



STRATHBOGRIE SHIRE COUNCIL
PLANNING COMMITTEE
AGENDA

MEETING TO BE HELD ON TUESDAY 12 MAY 2015

COMMENCING AT 4.00 P.M.

AT THE EUROA COMMUNITY CONFERENCE CENTRE

Councillors:

Malcolm Little (Chair)	(Hughes Creek Ward)
Colleen Furlanetto	(Seven Creeks Ward)
Alister Purbrick	(Lake Nagambie Ward)
Patrick Storer	(Honeysuckle Creek Ward)
Robin Weatherald	(Mount Wombat Ward)
Graeme (Mick) Williams	(Seven Creeks Ward)

Officers:

Steve Crawcour - Chief Executive Officer
Phil Howard - Director, Sustainable Development
Emma Kubeil - Manager, Sustainable Development
Jennifer Dowling - Assistant Manager, Sustainable Development
Kristina Murray - Planner
Roy Hetherington - Director, Asset Services
David Woodhams – Director, Corporate and Community

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

*'I acknowledge the Traditional Owners of the land on which we are meeting.
I pay my respects to their Elders, past and present, and the more recent
custodians of the land'*

3. Apologies

Councillor Debra Swan (Lake Nagambie Ward)

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 14 April 2015

5. Disclosure of Interests
6. Planning Reports
7. Other Business



Steve Crawcour
CHIEF EXECUTIVE OFFICER

6 May 2015

PLANNING COMMITTEE REPORTS INDEX

Planning Committee Reports				
6. Planning Reports				
Report No.	Application No.	Purpose of Application	Location	Page
6.1 AMSC	P2014/010	Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation	22 Wormangal-Wahring Road, Nagambie	1
7. Other Business				
7.1 (DSD-PH)	Planning Applications Received - 9 April to 6 May 2015			34

PLANNING COMMITTEE REPORT NO. 1 (ASSISTANT MANAGER, SUSTAINABLE DEVELOPMENT – JENNIFER DOWLING)

6. PLANNING REPORTS

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie

Application Details:

Application is for:	Use & development of land for two broiler farms of 320,000 birds in 8 sheds and a caretakers house and associated infrastructure on each lot and removal of native vegetation
Applicant's/Owner's Name:	Fernando Ferreira
Date Received:	07 February 2014
Statutory Days:	254 days
Application Number:	P2014-010
Planner: Name, title & department	Jennifer Dowling Assistant Manager Sustainable Development Sustainable Development Department
Land/Address:	Crown Allotment 55A, Parish of Wormangal, Certificate of Title Volume 07718, Folio 592 & Crown Allotment 55B, Parish of Wormangal, Certificate of Title Volume 01178 Folio 593 22 Wormangal-Wahring Road, Nagambie VIC 3608
Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4 Clause 44.04-1
Restrictive covenants on the title?	No
Current use and development:	Vacant

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

Summary

- The application proposes the use and development of each lot within the subject site for a broiler farm of 320,000 birds in eight sheds plus a caretakers home at 22 Wormangal-Wahring Road, Nagambie.
- The application also proposes silviculture, "Christmas Tree" plantation. The plantation will be on a three year cycle and produce between 104,000 to 138,000 trees annually.
- The site is located within the Farming Zone and is affected in part by a Land Subject to Inundation Overlay.
- The land is located partially within an Aboriginal Cultural Heritage Sensitivity Area. A Cultural Heritage Management Plan has been prepared and approved previously by Aboriginal Affairs Victoria.
- The property is currently used for grazing purposes and contains scattered vegetation.
- The subject site has an area of 135.5 hectares in total, Crown Allotment 55A being 67.18 hectares and Crown Allotment 55B measuring approximately 68.35 hectares.
- The subject site is located adjacent 4 existing Broiler Farms and therefore is deemed a "Cluster Farm" under the *Victorian Code for Broiler Farms 2009*.
- An application for a Broiler Farm was made in 2011. This application was refused by Council and subsequently refused by VCAT. It is noted that this is a substantially different application to the previous application. The issues previously raised have been adequately dealt with in this application.
- The application was referred internally to Council's Assets Services Department and Environmental Health Department who have not objected to the development subject to a number of conditions.
- The application was referred externally to the Country Fire Authority, Department of Environment and Primary Industries (now DELWP), Goulburn Murray Water who have not objected to the proposal subject to a number of conditions.
- Notice of the application was given to Environment Protection Authority (EPA). EPA responded with comments in relation to the proposal. For more detail, please refer to discussion within the Relevant Particular Provisions section of this report.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
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Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

- The application was advertised to all land owners within two kilometres of the subject site. Three objections have been received.
- The major issue of odour has been addressed by the management plans and conditions placed on this permit.
- The application has been assessed outside of the 60 day statutory time period due to objections received as well as ongoing discussions with EPA and changes to their policy.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- having caused notice of Planning Application No. P2014-010 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1, Clause 35.07-4 and Clause 44.04-1 of the Strathbogrie Planning Scheme in respect of the land known as Crown Allotment 55A, Parish of Wormangal, Certificate of Title Volume 07718, Folio 592 & Crown Allotment 55B, Parish of Wormangal, Certificate of Title Volume 01178 Folio 593, 22 Wormangal-Wahring Road, Nagambie VIC 3608, for the use & development of land for two broiler farms of 320,000 birds in 8 sheds and a caretakers house and associated infrastructure on each lot and removal of native vegetation in accordance with endorsed plans, subject to the following conditions:

Amended Plans

1. Prior to the commencement of development amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:
 - (a) Dimensioned site plans, floor plans and elevations of the dwellings.
 - (b) Floor and elevation plans of all ancillary shedding proposed in conjunction with the main broiler sheds.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

2. Prior to the commencement of works, the permit holder must advise all persons undertaking the vegetation removal and road works of all relevant permit conditions of this permit.
3. In order to offset the removal of seven trees approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the Permitted clearing of native vegetation Biodiversity assessment guidelines and the Native vegetation gain scoring manual.

