



Submission to the

*Ministerial Advisory Committee for the Inquiry into the Environment Protection
Authority*

31 October 2015

The Victorian Farmers Federation

The Victorian Farmers Federation (VFF), Australia's largest state farmer organisation and only recognised consistent voice on issues affecting rural Victoria, welcomes the opportunity to comment on small business in Victoria.

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 staff.

Each VFF member is represented locally by one of the 230 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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1. Introduction

The Victorian Farmers Federation (VFF) welcomes the opportunity to provide a submission to the Ministerial Advisory Committee for the Inquiry into the Environment Protection Authority. In this submission, the VFF seeks to outline some of the issues raised by our members as well as providing feedback to Inquiry's Terms of Reference.

Agricultural enterprises need a regulatory framework which facilitates their operations on agricultural land and allows for the sector to grow, improve productivity and respond to an evolving market. The Victorian Government should ensure that the EPA is equipped with the resources and expertise to work effectively with the agricultural sector. Education of local councils, the community and farmers on environmental protection law, codes and guidelines is important in preventing environmental impacts and ensuring consistent implementation of rules.

Farmers are stewards of the land and there are a number of VFF members who are recognised leaders in improving environmental land and water management practices. The VFF encourages its members to ensure that their businesses are responsibly managing environmental impacts. A positive relationship between the EPA and agricultural producers will ensure awareness of environmental regulations as well as ease of compliance.

2. Response to Terms of Reference

2.1. ***the EPA's appropriate role in relation to public health issues, including at least: community concerns such as exposure to asbestos, chemicals and other pollutants; the prevention and management of site contamination, air quality, and water quality in rivers and other waterways;***

The VFF submits that the EPA's role as an independent monitoring body could be improved in relation managing public health issues.

There are opportunities to improve environmental baseline data and ongoing monitoring, including monitoring compliance of high risk industries.

2.2. ***the Victorian community's and industry's expectations of the EPA as its environmental regulator;***

As a regulator of agriculture, the EPA should adopt an approach which is cognisant of the needs of farmers in improving their productivity and competitiveness in a global market.

As population growth continues, there is increasing pressure on agricultural land for sensitive residential uses which often lead to land use conflicts.

Urban encroachment into farming land and a proliferation of rural residential lifestyle lots lead to increased complaints regarding typical agricultural practices.

These complaints often relate to perceived amenity impacts or ideological reasons but lead to EPA or local government interference despite compliance with Environment Protection Act 1970 and environmental regulations.

Planning zones have attempted to protect productive agricultural land from conflicts with competing land uses. The State Government has also attempted to educate the new residents to rural areas on what to expect when living in a farming area. However, issues still arise when new residents to a rural area do not have an understanding of or respect for what is involved in carrying out day to day activities on a farm.

In the absence of such understanding and appreciation, the EPA should play a role in building awareness that objections are invalid where farms are operating legally. Further, complaints should be sensitively approached to ensure that agricultural producers are not unfairly prosecuted or overregulated.

Regular farming activities are currently hampered in many of Victoria's interface areas due to the frequency of complaints by urban residents. Some of the most common causes of complaint are odours and machinery.

Animals and machinery can generate some noise, but for a production zone this noise is not unreasonable and should be expected. For example, pre-sale weaning of calves from their mothers is a market requirement. For a short period of time, it is to be expected that there will be some additional noise while calves adjust. While most neighbours of beef producers are understanding of the short period of disturbance, some complaints do arise during this period. It must be remembered and appreciated that this is an essential farm practice required to effectively run an animal production business and the noise calves make does not justify regulatory intervention.

At certain times of the year crops need to be protected by scare guns, and/or frost fans. Irrigation pumps can also cause complaint.

Animals in groups, silage, and some horticultural and broad acre crops such as canola at certain stages of growth can sometimes generate odours. These odours are extremely variable and can be dependent on the surrounding weather conditions.

