

Regulation of Agriculture
Productivity Commission
Locked Bag 2, Collins Street East
Melbourne Vic 8003

18 August 2016

Regulation of Agriculture Submission

On behalf of the Peri Urban Group of Rural Councils, I would like to thank you for the opportunity to provide comment on the Regulation of Agriculture Draft Report.

The Peri Urban Group of Rural Councils (PUGRC) represents the Shires of Bass Coast, Baw Baw, Golden Plains, Macedon Ranges, Moorabool, Murrindindi and Surf Coast.

The interplay between agricultural industries, residential growth and the retention of rural amenity are key pressure points for our region. The peri urban region contains 10% of Victoria's productive agricultural lands and produces 17% of the primary produce. The region also contains much of Victoria's environmental and tourism assets including Philip Island, Macedon Ranges including Hanging Rock, Surf Coast, ski fields of Mt Baw Baw and Mt Pleasant and significant water catchments. Yet the region is the fastest growing rural residential area in the State.

Agriculture remains a major employer and economic driver within our region and accordingly our region is highly supportive of the industry and sensible measures to reduce the burden of red tape and to ensure the sustainability of the industry. However, such measures need to be measured against any potential impact that may be felt on neighbouring residential land uses and the environment.

As one of the fastest growing rural areas in Victoria and the interface for Melbourne's population expansion, the Councils and communities of the VIC peri urban region are balancing the demands of residential growth with the retention and support of traditional industries and land use including agriculture.

General comments

The Victorian Government is currently undertaking two pieces of related work: an Intensive Animal Industries Inquiry headed by Mr Lester Townsend and a project to consider Codes for animals industries (Ag VIC). The Peri Urban Group has been involved in these two pieces of work and we believe that they are an important step in improving the regulation and sustainability of intensive animal industries in Victoria.

The challenge currently for Councils and operators in these industries is that the definition of intensive animal industries in the Victorian Planning Provisions (s74) causes confusion. This lack of clarity on the definition of intensive agriculture has led to high profile and inconsistent planning outcomes (Yarra Ranges and Murrindindi Shire). The PUGRC have advocated for a range of measure to support the intensive animal industries in VIC. Our submission can be found here - <http://pugrc.vic.gov.au/submission-in-response-to-discussion-paper-from-animal-industries-advisory-committee/>

A significant challenge for farmers and land holders is the management of invasive pests including deer, kangaroo, foxes and rabbits. The regulations for managing (shooting, baiting) invasive pests on private holdings have become extremely difficult to navigate. Additionally the encroachment of residential holdings into rural / farming areas has meant that shooting is not safe and baiting is not practical due to the large numbers of domestic animals that may be affected by the baits. Public sentiment also makes the reduction of these pests difficult to achieve. This issue is compounded by the reduction of funds over many years to manage invasive pests on crown lands and in National Parks. The VIC Parliament is also currently considering this issue - <http://www.parliament.vic.gov.au/enrrdc/inquiries/article/2999>

PUGRC Response to Regulation of Agriculture options.

The PUGRC has provided comment only on the recommendations and findings which are most relevant to our member Councils and communities and on which we have a common view.

Land use regulation

INFORMATION REQUEST 2.1

What are the advantages and disadvantages of 'right to farm' legislation? Are there any other measures that could improve the resolution of conflicts between agricultural and residential land uses?

PUGRC Response:

The PUGRC does not currently have a view on the effectiveness of Right to Farm legislation. It is one of a range of initiatives being considered in our Discussion Paper on Agriculture, which is due for release in early 2017.

In VIC, a revision to Victorian Planning Provisions (VPP) to clarify the role of the Farming Zone could reduce the conflicts between agricultural and residential land uses.

The VPP's objective for agriculture is "to protect productive farmland which is of strategic significance in the local or regional context" (s14.01). However the Farming Zone's purpose in the VPP is to "provide for the use of land for agriculture" and "encourage the retention of employment and population to support rural communities" (s35.07). The purpose of the Farming Zone is confused and is being used to convert Farming Zoned land into residential land for growing populations. This is causing significant conflicts between remaining agricultural properties and the neighbouring residential uses.

DRAFT FINDING 2.2

Regulation and policies aimed at preserving agricultural land per se can prevent land from being put to its highest value use. A right of veto by agricultural landholders over resource development would arbitrarily transfer property rights from the community as a whole to individual landholders.

PUGRC Response:

The PUGRC does not support initiatives which would vest all decisions for land use into the hands of the resources and extractive industries, who have an interest in profit rather than sustainable land use and food production. We believe that farmers and land holders must retain their veto rights.

As world populations continue to grow and the demands for safe, high quality food production increases, the production of food will become the 'highest value use' of land. It would be short sighted to consign highly productive food production areas to resource and extractive industries use.

Environmental regulations**DRAFT RECOMMENDATION 3.1**

The Australian, state and territory governments, in consultation with natural resource management organisations, should ensure that native vegetation and biodiversity conservation regulations:

- are risk based (so that landholders' obligations are proportionate to the impacts of their proposed actions)
- rely on assessments at the landscape scale, not just at the individual property scale
- consistently consider and balance economic, social and environmental factors.

PUGRC Response:

The PUGRC supports this recommendation, with an addition. The consideration of native vegetation should be at a landscape scale and should also consider the impact of invasive pests at the landscape scale.

The PUGRC has found that native re-vegetation projects planted to offset native vegetation clearing are only achieving a 40% survival rate rather than the expected 80%. This is due to the impacts of invasive pests including deer and kangaroos whose numbers have exploded due to cost cutting in culling programs on crown land and red tape involved in culling on private land.