The offset must

- (a) Contribute gain of 0.105 general biodiversity equivalence units.
 - (b) Be located within the Goulburn Broken Catchment Management Authority boundary.
 - (c) Have a strategic biodiversity score of at least 0.334.
4. Before any vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation- Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:
 - (a) A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
 - (b) A credit register extract from the Native Vegetation Credit Register.
 5. Every year, for ten years, after the responsible authority has approved the offset management plan the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.
 6. No more than 320,000 birds are to be housed at any one time on Crown Allotment 55A, Certificate of Title Volume 07718, Folio 592.
 7. No more than eight broiler sheds are to be erected at any one time on Crown Allotment 55A, Certificate of Title Volume 07718, Folio 592.
 8. No more than 320,000 birds are to be housed at any one time on Crown Allotment 55B, Certificate of Title Volume 07718, Folio 593.
 9. No more than eight broiler sheds are to be erected at any one time on Crown Allotment 55B, Certificate of Title Volume 07718, Folio 593.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

10. The broiler farm must comply at all times with the *Victorian Code for Broiler Farms 2009*, Department of Primary Industries, September 2009.
11. The broiler farm must comply at all times with the *Prevention of Cruelty to Animals Act 1986*, the *Code of Accepted Farming Practices for the Welfare of Poultry (Rev 2) AG1143*, Department of Primary Industries, December 2003 and the *Code of Practice for the Land Transport of Poultry*, Department of Primary Industries, October 2001.
12. The broiler farm must comply at all times with the endorsed Environmental Management Plan.
13. Other than the loading and placement of live birds, no deliveries to or removals from the broiler farm are to take place after 9.00pm or before 7.00am on any day without the prior written approval of the Responsible Authority.
14. The use and development must be sited and constructed in accordance with the endorsed plans. The endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements. Include but are not limited to the following:
 - Environmental Management Plan (EMP)
 - Farm Management Plan
 - Landscape Plans
 - Relevant development and site plans
15. Disposal of treated sewage and sullage emanating from the caretakers houses must be located at least 60 metres from any waterway.
16. Access to the caretakers houses must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
17. The caretakers houses must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
18. The caretakers houses must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
19. The caretakers houses must be connected to a reticulated electricity supply or have an alternative energy source.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

20. If the Responsible Authority determines that the amenity of nearby residents is adversely affected by the emission of an unreasonable level of offensive odour from the land, the Permit Holder must as reasonably as possible and to the satisfaction of the Responsible Authority take such action as is required to prevent those emissions, which may include adjusting stocking density in the broiler sheds, immediately removing bird litter, or any other actions reasonably required to prevent further emissions of offensive odour using superior technology.

21. Asset Services Conditions:

- (a) Prior to the commencement of the use, an approved pavement in either asphalt or concrete must be constructed at the entrance to the site on Zanelli Road to protect the existing seal from turning movements by heavy vehicles entering/exiting the site. The length of pavement required will match the extent of a B-Double turning movement entering/exiting the site.
- (b) Prior to the commencement of the use, Racecourse Road must be upgraded from the property entrance to approx. 150m west of Wormangal – Wahring Road (southern leg) in accordance with IDM requirements (4.5m wide unsealed pavement with additional 1.5m shoulders). See IDM clause 12.4 'rural roads'. Appropriate table drains will also be required on either side of the unsealed road and a culvert under the southern leg of Wormangal – Wahring Road with appropriate driveable end walls (see IDM standard drawings for end walls).
- (c) Prior to the commencement of the use, new vehicular entrances to the subject land from the road/s shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Access shall be to "Typical B Double Vehicle Crossing (Rural Entrance)" standard. SD265 of the Infrastructure Design Manual should be referred to. www.designmanual.com.au

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

- (d) Prior to the commencement of the use, all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.
- (e) All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
- (f) Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.
- (g) Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.

22. Health Department Conditions:

- (a) Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority. An application to alter the existing septic tank may also be required if deemed wastewater generation will be increased.
- (b) The effluent disposal field must be located 60 metres from the nearest waterway, dam, lake or reservoir (non-potable water supply) to the satisfaction of the Responsible Authority.
- (c) The construction and operation of a broiler farm should be compliant with the requirements of the *Broiler Farm Code of Practice 2009*, EPA and DPI.
- (d) Prior to the commencement of buildings and works, the permit holder must provide a management plan of how each potential issue will be controlled (ISO 14001:2004 Environmental Management Systems Standards):
 - i. Disposal of waste products
 - ii. Disposal of carcasses

- 6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

- iii. Pest control
- iv. Dust issues
- v. Lighting issues
- vi. Noise
- vii. Odour issues
- viii. Disposal of wastewater / drainage
- ix. Littering issues

23. Country Fire Authority Conditions:

(a) Access

1. Access Roads around all sheds are to be a minimum of 4 metres in width and constructed to create a 15 Tonne trafficable surface.

(b) Emergency Management Plan

1. An Emergency Management Plan will need to be developed for the site to the satisfaction of CFA and the responsible authority.

24. Goulburn Broken Catchment Management Authority Conditions:

- (a) The proposed broiler farm development must be constructed according to the re-submitted plan produced by Land Management Surveys (Melbourne) (Ref. No 10068, v04_rev_07).
- (b) The finished floor levels of the proposed dwellings must be set at least 450 millimetres above the general natural surface elevation.
- (c) Effluent field (waste water disposal area), associated with the septic tank system for the southern dwelling, must be sited on the northern side of the dwelling.

25. Goulburn Murray Water Conditions:

- (a) A 30 metre wide buffer strip of native vegetation must be established and maintained on both sides of Wormangal Creek. No buildings are to be constructed within 30m this zone.
- (b) The broiler sheds must be located at least 100m from Wormangal Creek and above the 1 in 100 year flood level of the creek.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

- (c) All construction and on-going activities on the site must follow sediment control principles as outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- (d) All soil removed during construction of any dams must be reused, stabilized or vegetated on-site to ensure that no sediment can be transported off-site.
- (e) Stormwater and drainage from hard stand areas and the areas around the sheds must be directed to a retention dam which must be designed with a capacity and freeboard to enable the run-off from a 1 in 10 year storm to be retained. The overflow from these dams must not cause erosion and they must be located above the 1 in 100 year flood level of Wormangal Creek.
- (f) No contaminated run-off containing any waste material from the sheds must be allowed to enter the retention dam or any waterways or be discharged off-site.
- (g) Stormwater from catchment unrelated to the development area must not be directed to the retention dam.
- (h) The floors of the sheds must be constructed with an impervious surface such as concrete or of clay compacted to achieve a design permeability of 1×10^{-9} m/sec. The shed must be designed to ensure that all litter can be retained within the shed until removal following bird removal.
- (i) Contaminated litter removed from the sheds at the end of each growing cycle must be transported off site by an approved contractor to an approved site.
- (j) There must be no litter from the sheds stockpiled on the site. Any temporary storage areas for wet litter must have an impermeable base and bunding to ensure contaminated run-off does not discharge from the temporary storage area.
- (k) No land application of contaminated litter is to occur.
- (l) All dead birds must be disposed of off-site or managed on-site to the satisfaction of the Environment Protection Authority.
- (m) All wastewater from the proposed dwellings and amenities buildings must be treated and disposed of using EPA approved systems, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