The EPA can help the farming sector by educating the community on what rules apply in relation to noise, odour, and effluent management and what rights farmers have in operation.

The EPA has a role in the 'Right to Farm' debate by protecting existing agricultural land from encroaching development across regional cities and Melbourne.

The onus should be on the urban developer, or new resident to provide a buffer from existing farmland to allow farming operations to consider operating without land use conflicts arising.

As a regulator, the EPA should have authority as an independent state regulator in determining what an environmental breach is. Often, planning disputes end up in VCAT and decisions can be made that are inconsistent with the position of the EPA. The power of the EPA as a regulator is undermined if VCAT and local councils can make determinations inconsistent with the EPA.

It's important that the EPA is clear, consistent and transparent in its policing. It's also important that community awareness of environmental protection obligations is improved.

The EPA's role should be strengthened which would lead to less cases being disputed at VCAT. This would reduce the resource burden on VCAT, saving business and the economy unnecessary costs in resolving areas of contention.

It's important that the rights of farmers to continue existing operations are supported by Government. EPA as a regulator must accordingly implement the codes and guidelines that have been set to give parameters around environmental impacts.

The EPA should be a more visible and accountable regulator for the community. There are systemic issues with councils making decisions that are inconsistent with EPA views. This relates to a lack of awareness of EPA law or the different priorities between authorities.

There needs to be more of an effort to communicate both to the farming sector and broader community on the role of the EPA and what the environmental laws are over noise, odour and effluent management.

By taking the time to explain better what the environmental protection objectives and rules some of the communities angst can be appeased.

2.3. *the EPA's appropriate role in protecting the environment;*

A risk based approach to regulation should be the focus of the EPA in protecting the environment.

Farms are generally low risk and growers should not be subject to unjustified onerous regulatory processes. The majority of farm enterprises are small to medium sized, as well as individual and family run.

Transparent, plain English guidance material and as well as accessible advice is provided on legal obligations then this is the most effective way to prevent environmental impacts that result from agriculture. Early action such as notices should be issued with advice on how to achieve compliance with opportunities to discuss what practical solutions are available to that individual farm.

2.4. *the ability of the EPA to ensure that the principle of environmental justice is adhered to, the environment is protected for the benefit of the community, and members of the community can be meaningfully involved in, and access fair treatment through, environmental regulation;*

Existing farming enterprises should hold the right to farm and improve their farming enterprise through fair and consistent environmental regulation.

Currently there are systemic problems with the ability for third party interference and the subjectivity of amenity impacts. These issues add significant cost to Victorian farming business and often lead to lengthy disputes.

The EPA needs to be given the power to make determinations that bind councils and VCAT. The EPA also needs to be able to educate councils and the broader community on what environmental laws are.

Transparency of regulations and education are particularly important for ensuring business compliance. Reverse buffers as part of urban expansion and educating farmers on considerations when operating near residences are areas that could be better addressed by the EPA.

As dwellings and tourism encroach into agricultural land there can be increased occurrences of complaints regarding typical farming operations.

These complaints often relate to perceived amenity impacts or ideological opposition but are not environmental protection law breaches. Rather, these reports are a result of a lack of understanding of farming or respect for the agricultural sector.

There is a role for the Victorian Government to ensure new residents to agricultural areas are aware of potential amenity impacts, as agriculture is a production industry. Section 32 Vendor Statements should require purchasers formally acknowledge their awareness of potential amenity impacts resulting from existing agriculture.

2.5. *the ability of the EPA's current governance structures and funding arrangements to enable it to effectively and efficiently discharge its powers, perform its duties and implement its required functions;*

The VFF believe that the EPA does have a role in providing advice to businesses on how to comply with environmental regulations.

Sound relationships with industry organisations should be a central component of the EPA network. The EPA and VFF relationships could be significantly improved if the EPA was resourced with a specialised agriculture team that can educate local councils and the farming sector on compliance with environmental law. The VFF has received feedback that there is a noticeable gap in dealing knowledge of intensive animal husbandry, and in the past there was specialised staff that played a positive role in working with the agricultural sector.