DRAFT RECOMMENDATION 3.2

The Australian, state and territory governments should continue to develop market based approaches to native vegetation and biodiversity conservation. Where the community is seeking particular environmental outcomes, governments could achieve them by buying environmental services (such as native vegetation retention and management) from existing landholders.

PUGRC Response:

See above regarding survival rates for native re-vegetation planting.

Regulation of farm animal welfare

DRAFT RECOMMENDATION 5.1

The Australian Government should take responsibility for ensuring that scientific principles guide the development of farm animal welfare standards. To do this, an independent body tasked with developing national standards and guidelines for farm animal welfare should be established. The body should be responsible for determining if new standards are required and, if so, for managing the regulatory impact assessment process for the proposed standards. It should include an animal science and community ethics advisory committee to provide independent evidence on animal welfare science and research on community values.

INFORMATION REQUEST 5.1

The Commission is seeking feedback on:

- the most effective governance structure for an independent body tasked with assessing and developing standards and guidelines for farm animal welfare
- what the body's responsibilities should include (and whether it should make decisions or recommendations and if the latter, to whom)
- what processes the body should use to inform and gauge community values on farm animal welfare
- how such a body should be funded; State, Federal and Industry funding

PUGRC Response:

The PUGRC supports this recommendation. We have been supportive of efforts to develop a Code of Practice approach to intensive animals industries in VIC. The independent body should be funded by State, Federal and Industry funding with the ability for Local Government to purchase expert advice and services as required.

DRAFT RECOMMENDATION 5.2

State and territory governments should review their monitoring and enforcement functions for farm animal welfare and make necessary changes so that:

- there is separation between agriculture policy matters and farm animal welfare monitoring and enforcement functions
- a transparent process is in place for publicly reporting on monitoring and enforcement activities
- adequate resourcing is available to support an effective discharge of monitoring and enforcement activities.

State and territory governments should also consider recognising industry quality assurance schemes as a means of achieving compliance with farm animal welfare standards where the scheme seeks to ensure compliance (at a minimum) with standards in law, and involves independent and transparent auditing arrangements.

PUGRC Response:

The PUGRC supports initiatives to ensure monitoring and enforcement activities by State and Local Government are appropriately funded and resourced. Currently agencies tasked with monitoring and enforcement ,

like the EPA and Local Government, often have limited resources and capacity to comprehensively undertake the role.

The PUGRC believes that the State Government is more suited to being responsible for monitoring and enforcement activities. Over many years the VIC Government has divested itself of some areas of monitoring and enforcement, including food safety. Local Government does not have the financial resources to adequately monitor and conduct enforcement proceedings on all farms.

Biosecurity

INFORMATION REQUEST 7.1

Participants raised concerns about farm trespass, particularly as trespass can increase biosecurity risks. What strategies could be used to discourage farm trespass? Are existing laws for trespass sufficiently enforced in relation to farm trespass?

PUGRC Response:

Biosecurity is a concerns for all farmers. However the information request and intent of this section misses opportunities to consider how biosecurity could be protected while opening up areas for tourism and recreation trails.

In the UK, the Public Rights of Way network has enabled the establishment 15 national off road trails, cycleways and bridleways. The opening up of opportunities for more trails through agricultural lands would also enable greater farm gate sales opportunities and other on farm revenue for farmers.

Transport

DRAFT FINDING 8.1

Despite the commencement of the Heavy Vehicle National Law and the establishment of the National Heavy Vehicle Regulator, there remain significant variations and inefficiencies in heavy vehicle regulation, including delays in processing road access permits.

DRAFT RECOMMENDATION 8.1

States and territories that are participating in the Heavy Vehicle National Law should increase the number of routes that are gazetted for heavy vehicle access. Permits should only be required in locations where there are significant risks to public safety or infrastructure that must be managed on a case by case basis. There are arrangements in South Australia to allow road users to propose and undertake road route assessments for gazettal, and in Queensland to fund road assessments and gazettals on both state and local roads. These arrangements should be considered for adoption in other jurisdictions or expansion in respective states.

PUGRC Response:

The PUGRC supports initiatives to increase accessibility for heavy vehicles to primary producers, particularly addressing first mile and last mile accessibility and the replacement/ widening of strategic bridges. However, this must be matched by appropriate funding for roads, bridges and maintenance. Roads and bridges funding already consumes half of the capital works budgets for each of the Peri Urban Councils. The maintenance and keep of unsealed roads is a significant issue in the VIC peri urban region and all rural and regional areas of Australia.

DRAFT RECOMMENDATION 8.2

The Australian, state and territory governments should pursue road reforms to improve the efficiency of road infrastructure investment and use, particularly through the introduction of road-user charging for selected roads, the creation of Road Funds, and the hypothecation of revenues in a way that incentivises the efficient supply of roads.

PUGRC Response:

The PUGRC does not support 'user-pays' or value capture models for funding roads in a rural context. The users of these roads are already at significant disadvantage in terms of access and levels of rates paid on land.

We support a new model of State and Federal funding for roads which would more equitably support rural and regional Councils to deliver the roads and bridges necessary to improve productivity for farmers, businesses and communities.

Thank you once again for the opportunity to provide comment. Should you require further information, please contact Paula Lawrence, Executive Officer.

Yours sincerely,

Cr Jennifer Anderson
Chair
Peri Urban Group of Rural Councils