- (n) The wastewater disposal areas for each of these systems must be located:
 - x. above the 1 in 100 year flood level of Wormangal Creek
 - xi. at least 60m from Wormangal Creek
 - xii. at least 60m from any dam
 - xiii. at least 20m from any bores
 - xiv. away from any low lying areas subject to water logging
- (o) The wastewater disposal areas must be kept free of all infrastructure including buildings, driveways tanks and service trenching and must be planted with appropriate vegetation to maximise their performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

26. The external cladding of the proposed buildings, including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.

27. The amenity of the area must not be detrimentally affected by the use, through the:

- (a) Appearance of any building, works or materials;
- (b) Transport of materials, goods or commodities to or from the land;
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
- (d) Presence of vermin, and;
- (e) Others as appropriate.

28. This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two (2) years of the date of this Permit,
- (b) The development is not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

- **within six months afterwards if the use or development has not yet started; or**
- **within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.**

Planning Notes:

- **This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.**
- **This Permit does not authorise the removal of any native vegetation including for access and construction works. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.**

Proposal

It is proposed to develop and use the subject site for two separate Broiler Farms. Each farm will be contained within its own existing allotment on the subject site. The development includes:

- Eight broiler sheds located within the north-western corner of the property.
- Eight Broiler sheds located in the southern section of the southern lot
- A caretakers residence for each farm
- Associated infrastructure including amenities buildings, water tanks, gas storage tanks, generator sheds and silos to be provided to each farm
- A stormwater retention basin to be provided to each farm

Proposed Farm 1 will be located in the north western corner of the site on the corner of Racecourse and Warmangal-Wahring Roads and will be accessed from Racecourse Road via a proposed vehicular crossover.

Proposed Farm 2 will be located towards the centre of the southern lot on the property and will be accessed via a proposed vehicular crossover to be located on Zanelli Road.

Each of the proposed Broiler Sheds will be 161.04m in length with a width of 17.29m and a total area of 2945sqm. The sheds will be combi-tunnell ventilated farm sheds with fans located at the eastern end and cooling pads on the western sides. A small control room will be provided at one end of each of the proposed shed. Each shed will house a maximum of 40,000 birds, (320,000 total for each site) and will be fully automated.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

Although fully automated, on site farm managers are proposed for each farm. The sheds will be constructed of metal faced insulated coloured wall panels with concrete dwarf walls at the base of the building and custom orb roofing. The proposed dwarf concrete walls will prevent rodent infestation of the sheds and the proposed roofing and internal insulation has been designed to minimise the effects of direct sunlight on the inside temperatures of the buildings. Concrete flooring is proposed for each shed which is proposed to be constructed at least 600mm above natural surface levels.

The proposed eight sheds on each farm will be sited with 20m separation between each shed with an open earth drain between. At the end of each shed a hardstand area of 25 square metres is proposed. Perimeter roads are proposed to ensure appropriate vehicular access is available throughout each property. Earthworks will be required for each of the sheds and associated works. Cut and fill is proposed to use existing soil on the site. Excess soil will be used to create batters which will be planted with grass. Screening vegetation is also proposed around each of the farms.

A caretakers residence is proposed for each of the farms. No floor and elevation plans for these dwellings have been provided. The dwelling proposed for Farm 1 will be located approximately 80m to the west of the proposed broiler farm on this lot and will have a setback of 80m from both Racecourse Road and Wormangal Wahring Road. The plans submitted with the application show a 600 square metre building envelope. The dwelling proposed for Farm 2 will be located in the south western corner of the site with a setback of 60m from Wormangal-Wahring Road and 100m from Zanelli Road. The proposed care takers residence for proposed Farm 2 is to be sited approximately 450m from the proposed Broiler Farm on the site. The plans submitted show a 600 square metre building envelope. The proposed care takers residences will be occupied by the managers of the two facilities.

On site amenities buildings will be provided to each of the farms. The proposed buildings will be 120 square metres and will contain storage, showers, toilets and a lunch room. Floor and elevation plans have not been provided for these facilities.

A stormwater retention basin is proposed to be located adjacent to each of the farms for runoff from the sheds and hardstand areas only. This basin will be fed from the proposed open earth drains surrounding each of the proposed sheds. Stormwater from this basin may be periodically used for irrigation of vegetation on the property.

The proposed broiler farm will contain a maximum of 320,000 birds per farm (640,000 for the whole of the subject site). The facility will operate seven days per week between 7:00am and 5:00pm however feed deliveries could be received as late as 9:00pm. All feed will be delivered to the site and stored in proposed silos to be located at the ends of the sheds. This will then be augured into each of the proposed sheds. Feed will be carefully managed to avoid spillage and wastage which could lead to rodent issues on the site and surrounding areas.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

Dead chickens will be collected from the sheds daily and placed in a freezer in the proposed amenities buildings. Dead birds will be removed at the end of each batch by an accredited contractor.

Birds will be located on the site for a minimum of 32 days and a maximum of 55 days. Upon the removal of the last birds from the sheds at the end of the cycle, the sheds will be cleaned which involves the raising of feeding and drinking equipment, removal of litter from the shed floor and sanitising of the shed. The shed is cleaned with a high pressure, low volume sanitiser spray which does not produce free flowing water. Regular maintenance is then carried out in the sheds in readiness for the next batch.

Noise generated from the facility is expected to be largely internal to the sheds which is unlikely to be heard outside of the site. Noise generated externally of the sheds will be largely during daylight hours with the exception of some truck movements for deliveries etc.

The application states odour will be managed in accordance with the Broiler Code. The management of the site should ensure that odour impacts on the amenity of surrounding land owners is minimal if at all.

Vehicular access to each site will be via the existing road network with internal roads to be constructed to ensure safe and efficient movement around the sites. One-way traffic movement to and from the each farm over an entire batch is summarised below:

- Litter deliveries – Eight semi-trailers per batch over two days
- Feed deliveries – One semi-trailer per day on average
- Day old Chicken deliveries – six loads single axle trucks per batch
- Bird Pickup
 - At 35 days, three B-Doubles plus two single trucks
 - At 42 days, four-five B-Doubles plus three single trucks
 - At 56 days, six-eight B-Doubles plus four-five single trucks
- Dead bird pick up – at the end of each batch
- Used litter – Twenty loads truck and trailer per day on average
- Maintenance vehicles – one per week, if required
- Gas Supply – two loads per batch during first and second weeks only.

