and included under 'economic development';
- Actions are strengthened to ensure all appropriate actions are taken to support agricultural production.

An indicative example is included in Attachment A to this submission.

Primacy of Agriculture

The reform package should be underpinned by an ethos that agriculture is the primary function of the Farming Zone. This is a key principle in our 'Right to Farm Policy' (Attachment B). At a minimum all purchasers of land within rural zones must be made aware that the land is zoned for agriculture and that use may have off site amenity impacts. Reinstatement of this requirement in contracts of sale should be facilitated.

Definitions

The VFF supports the general principles behind the land use definitions proposed. They are clearer and easier to understand ‘at the counter’, a key requirement for SMART planning.

The VFF has no concerns with the following proposed definitions if coupled with a clear planning practice note or equivalent which embodies the intent behind the definitions:

- Animal Production
- Grazing Animal Production
- Intensive Animal Production
- Cattle feedlot
- Intensive dairy farm
- Pig Farm
- Poultry Farm
- Broiler Farm
- Poultry Hatchery
- Emergency Feeding
- Seasonal Feeding
- Supplementary Feeding.

We believe a practice / guidance note will be required to address, amongst other things:

- what is meant by ‘direct’ grazing;
- what infrastructure is used in “feeding”?;
- what ‘animals do not obtain food by directly grazing, browsing or foraging plants growing on the land on a daily basis’ means in the practical sense.

This will assist in consistency of interpretation and to allay fears of casual users of the system.

The VFF has some concern regarding the Water Act definition of a waterway. It will be important for this to be clarified through the use of “permanent waterway” in any particular. This matches the response given at the Forums to a blue line on a topographic map. If this does not occur the setback needs to be decreased significantly to no more than 30m.

Rural Living Zone drafting error

The exhibited version of the Rural Living Zone has Intensive animal production is listed as both section 2 and section 3 – no condition against the section 2.

Catchments

Proclaimed open water catchments cover at least ¼ of Victoria. In the spirit of a graduated approach to risk any intensive animal production should be assessed on risk. Currently the planning system applies to proposals that may be 50 kilometres or more away from a reservoir. A Special Area Plan under the Catchment and Land Protection Act is the appropriate tool to apply restrictions on agriculture for a catchment outcome.

Particular Provisions

Grazing Animal Production

VFF supports the general premise of the particular provision in supporting continued no permit required status for grazing certain livestock and clarifying feeding regimes.

Refinements could be made to the control to recognise that often dwellings are either a section 2 use in the farming zone or are ancillary to the primary use of the land. While it is 'neighbourly' to site supplementary feeding away from a neighbouring dwelling there may be circumstances where this cannot be achieved. The decision guidelines require refinement to give some sense of 'reasonableness in relation to the zone' to the decision guidelines. This should also be included in a Planning Practice Note.

In relation to waterways it will be important to reference a permanent waterway rather than a waterway. This will avoid legal arguments over under what circumstances a drainage line does or does not constitute a waterway. During the community information sessions this question has been raised with the answer being that it will be a level of waterway shown by a solid line on a CFA map or equivalent. Very few properties would be able to meet a setback to a water authority's broad interpretation of a waterway.

Current Victorian Government Policy is for fencing / revegetation of waterways to be voluntary. The VFF knows of several water authorities who will attach the requirement to fence off and revegetation all waterways to any planning permit – even those where there is no relationship between the trigger to the condition. Clear guidance will be needed to ensure that only the impact of 'supplementary feeding' is considered where a reduced setback is required.

Poultry Farm

The VFF believes that all poultry farms require a planning permit.

The removal of very small farms in accordance with the particular provision may 'theoretically' meet the environmental risks based on nutrient load and odour however the provision is unenforceable and breaches could have catastrophic consequences for the wider industry or human health. Local Government will find it hard to enforce the provisions and most farmers at this scale will be unlikely to construct fences within fences to ensure setbacks are complied with.

Good planning requires simple enforcement. Agriculture Victoria, Department of Health and Local Council will need to develop a way to ensure compliance with Livestock Disease Control Act 1994 as outlined in the Victorian health management plan for pandemic influenza as Influenza viruses can be transmitted from animals to humans (zoonosis) and also from humans to animals (anthroponosis).