The availability of information and education are essential for businesses to have a clear understanding of environmental compliance requirements. Making this information transparent and accessible particularly for those living in remote areas is crucial.

2.6. *the scope and adequacy of the EPA's statutory powers, and the effectiveness and efficiency of the suite of tools available to and utilised by the EPA, in enabling protection of the Victorian community and the environment, particularly in light of recent, new and emerging risks and issues; and*

EPA regulation should be risk based and focused on the higher risk environmental polluters.

Farm operations are mostly low risk, small to medium sized businesses where compliance can be facilitated through education and awareness of environmental management practices.

The farming sector needs protection from ever increasing land use conflicts as urban areas expand into agricultural land. Complaints made as a result of poor planning decisions allowing isolated dwelling blocks in rural areas must also be addressed with the objective of protecting the existing farming operation.

2.7. *consider the best way to combine environmental protection with economic viability and growing sustainable jobs in Victoria, including through improving regulatory efficiency and minimising regulatory burden; and*

Unnecessary regulation can impose significant administrative costs onto a farm business and threaten the agricultural sector's productivity. As the agricultural sector competes in a global market the Victorian Government should be cognisant of the economic impacts associated with overregulation.

Regulations impact upon overall economic development by reducing the time producers can devote to normal farm business operations, some regulations may also prevent innovation and improved productivity of an industry.

The agricultural sector's growth should not be unnecessarily hindered by environmental regulation. The VFF believes that an environmental risk based approach should be applied to how different sectors are regulated by the EPA.

Agricultural enterprises need a regulatory framework which facilitates their operations on agricultural land and allows for the sector to grow, improve productivity and respond to an evolving market. The Victorian Government should ensure that the EPA is equipped with the resources and expertise that understands the agricultural sector, can educate councils and farmers on practical options for farming enterprises to comply with environmental law.

It is important to note that regulations do not only impact on economic development through the imposition of administrative burden, or taxes and charges. Regulations impact upon overall economic development by reducing the time producers can devote to normal farm business operations. It should be noted that productivity is not the only driver for the

VFF. Our first priority will always be farm profitability which, in some cases, does not go hand-in-hand with State productivity.

Many farmers find themselves in a position where they have the business acumen to pursue a business concept, however navigating the labyrinth of departmental and agency regulation proves too challenging. Directing farmers to brochures or online resources is not satisfactory. To address some of the barriers that arise for farmers when interacting with governments – water, planning, transport, native vegetation, EPA and others – the VFF strongly recommends the establishment of agribusiness facilitators within the Government agencies.

Agriculture is generally low risk in terms of environmental impacts and often impacts can be managed with the right information being made available to farmers on legal obligations. Cost benefit assessments are necessary before imposing any further regulation on the farming sector, regulatory creep should be avoided given the cost the economy as a whole.

2.8. *The Inquiry is also required to consider the EPA's role in regulating greenhouse gas emissions.1*

This requires more detailed consultation with the VFF before a position can be formed.

3. Conclusion

The availability of information and education are essential for businesses to have a clear understanding of environmental compliance requirements. With an increased focus on developing understanding through information and training, it would be hoped that the probability of environmental breaches will be decreased and enable EPA to focus time and resources on large scale environmental polluters.

The EPA has an important role in achieving the right to farm on agricultural land. The EPA can assist in protecting existing farms from land use conflicts by enforcing reverse buffers from encroaching urban development.

The level of residential encroachment on agricultural businesses should be considered in all cases where the EPA is called upon to investigate a supposed breach. Complaints made as a result of inappropriate subdivisions excising a dwelling block or poor implementation of the planning scheme by local government (allowing encroachment into existing agricultural land uses). These legacy issues must be addressed with consideration of the factors that may be involved in the lead up to the complaint.