It is also proposed to remove seven trees from the subject site to facilitate the proposed development. The seven trees to be removed are all native. A Biodiversity Assessment Report has been included with the application.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

Subject site & locality

The site is located on the eastern side of Wormangal-Wahring Road and has a total area of 135.5 hectares. In addition to its frontage on Wormangal-Wahring Road, the site also has road frontage to Racecourse Road to the north and Zanelli Road to the south. The property comprises two separate, similarly sized lots. The site is currently used for agriculture and is generally flat in topography. A watercourse runs through the northern lot in an east-west direction approximately 60 meters north of the boundary between the two lots on the subject site.

Surrounding lots are similarly sized to the subject site with land to the north, east and south of the site being used for agricultural purposes. To the west of the site exists two existing broiler farms on the two lots immediately to the west of the site on the opposite side of Wormangal-Wahring Road.

The nearest dwelling to the subject site has been constructed in conjunction with the existing broiler farm to the west of the site. The closest dwelling which has not been constructed in conjunction with an existing broiler farm is located on Zanelli road and is located 910m from the proposed farm on the southern lot.

Permit/Site History

A search of Council's electronic records shows that no planning permits have previously been issued for the subject site however two previous applications have been made for similar developments in the past. These two applications are detailed below:

- P2009/038 – Use and development of Land for Two (2) 320,000 Bird Broiler Farms and One (1) Caretakers Dwelling on each Lot – Refused by Council at direction of VCAT 8 February 2011.
- P2009/013 – Use and Development of Two (2) Broiler Farms and on Managers Dwelling – Withdrawn 9 April 2014.

Application P2009/038 was refused on the grounds that the odour modelling provided with the application was insufficient and it was determined that the application did not meet the Victorian Code for Broiler Farms 2009. Although this application was refused, this does not set precedence on the site. Any applications subsequent to the previous refusal must be assessed on their own merit. Amended plans and odour modelling have been provided with this application. In addition Council's Local Planning Policies have been reviewed since the previous application.

Public Notification

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by

- Sending letters all landowners within 2km of the site
- Placing (a) sign on site

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

The notification has been carried out correctly.

Council has received 3 objections to date. The key issues that were raised in the objections are:

- Increase in the frequency and intensity of odours in the area
- Road degradation
- Property devaluation
- Owner requested to clear weeds from property
- Contamination of creek running through the property
- This site has already been to VCAT who handed down a verdict

A discussion of these objections is detailed further into this report.

Consultation

A copy of the objections was forwarded to the applicants to respond. The response details the background to the odour modelling used and how the proposal is considered to be appropriate to the site. Details are also given with the complaint history for other broiler farms by the owner of the subject site.

To date, no objections have been withdrawn.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	CFA, No objection subject to conditions DEPI, No objection GBCMA, No objection, subject to conditions GMW, No objection, subject to conditions GVW, No objection
Section 52 Notices	EPA, No objection, detailed comment was provided on the method of odour modelling Public Notice

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objection, subject to conditions
Health Department	No objection, subject to conditions

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

Assessment

The zoning of the land and any relevant overlay provisions

Zone

Farming Zone

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A permit is required for the use and development of land for a broiler farm (intensive animal husbandry) under the provisions of the Farming Zone. In assessing the proposal against the relevant provisions of the Farming Zone, consideration must be given to a range of general, agricultural, dwelling and environmental issues.

It is considered that the proposal is consistent with the objectives and strategies of the State and Local Planning Policy Framework and is detailed further into this report. The proposed broiler farms for up to 320,000 birds on each allotment will be located within an area of the shire which has been zoned for agricultural purposes and adjoins four existing broiler farms.

There is a small number of sensitive land uses (dwellings) surrounding the proposed broiler farm. A habitable building is located approximately 330m from the proposed broiler sheds to be located on Farm 1. This building is not a dwelling but a care takers residence which constructed as part of the development of the adjoining broiler farm. The minimum separation distances required under the provisions of the Victorian Code for Broiler Farms (2009), based on a maximum capacity of 320,000 birds, is 608m. Pursuant to the code, the separation distances required for sensitive land uses where they are directly associated with an existing broiler on do not apply. No dwellings or other sensitive land uses are located within this separation area.

Environmentally, the proposal is consistent with the provisions of the Farming Zone. It is considered unlikely that the proposed development and use of the land will impact negatively on the surrounding natural environment.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Naqambie (cont.)

Conditions on any permit issued will be required to ensure that the development and use of the facility is carried out in accordance with the code and requirements of the Responsible and other relevant Authorities to ensure that the development does not impact on the natural physical features, resources, waterways and soil quality both within the subject site and surrounding areas. All works undertaken will be required to be stabilised as part of the development to prevent erosion of the site and to protect soil quality. Wastewater generated from the site will be required to be managed to the satisfaction of the Responsible Authority.

It is considered that the proposed broiler sheds have been appropriately sited on the land to ensure that the visual impact is minimised as much as possible. The sheds have been sited appropriately to ensure compliance with the setback requirements of the Broiler Code of Victoria (2009). The area has not been identified as having any landscape significance and the development has been designed in a manner that is unlikely to affect surrounding land owners, roads or water courses. Required services will be provided to the site and traffic management will be carried out in accordance with the requirements of Council's Assets department.

Two dwellings are also proposed to be constructed in conjunction with the proposed broiler farms. An assessment of the two dwellings against the decision guidelines of the Farming Zone at Clause 35.07-6 of the Strathbogie Planning Scheme is detailed below:

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The proposed buildings will be connected to on site effluent disposal systems. The application was referred to Council's Environmental Health Officer, who did not object.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Naqambie (cont.)