The VFF concurs with the IAIAAC that while biosecurity is not generally a planning issue there are some circumstances, generally separation distances or siting issues, where it is an important consideration. Both the *National Farm Biosecurity Manual for Pork Production* and the *National Farm Biosecurity Manual Poultry Production* include biosecurity elements that are planning based and should be referenced in the particular provision if it is retained. Certain threats – such as avian species – are greater in free range farms than sheds.

These issues include:

- Fenced production area (limit access by livestock, wild birds and other animals);
- Minimal vegetation to minimise wild bird attraction (particularly in free range operations)
- Exclusion of other stock and animals from the production area
- Exclusion of pig production from the site.
- Location of 'clean' areas and associated washdown / decontamination facilities

The outcry over perceived increased restrictions on these facilities has identified that wider knowledge of biosecurity and good husbandry is not well known. Any streamlining of controls should be linked to wider standards to ensure operations minimise risk.

A no permit required poultry farm or streamlined permit poultry farm on a lot under the minima should not be used as justification for a dwelling permit.

Pig farm

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The reaction to perceived increased restrictions on these facilities has identified that wider knowledge of biosecurity and good husbandry is not well known. Any streamlining of controls should be linked to wider standards to ensure operations minimise risk.

A 'no permit required pig farm' or 'streamlined permit pig farm' on a lot under the minima should not be used as justification for a dwelling permit.

Table of uses

Grazing Animal Production

The VFF believes that if some 'intensive animal industries' are now to be permit required (were prohibited) then grazing animal production should be a section 1 use in all non-residential zones. Grazing animal production has minimal amenity impacts and is beneficial in managing fuel loads. It provides income on smaller scale properties to assist with management of pest plant and animal species. To require a planning permit in Green Wedge A, Rural Conservation Zone, Rural Living Zone and Industrial Zone places this at the same level as higher risk pig and poultry farms. This does not deliver a reduction in red tape or a risk management approach.

Prohibition of grazing animal production from Urban Growth Zone and Commercial Zones is not practical. These zones often have large vacant areas which will be blighted from any form of meaningful land use for potentially 20 to 40 years until development.

Pig and Poultry Farms

These uses should always be a section 2 use in all zones with the exception of residential zones.

Intensive Animal Production and Cattle Feedlot

This should be a section 2 use in Green Wedge A and Rural Conservation Zones. The purpose of Green Wedge A includes agriculture and the Environmental Rural Zone (now Rural Conservation Zone) was recommended to be applied to broadacre farmland that were located in a water catchment. The risk of these proposals should be considered on their merits in accordance with the decision guidelines within the zone.

Summary of Victorian Farmers Federation recommended changes / actions

- Inclusion of agriculture in the economic development section of the SPPF.
- Publication of practice notes to explain definitions and their interpretation; context to apply 'reasonableness in relation to the zone' to the decision guidelines; clarifying that mandatory fencing and revegetation of waterways cannot be triggered by the particular provisions;
- References to 'waterway' be changed to 'permanent waterway';
- Catchments should be removed from planning provisions to allow a risk based approach;
- Refinements to Grazing Animal Production Particular Provision;
- Deletion of particular provisions for poultry and pigs as all applications should be subject to a planning permit;
- If 'no permit required' and 'streamlined' processes are maintained for poultry and pigs then these controls need to be strengthened to mandate fencing of areas and to include the requirement for an endorsed plan which shows areas where animals are excluded as well as biosecurity check points and wash down facilities;
- Grazing animal production should be a section 1 use in all non-residential zones;
- A 'no permit required pig or poultry farm' or 'streamlined permit pig or poultry farm' on a lot under the minima should not be used as justification for a dwelling permit; and
- Intensive Animal Production and Cattle Feedlot should be a section 2 use in Green Wedge A and Rural Conservation Zones.