<p><i>How the use or development relates to sustainable land management.</i></p>	<p>Yes</p>	<p>The site has an area of approximately 135ha and is currently vacant of any buildings and used for agriculture. It is proposed to develop the two lots of the property with a Broiler Farm on each. The proposed dwellings are to be used by managers of the facilities who will be required on site at all times. The dwellings are also likely to ensure the land is maintained in terms of vermin and weeds. The proposal will increase the intensity of agricultural use on the site.</p>
<p><i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i></p>	<p>Yes</p>	<p>Broiler Farms generally raise concerns regarding odour. The applicant has provided odour modelling in accordance with a tested method previously used by VCAT. This modelling demonstrates that the proposed use is compatible with adjoining and nearby land uses. It is also noted that the proposed use is compatible with the purpose of the zone for agriculture.</p>
<p><i>How the use and development makes use of existing infrastructure and service.</i></p>	<p>Yes</p>	<p>Access is proposed to the dwelling located on Farm 1 via Racecourse Road. The dwelling proposed for Farm 2 will be accessed via Zanelli Road on the southern boundary of the site.</p>
<p><i>Agricultural Issues</i></p>		
<p><i>Whether the use or development will support and enhance agricultural production.</i></p>	<p>Yes</p>	<p>The proposed Broiler Farm is an intensive agricultural use of the land. A Farm Management Plan has been supplied and will be endorsed should a permit be granted which demonstrates additional farming practices on site. It will enhance the agricultural production on site.</p>

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormanqal-Wahring Road, Nagambie (cont.)

<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The application proposes two broiler farms, the lot will also be used for silviculture, Christmas Tree plantation on a three yearly cycle. The proposed dwellings are also to be used in conjunction with the broiler farms.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The proposed broiler farm is considered unlikely to limit surrounding properties from expansion of their agricultural land use. The proposed use is an agricultural use itself.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has the capacity as detailed above to sustain the proposed agricultural use.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The subject sites are considered appropriate for the proposed agricultural land use.
<i>Any integrated land management plan prepared for the site.</i>	Yes	Management plans have been prepared as part of the application for the Broiler Farm on the site. The dwellings are required for the ongoing maintenance and operation of the proposed broilers.
Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	The proposed dwellings will not result in the loss or fragmentation of agricultural land. The primary use of the site will be agricultural and the dwellings are required to support the use of the proposed broiler farms.
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	Yes	The dwellings are unlikely to be impacted by the surrounding agricultural land uses. Adjoining land to the west is also used for intensive animal husbandry (Broiler Farms) and land to the north, east and south is used primarily for grazing.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The proposed caretaker's dwellings are to be used in conjunction with a proposed broiler farm. The use of these dwellings is primarily agricultural and will not be impacted on by surrounding agricultural land uses.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	The proposed dwellings have been assessed on their merit. Therefore it is unlikely that the proposed dwelling would directly result in the proliferation of dwellings.
Environmental issues		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The proposed buildings and works are unlikely to significantly impact on the surrounding environment. The dwellings and proposed broiler farms will be connected to on site waste water disposal systems to the satisfaction of the responsible authority.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	Seven trees are proposed to be removed and are assessed further into this report.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to re vegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The biodiversity implications of the vegetation removal required as part of the assessment of this application are assessed further into this report. A Farm Management Plan has been submitted which demonstrates how the re vegetation works will be carried out on site with regard to a waterway which traverses CA 55A.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	On site effluent disposal will be provided to each dwelling and has been consented to by Council's Environmental Health department.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The proposed broiler farms are considered to be appropriately located on each site. It is considered that the proposal will not result in loss of productive agricultural land.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting and design is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed dwellings are unlikely to impact the character and appearance of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	All existing infrastructure is considered to be adequately designed. All proposed infrastructure is considered to be appropriate.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures associated with the proposed dwellings.

Overlay

Land Subject to Inundation Overlay

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

- *To protect water quality in accordance with the provisions of relevant State Environment.*
- *Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit is required for buildings and works on land affected by the Land Subject to Inundation Overlay. Consideration must be given to the impacts of the proposed development on flooding and inundation issues. It is considered that the proposed development will not impact on flooding within the area. The application was referred to the Goulburn Broken Catchment Management Authority who has consented to the proposed development, subject to a number of conditions relating to the siting of the buildings and works and effluent fields, access and floor levels of the proposed dwellings. The proposed development is considered to be consistent with the purpose and decision guidelines of the Land Subject to Inundation Overlay.

The State Planning Policy Framework (SPPF)

Clause 12.01-1 Protection of biodiversity

Objective(s):

- *To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.*

The proposed native vegetation removal is unlikely to have any significant implications in relation overall biodiversity for Victoria. Included as part of the application is the planting of further vegetation and protection of existing vegetation surrounding the waterway on the site. This will result in greater protection of biodiversity values of the site.

Clause 12.01-2 Native vegetation management

Objective(s):

- *To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.*

The proposed removal of native vegetation (8 trees) is considered to be of low risk and offsetting will be undertaken which will result in no net loss in the contribution of native vegetation on the site to Victoria's biodiversity.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

Clause 12.04-1 Environmentally sensitive areas

Objective(s):

- *To protect and conserve environmentally sensitive areas.*

The subject site has not been identified as being environmentally sensitive. Consideration must be given to the potential impact of the proposal on the waterway which runs through the property. The buildings and works associated with the proposed use will be appropriately designed and managed to ensure the buildings and works do not impact on nearby waterways and other environmental features including vegetation.

Clause 12.04-2 Landscapes

Objective(s):

- *To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.*

The subject site and the surrounding area have not been identified as having any significant landscape values. The proposed broiler farms and associated infrastructure is similar to property to the west of the site and will not detract from the visual amenity of the area.

Clause 13.02-1 Floodplain management

Objective(s):

- *To assist the protection of:*
 - *Life, property and community infrastructure from flood hazard.*
 - *The natural flood carrying capacity of rivers, streams and floodways.*
 - *The flood storage function of floodplains and waterways.*
 - *Floodplain areas of environmental significance or of importance to river health.*

The proposed development is unlikely to have any significant impact on flooding on the site or surrounding area. Only Farm 1 is partially located within an area of the site prone to flooding. This development has been consented to by the Goulburn Broken Catchment Management Authority who have required a number of conditions relating to the design and siting of the proposed broiler farm.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

Clause 13.03-2 Erosion and landslip

Objective(s):

- *To protect areas prone to erosion, landslip or other land degradation processes.*

Buildings and works proposed as part of the development are not considered likely to have significant erosion implications. Works proposed, including vegetation removal, drainage and the proposed storm water retention basins will be required to be stabilised upon their completion. This will be required by way of condition on any permit issued.

Clause 13.03-3 Salinity

Objective(s):

- *To minimise the impact of salinity and rising watertables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.*

Buildings and works proposed as part of the development are not considered likely to have significant salinity implications. Works proposed, including vegetation removal, drainage and the proposed storm water retention basins will be required to be stabilised upon their completion. This will be required by way of condition on any permit issued.

Clause 13.04-1 Noise abatement

Objective(s):

- *To assist the control of noise effects on sensitive land uses.*

The noise generated by the proposed broiler farms will largely be internal to the proposed broiler sheds and is unlikely to impact on the amenity of surrounding land owners and occupiers. Noise emissions are required to be in accordance with the relevant code which will be enforced by way of conditions on any permit issued. Traffic movements to and from the site will be restricted to between 7:00am and 9:00pm which is unlikely to impact on the amenity of surrounding land owners and occupiers.

Clause 13.04-2 Air quality

Objective(s):

- *To assist the protection and improvement of air quality.*

The impact of the proposed broiler farms on air quality will be in accordance with the relevant codes and guidelines. Provided the facility is appropriately managed, it is unlikely there will be any significant impact on air quality in the area.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

Clause 14.01-1 Protection of agricultural land

Objective(s):

- *To protect productive farmland which is of strategic significance in the local or regional context.*

The proposal will ensure the land is primarily used for intensive agriculture. The clustering of Broiler Farms within this area of the municipality will be beneficial to the local economy and is considered manageable within the sites.

Clause 14.01-2 Sustainable agricultural land use

Objective(s):

- *To encourage sustainable agricultural land use.*

The proposed use of the land is considered sustainable and will ensure the ongoing use of the site for agricultural purposes. There are a number of other similar developments in the immediate area on what is considered to be largely unviable agricultural land. The broiler farms will be an appropriately intensive use of land which is considered to meet the objective of this clause.

Clause 14.02-1 Catchment planning and management

Objective(s):

- *To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.*

The proposed development is unlikely to generate significantly polluted runoff that would impact on the health of the catchment. Runoff from the proposed buildings will be treated twice on site through natural processes. The cleaning of the sheds will not produce excess runoff that will impact on the catchment. The proposed management systems, to be implemented as part of the proposal will assist in the protection of the catchment, surrounding waterways, water bodies and underground water supplies.

Clause 14.02-2 Water quality

Objective(s):

- *To protect water quality.*

Run off water from the buildings will be treated naturally before re-entering surrounding water bodies and is unlikely to impact on water quality in the area.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

Clause 14.02-3 Water conservation

Objective(s):

- *To ensure that water resources are managed in a sustainable way.*

The proposed broiler farms are unlikely to place an excessive demand on water supplies. Most of the water required as part of the proposal will be harvested with rainwater tanks. In emergency situations, water will be trucked on to the site however it is expected this will not be frequently required.

Clause 15.03-2 Aboriginal cultural heritage

Objective(s):

- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

Part of the site is located within an area of Aboriginal Cultural Heritage Sensitivity. A Cultural Heritage Management Plan has been prepared and was approved by Aboriginal Affairs Victoria on 5 August 2010. It will be required by way of condition on any planning permit issued that the proposed development is carried out in accordance with the requirements of the approved Cultural Heritage Management Plan.

Clause 18.02-4 Management of the road system

Objective(s):

- *To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.*

The proposed development will utilise the existing road network and proposed the construction of two new vehicular access points. This has been consented to by Council's Assets Department who have specified a number of conditions as stated in the recommendation of this report.

Clause 19.03-3 Stormwater

Objective(s):

- *To reduce the impact of stormwater on bays and catchments.*

The proposed development is unlikely to impact on the surrounding catchment as a result of storm water. Storm water will be treated on site through natural processes before being discharged from the site in accordance with Council requirements.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8
Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and local planning policies

Clause 21.06-2 Adapting and diversifying agriculture

Objective(s):

- *To support and encourage the retention and diversification of agriculture.*

The proposed development of land for two Broiler Farms will contribute to the diversification of agriculture within this area of the shire. The land is currently used for grazing purposes and is somewhat underutilised as an agricultural parcel of land. The proposed broiler farm will provide for an agricultural use of the site which potentially can provide economic benefit to the region.

Clause 21.07-3 Traffic Management

Objective(s):

- *To ensure the safety and efficient functioning of the roads for a variety of users while providing sustainable transport options.*

The traffic management implications are considered minimal and have been consented to by Council's Assets Department. The existing road network is considered capable of appropriately managing the expected increase in traffic volumes.

Clause 21.07-5 Drainage

Objective(s):

- *To ensure that appropriate drainage infrastructure is installed and maintained.*

On site drainage systems and facilities will be managed by conditions on the permit.

Clause 22.02 Sustainable Intensive Agriculture

Clause 22.02-2 Objective(s):

- *To ensure that all development is appropriately located.*
- *To ensure that all applications have addressed, considered and will implement sustainable use and development practices.*
- *To encourage innovation, quality design and environmentally sustainable intensive agriculture.*
- *To encourage businesses to implement the highest standards and be leaders in their industry.*

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

- *To support development growth through partnerships between EPA Victoria and other relevant authorities.*
- *To investigate and implement appropriate planning controls such as planning scheme overlays to buffer development from encroachment by sensitive uses.*

The proposed broiler farms and associated infrastructure are considered to be appropriately located in an area of the shire that has previously been developed with this type of agricultural use. The proposal will be carried out in accordance with the Broiler Code for Victoria (2009). The proposed broiler farms have been set back from surrounding sensitive land uses in excess of the requirements of the broiler code. No current planning controls are available on the site to prevent encroachment of sensitive land uses on the proposed development however this cannot be assessed in any great detail until such time as an application is received.

Sustainable agriculture will also be achieved by the dual use of the site for silviculture, "Christmas Tree" plantation. The plantation will be on a three year cycle and produce between 104,000 to 138,000 trees annually.

Relevant Particular Provisions

Clause 52.17 – Native Vegetation of the Strathbogrie Planning Scheme is considered relevant to this proposal as native vegetation is proposed to be removed. The purpose of this clause is:

- To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:
 - Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
 - Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.
- To manage native vegetation to minimise land and water degradation.
- To manage native vegetation near buildings to reduce the threat to life and property from bushfire.

Pursuant to Clause 52.17-2 of the *Strathbogrie Planning Scheme*, a planning permit is required to remove native vegetation. When assessing an application to remove native vegetation under the provisions of this clause, consideration must be given to the type of vegetation to be removed including its condition and biodiversity value. A Biodiversity Assessment Report has been prepared which identifies the vegetation to be removed as being of low risk.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

It is proposed to remove a total of eight native trees which are scattered throughout the site. The vegetation is required to be removed to allow enable the proposed development of the land. The applicant has tried to avoid the removal of this vegetation and the proposed location ensures the amount of vegetation to be removed is minimised as much as possible.