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i Excerpt from page 19-20 of the Victorian health management plan for pandemic influenza

Animal health issues

Animal surveillance

Surveillance for animal influenza in Victoria is the responsibility of the Department of Environment and Primary Industries (DEPI). Avian, swine and equine influenza are notifiable exotic diseases under the *Livestock Disease Control Act 1994*. Any person (including owners, veterinarians and laboratory staff) who knows or suspects that one of these diseases is present must notify an Inspector of Livestock immediately by the quickest means of communication available.

Diagnostic opportunities to rule out influenza in horses, pigs and poultry are regularly undertaken using syndrome-based diagnostic sampling. A wild-bird surveillance program is also in place. Screening tests are carried out at the DEPI AgriBio laboratory at Bundoora, while confirmatory tests including virus characterisation are carried out at the Australian Animal Health Laboratory (AAHL) at Geelong.

Nationally agreed procedures for surveillance during disease outbreaks of animal influenza and for proof of freedom following an outbreak are included in AUSVETPLAN disease strategies.

Measures to limit transmission of viruses between humans and animals

Influenza viruses can be transmitted from animals to humans (zoonosis) and also from humans to animals (anthroponosis). Measures should be applied to reduce the transmission of viruses between humans and animals with the aim of preventing co-infection with different influenza viruses, thereby reducing the likelihood of emergence of reassortant viruses.

- It is recommended that all those who work with pigs and poultry are routinely vaccinated with seasonal influenza vaccine.
- People handling animals that are infected or suspected of being infected with influenza should wear appropriate PPE, including overalls, shoe covers, gloves, mask and goggles. Appropriate farm entry and exit biosecurity procedures should also be applied.
- People with clinical symptoms of influenza should avoid contact with livestock or wildlife.

Animal health communication

Timely, ongoing and regular exchange of information on human and animal surveillance occurs between DEPI and the Department of Health.

1717

31/03/2017
VC134

NATURAL RESOURCE MANAGEMENT ECONOMIC DEVELOPMENT

Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.

Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

14.1

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VC134

17.xx Agriculture

14.01-17.xx-1 Protection of agricultural land

31/03/2017
VC134

Objective

To recognise agricultural land as a limited resource and to protect productive farmland from encroachment of non-agricultural uses.

To encourage growth and expansion of agriculture, which is of strategic significance in the local or regional context.

Strategies

Ensure that the State's agricultural base is protected from the unplanned or incremental loss of productive agricultural land due to permanent changes of land use.

To recognise that the permanent loss of land to urban uses requires intensification of farming practice to maintain agricultural output.

Prevent inappropriately dispersed urban activities / residential uses in rural areas. Limit new housing development in rural areas, including:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.
- Lot size is not a determinant as to whether it is viable for agriculture as farm holdings are often not contiguous.
- Encouraging consolidation of existing isolated small lots in rural zones. (?)
- Ensuring that amenity to be delivered in agricultural areas is commensurate with the purpose for which the land is zoned.

Consult with the Department of Economic Development, Jobs, Transport and Resources and utilise available information to identify areas of productive agricultural land.

Take into consideration regional, state and local issues and characteristics in the
STATE PLANNING POLICY FRAMEWORK - CLAUSE 14

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Comment [LG1]: Most farms will have blocks that are not contiguous

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assessment of agricultural quality and productivity.

Permanent removal of or introduction of restrictions on productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production, ~~and~~ processing sectors and the sustainability of the regional economy.

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In considering a proposal to subdivide or develop agricultural land for non-agricultural purposes, the following factors must be considered:

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- The desirability and impacts of removing the land from primary production, given its agricultural productivity.
- The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
- The compatibility between the proposed or likely development and the existing uses of the surrounding land.
- The impact of the proposed development on the ability of agricultural practices to diversify and / or intensify.
- Assessment of the land capability.

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Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.

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Comment [LG2]: Content needs review to ensure these elements can be measured. Should be accompanied by a planning practice note.

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Where inappropriate subdivisions exist on productive agricultural land, ~~priority should be given by~~ planning authorities ~~must remove any likelihood of a dwelling permit under the minima through the use of appropriate planning tools to their re-structure.~~

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In assessing ~~non agricultural~~ rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposals.