To offset this vegetation, the applicant proposes to protect a large stand of trees located in a wetland area of the site. It will be a requirement on any permit issued that the applicant enter an agreement with the relevant authority to ensure this stand of native vegetation is protected in perpetuity. This will be required prior to the commencement of the proposed use.

The application was not required to be referred to the Department of Primary Industries and Environment for comment on the proposed vegetation removal.

Clause 52.31 – Broiler Farms, of the Strathbogie Planning Scheme is considered relevant to this proposal. The purpose of this clause is:

- To facilitate the establishment and expansion of broiler farms in a manner that is consistent with orderly and proper planning and the protection of the environment.

The Environmental Protection Authority (EPA) was notified of the application under Section 52 of the *Planning and Environment Act 1987*. A full copy of the application including the odour modelling was provided to the EPA.

Both Council's local policy and the Broiler Code of Practice require consultation with the EPA. This has also occurred with previous similar applications. Since 2012 the EPA have been reviewing their policy relating to odour. At this stage draft guidelines are being compiled but have not yet been released.

The Applicant engaged GHD consultants to undertake an odour impact assessment. This assessment provides figures and calculations of the odour modelling, an assessment of the results and details of what VCAT have previously considered for odour modelling.

The report can be summarised as follows:

- The separation distances for both proposed farms and existing farms meet the requirements of Broiler Code.
- In May 2011 Strathbogie Shire was involved in a VCAT hearing which provided guidance on odour modelling. This modelling differed from the EPA's design criterion. It also differed from GHD's risk matrix.
- A fundamental difference between both assessments is that EPA aim to ensure nuisance never occurs while the matrix gives a measure of the risk of nuisance and subsequent complaint.

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

- The assessment included in the application has been undertaken using both VCAT's and GHD's modelling.
- The results show that the proposed farms would result in a Low Risk for all odour receptors (in this case dwellings) except one receptor where the risk is Medium Risk. The risk levels referenced are provided by the Broiler Code.

The EPA response differed from the assessment above. In summary the EPA considered the odour to be classes as High Risk. They also stated that the objectives of the State Environment Protection Policy (Air Quality Management) (SEPP (AQM)) are not met. The EPA detailed several areas where they did not agree with GHD's risk matrix.

Consultation was undertaken with the EPA with the aim to resolve the differences detailed above. The EPA did accept that while the risk may be deemed High Risk, this could be appropriate to an area in the Farming Zone where dwellings are at a minimum. However discussion have proved difficult because the EPA are in the process of drafting new policy but have not yet implemented it. Therefore, they were required to rely on the current policy which is due to be replaced and as detailed above has not been used by VCAT to determining previous applications including *Robinson v Strathbogie Shire P1055/2010*.

While weight should be given to advice from the EPA weight should also be given to VCAT's previous decision for a site within Strathbogie Shire. For this reason it is considered appropriate to accept the assessment, also used by VCAT, to determine a Low to Medium Risk. Therefore, the proposal is considered appropriate for the proposed area subject to Conditions.

The decision guidelines of Clause 65

Clause 65.01, *Approval of an application or plan*, states that; *before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*

6.1 Planning Permit Application No. 2014/010
- Use and Development of Land for Two Broiler Farms of 320,000 Birds in 8 Sheds and a Caretakers House and associated Infrastructure on each Lot and Removal of Native Vegetation ~ 22 Wormangal-Wahring Road, Nagambie (cont.)

- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Summary of Key Issues

With regard to the Zone: The proposal is consistent with the purpose and decision guidelines of the Farming Zone. The proposed agricultural use is consistent with the relevant codes and guidelines and, if managed appropriately, is unlikely to significantly impact on the amenity of surrounding agricultural and sensitive land uses.

With regard to the Overlay: Part of proposed Farm 1 is located within the area of the site affected by the Land Subject to Inundation Overlay. The proposal has been consented to by Goulburn Broken Catchment Management Authority and is considered be consistent with the purpose and decision guidelines of the overlay.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Farming Zone and Land Subject to Inundation Overlay.

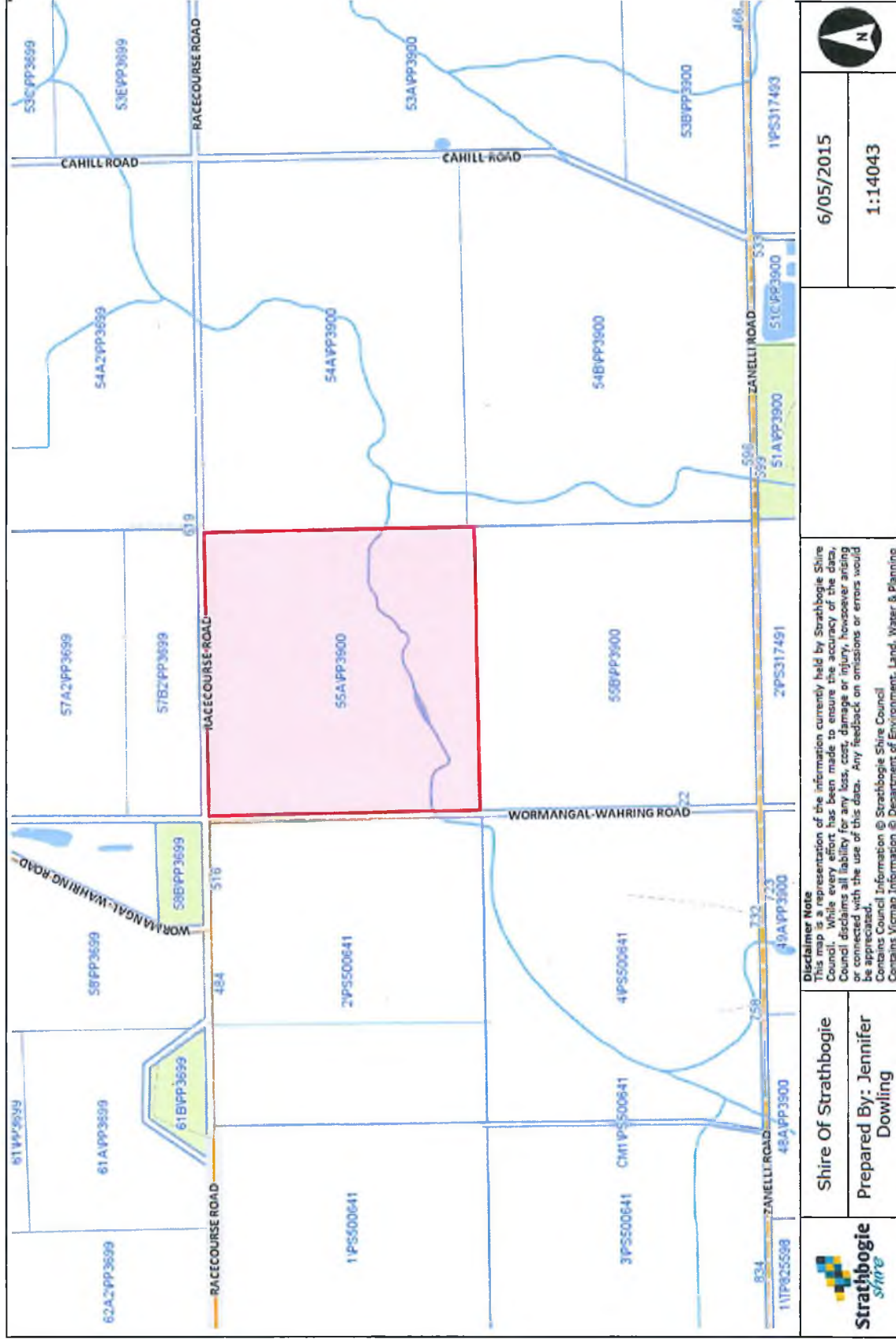
- 6.1 Planning Permit Application No. 2014/010
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Sheds and a Caretakers House and associated Infrastructure on each Lot and
Removal of Native Vegetation ~ 22 Wormanqal-Wahring Road, Nagambie (cont.)


Conclusion

After due consideration of all the relevant factors, it is recommended that Council resolve to issue a Notice of Decision in accordance with the officers recommendation.

Attachments

Site Plan



	Shire of Strathbogie	Disclaimer Note This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning	6/05/2015
	Prepared By: Jennifer Dowling		1:14043

PLANNING COMMITTEE REPORT NO. 2 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)

7. OTHER BUSINESS

**7.1 Planning Applications Received
- 9 April to 6 May 2015**

Following are listings of Planning Applications Received for the period 9 April to 6 May 2015.

RECOMMENDATION

That the report be noted.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT P.M.

Planning Applications Received

9/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1 Nolans Road, Ruffy VIC 3666	P2015-046	Development of land for extension to an existing building (CFA Fire Station)	Michael Lindstrom	\$50,000.00
118 Andersons Road, Violet Town VIC 3669	P2015-041	Use & Development of land for the construction of a shed	Gregory Willis	\$5,000.00
1653 Creightons Creek Road, Creightons Creek VIC 3666	P2015-045	Development of land for an extension to an existing dwelling	MACWHIRTER, Elizabeth Anne	\$96,855.00
416 Alexandersons Road, Locksley VIC 3665	P2015-042	Two lot re-subdivision	Troy Spencer	\$0.00 *

10/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
2 Spring Court, Strathbogie VIC 3666	P2015-047	Development of land for a single dwelling and garage	Franciscus Hugens	\$130,000.00

14/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
12 Howitt Avenue, Euroa VIC 3666	P2015-044	Six (6) Lot Subdivision	Bill Crane	\$0.00 *

15/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
21 Kirwans Bridge Road, Kirwans Bridge VIC 3608	P2015-035	Development of land for the construction of a telecommunications facility	Aaron Sluczanski	\$150,000.00

16/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
31 Scott Street, Euroa VIC 3666	P2013-148 - PC1	Use and development of the land for a service industry (truck wash)	John Dunn	\$0.00 *
44 Temple Court, Miepoll VIC 3666	P2015-048	Use and Development of land for the construction of a dwelling and an dependent persons unit	Anne Rudd	\$80,000.00

17/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
611 Longwood-Ruffy Road, Longwood East VIC 3666	P2015-049	Use & Development of land for the construction of a dwelling	Brian Stacey	\$350,075.00

21/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
18 Magillan Drive, Strathbogie Victoria 3666	P2012/159 - 1	Development of land for construction of a single dwelling	PITT, Michael John	\$0.00 *
376 High Street, Nagambie VIC 3608	P2015-050	Two Lot Subdivision	Michael Toll	\$0.00 *

22/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
37-43 White Street, Euroa VIC 3666	P2015-052	Development of land for a six (6) lot subdivision, creation of a Carriageway Easement and the removal of Native Vegetation	Troy Spencer	\$0.00 *

24/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
78 Maxfield Street, Longwood VIC 3665	P2015-051	Development of land to construct a single dwelling	Neai Cartledge	\$90,000.00

27/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
3712 Heathcote-Nagambie Road, Bailieston VIC 3608	P2015-054	Subdivision of three (3) parcels into five (5) lots	Maxwell Perry	\$20,000.00
411 Sargoods Road, Goomram VIC 3666	P2015-053	Development of land for the construction of an outbuilding	Sam Verrocchi	\$14,000.00

28/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
111 Binney Street, Euroa VIC 3666	P2015-055	Use and Development of land for a Medical Centre	Troy Spencer	\$150,000.00
1192 Seymour-Avenel Road, Mangalore VIC 3663	P2015-011 - 1	Use and development of land for a single dwelling	HARDING, Kristy Lee	\$0.00 *
Walters Road, Euroa Victoria 3666	P2012/074 - PC1	Use & development of land for a dwelling	Grant Claughton	\$0.00

30/04/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
148 Alexandersons Road, Locksley VIC 3665	P2014-144 - PC1	Use and development of the land for a rural store	Bai Li	\$0.00 *
2053 Euroa-Mansfield Road, Goomram VIC 3666	P2014-039 - PC1	Development of land for a dwelling and removal of native vegetation	Catherine & Guy Cameron	\$0.00 *

1/05/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Feltrim Road, Earliston VIC 3669	P2015-003 - PC1	Use and Development of an Emergency Services Facility (Fire Station) and associated works	Ray White	\$0.00 *

otal Number of Applications Received : 22

*NB -- 'Not applicable' in Cost of Works means either no development, endorsement of plans or amendment to the original permit

Example Legend	Description
P2014-001	Planning permit application
P2014-001- PC 1	Plans to comply with a condition on the permit
P2014-001-1	Proposed amendment to a planning permit