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Planning for rural land use should consider:

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- ~~Impact on long term sustainable agricultural production and capability; and~~
- ~~the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.~~

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Comment [LG3]: This should be a CALP Act matter

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4417.04xx-2 Sustainable agricultural land use

29/10/2015
VC101

Objective

To encourage ~~sustainable intensification of~~ agricultural land use ~~without land degradation.~~

Strategies

Ensure agricultural and productive rural land use activities ~~are managed to maintain the long term sustainable use and management of existing natural resources~~ ~~minimise land degradation.~~

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~~Encourage increased agricultural output through use of new production methods that improve or maintain land management outcomes. Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.~~

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~~Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.~~

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Comment [LG4]: What does this mean? What is genuine. Should it be maintains ability to change or intensify agricultural outputs?

Facilitate the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning ~~and protection of the environment.~~

Comment [LG5]: CALP and EPA Act.

Policy guidelines

Planning must consider as relevant:

- *Victorian Code for Cattle Feedlots* (Department of Agriculture, Energy and Minerals, 1995), in considering proposals for use and development of beef cattle feedlots.
- *Victorian Code for Broiler Farms* (Department of Primary Industries, 2009), in considering proposals for use and development of broiler farms.
- *Code of Practice: Piggeries* (Health Commission of Victoria and Department of Food and Agriculture, 1992), in considering proposals for use and development of piggeries.
- *Apiary Code of Practice* (May 2011) and any relevant scientific reports, in considering proposals for apiculture.
- *Planning Guidelines for Land Based Aquaculture in Victoria* (Department of Primary Industries, No. 21, September 2005), in considering proposals for land based aquaculture facilities.

VFF Policy Statement

Right to Farm

Adopted (19 February 2017)
Confirmed (29 June 2017)
Land Management



1. Policy

The Victorian Farming Federation has an interest in ensuring planning and environmental regulation does not adversely impact on the ongoing and productive use of land for production of food and fibre.

It is policy that:

Strategic planning

- the State Planning Policy Framework to ensure that:
 - State and local government must have regard to the impact the loss of agricultural land on the food and fibre security for the needs of a growing and evolving market.
 - Agricultural production in the Farming Zone is protected from encroachment of non farming uses.
 - non-agricultural land uses and subdivisions which are likely to have an adverse impact on existing farming enterprise or future growth of a farming enterprise are limited.
- The impact of environmental policy and controls on agricultural production must be taken into account in strategic planning for farming areas.
- The Victorian Planning Provisions must give strong direction to local councils that farming must take precedence over other land uses in rural and agricultural zones.
- That State and local government policy be balanced to ensure growth of the Victorian agricultural sector.
- The State Government must establish a Standing Advisory Committee to ensure the content and implementation of the Victoria Planning Provisions facilitate the ability of the farming sector to grow and respond to an evolving market.

Zones, Overlays and Provisions

- A lower level of amenity be applied to land uses and developments in Victoria's agricultural zones (such as dwellings), where these are not undertaken 'in conjunction' with agriculture.

Planning Decisions

- Planning schemes must limit non-agricultural land uses and subdivisions that are likely to have an adverse impact on existing farming enterprise or future growth of a farming enterprise.
- Buffer distances to 'dwellings' in areas identified for intensive animal industries should be measured to dwellings in an urban zone.
- Fixed urban boundaries are adopted to minimise the impact of urban expansion for all Victorian cities to provide more certainty for the future use of farming land for agriculture.

VFF Policy Statement: Right to Farm 19.02.17

- Existing farming enterprises, regardless of zone or zone changes, must be protected by existing use rights.
- Subdivision of land to excise a dwelling lot should only be allowed where there is no risk to the current or future farming opportunities of the area.
- The State Government publish industry guidelines in consultation with the agricultural sector to inform planning decisions over agricultural uses.
- the Minister for Planning / Standing Advisory Committee prepare a suite of planning practice notes to address:
 - Use and development considerations in potable water catchments in agricultural zones
 - Use and development considerations for removal of native vegetation in agricultural zones
 - Use and development considerations for intensive agricultural industries in agricultural zones
 - Use and development considerations for dwellings in agricultural zones
 - Use and development considerations for industrial development in agricultural zones
 - Use and development considerations for places of assembly in agricultural zones
 - Use and development considerations for tourism in agricultural zones
 - Use of Environmental Management Plans in permit conditions

Permit requirements for agriculture

- Planning permit requirements for varied farming operations must be transparent and unambiguous in the land use definitions of the planning scheme.
- Local councils should be directed to only notify planning applications in the farming zone to a limited area to limit vexatious objections from parties not directly affected from a proposal. A similar approach is used in industrial zones in Victoria's planning provisions.
- Proposals that relate to subdivision of houses or construction of housing on small lots in the Farming Zone should be advertised to all farms within a 3km radius of the proposal to allow for informed consideration on the impact of the proposal on the agricultural production.
- Farm practices that are compliant with State Government and industry accepted standards must not be impeded by local government planning policies, planning scheme overlays or environmental regulations.

Definitions for Animal Husbandry Land Uses

- Definitions of intensive and extensive animal husbandry (and associated terms) within the Victorian Planning Provisions relate to the use of the land rather than the method of productions.
- Consideration of biosecurity and environmental management issues in planning permits be limited to siting / location issues – not operational issues.

VFF Policy Statement: Right to Farm 19.02.17

- Update the definitions for animal husbandry by creating specific land use terms for each farming operation that requires a planning permit in the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone.
- Appropriate definitions for Piggeries and Egg Production Farms to Clause 74 of all Planning Schemes for Land Use Terms. These uses should be 'Permit Required Uses' in the Tables of Uses in a Farming Zone, Rural Activity Zone and Green Wedge Zone. For example, the following could be inserted in the Land Use Terms:
 - Piggeries: *Land used to keep, breed, fatten or rear 1 or more pigs in building, enclosure or pen. It may include an outside range area for the pigs to roam.*
 - Poultry production for eggs: *Land used to keep poultry that are housed permanently in sheds and used for egg production. It may include an outside range area associated with the egg production.*
 - Cattle Feedlot: *Land used to keep and fatten cattle which are restrained by pens or enclosures and receive their entire ration for maintenance and weight gain by hand or mechanically feeding.*
 - Maintain existing Broiler Farm definition *Land used to keep broiler chickens which are housed permanently in sheds and reared for meat production. It may include an outside range area.*
- Planning permit exemptions for the following land uses are maintained in the Farming Zone, Rural Activity Zone and Green Wedge Zones:
 - Dairy: *Land used to breed, keep and or raise cattle for the primary purpose of milk production. This may include the use of containment areas for supplementary or emergency feeding and includes the use of structures for milking purposes.*
 - Cattle Grazing: *Land that is used to breed, keep and or raise cattle in an open range grass fed environment for the primary purpose of beef production. This may include the use of containment areas for supplementary or emergency feeding or incidental penning for animal husbandry purposes.*
 - Sheep and other livestock grazing: *Land that is used to breed, keep and or raise sheep and other livestock in an open range grass fed environment for the purposes or wool or meat production. This may include the use of containment areas for supplementary or emergency feeding or incidental penning for animal husbandry purposes.*

Other initiatives

- State Government must reinstate the Vendor Statement notice (Section 32 Statement of the Sale of Land Act) warning people that if they move into a farming area they may be exposed to noise, smell and dust normally produced by agricultural activities.
- The MAV and VFF establish Rural Advisory Committees to assist in engaging the farming sector in local decisions.

VFF Policy Statement: Right to Farm 19.02.17

- Government develop appropriate regulatory tools for land management issues (and compensation) relating to agricultural land uses, including:
 - Relocation of the head of power of the regulation from the *Planning and Environment Act* to the *Catchment and Land Protection Act* or other specific regulation.
 - Preparation of regulatory impact statements for any proposed framework or for any proposed control in the planning system.
 - Exemption of priority agricultural land (Regional Growth Plan) from any regulation.

2. (Supporting Information)

3. (Revision date)