



STRATHBOGRIE SHIRE COUNCIL
PLANNING COMMITTEE
MINUTES

OF THE MEETING HELD ON TUESDAY 10 FEBRUARY 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)
Debra Swan	(Lake Nagambie Ward)
Robin Weatherald	(Mt 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

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

'In keeping with the spirit of Reconciliation, we acknowledge the traditional custodians of the land on which we are meeting today. We recognise indigenous people, their elders past and present'.

3. Apologies

Roy Hetherington - Director, Asset Services

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 9 December 2014

04/15 **CRS WILLIAMS/WEATHERALD** : *That the Minutes of the Planning Committee meeting held on Tuesday 9 December 2014 be confirmed*

CARRIED

5. Disclosure of Interests

Nil

6. Planning Reports

7. Other Business

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

6. PLANNING REPORTS

**6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk**

Application Details:

Application is for:	Use & development of land for animal boarding (kennel, cattery and domestic pets)
Applicant's/Owner's Name:	Liz & Rob Fearn
Date Received:	15 May 2014
Statutory Days:	83
Application Number:	P2014-049
Planner: Name, title & department	Jennifer Dowling Manager Sustainable Development Sustainable Development Department
Land/Address:	Crown Allotment 32, Portion 11, Parish of Wormangal, Certificate of Title Volume 10424 Folio 990 720 Nagambie-Locksley Road, Tabilk VIC 3607
Zoning:	Farming Zone
Overlays:	No Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4
Restrictive covenants on the title?	Nil
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*.

Summary

- The proposal is for the use and development of land for animal boarding to house dogs, cats and small animals. Animal boarding is defined as *land used to board domestic pets, such as boarding kennels and a cattery*.
- The site has an area of 3.8ha and is located in the Farming Zone.
- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection subject to conditions.

6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

- The EPA were notified of the application and have advised that they have no objections to the proposal, subject to conditions.
 - The Department of Environment and Primary Industries (DEPI) were notified of the application and have advised that they have no objections. No conditions were required by DEPI.
 - An assessment against the Farming Zone Decision Guidelines, State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
 - The application was advertised to adjoining land holders, seven objections have been received.
 - The objections raise issues in relation to traffic, noise, smell, ongoing compliance, screening, and liveability of the area.
 - The application is being presented to Planning Committee as objections have been received and at the request of Councillors.
 - The application has been assessed outside the 60 day statutory time period due to detailed assessment and consultation with objectors and the applicant.
 - It is recommended that Council resolve to issue a Notice of Decision in accordance with the Officer's recommendation.
-

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2014-049 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 and Clause 35.07-4 of the Strathbogie Planning Scheme in respect of the land known as Crown Allotment 32, Portion 11, Parish of Wormangal, Certificate of Title Volume 10424 Folio 990, 720 Nagambie-Locksley Road, Tabilk VIC 3607, for the use & development of land for animal boarding (kennel, cattery and domestic pets), in accordance with endorsed plans, subject to the following conditions:

- 1. Prior to the commencement of the development, the relevant access easement must be made in favour of the property and submitted to the titles office for registration. Upon registration, a copy of the registered easement must be provided to the Responsible Authority.**

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- 6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)
2. **Prior to the commencement of buildings and works, 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) **An amended site plan showing:**
 - a. **All property boundaries,**
 - b. **Location of proposed buildings and works including exercise yards and other enclosures**
 - c. **Legal point of vehicular access to the property**
 - d. **Location of on site effluent disposal system**
 - e. **Location of any car parking to be provided.**
 - b) **Scaled Elevation and Floor Plans of all buildings proposed which show:**
 - a. **Materials and colours**
 - b. **Animal enclosures**
 - c. **Soundproofing techniques**
 - c) **Floor and elevation plans of the existing building on site to be used for the purposes of staff amenities**
 3. **Prior to the commencement of the use, an Environmental and Risk Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:**
 - (a) **Waste management of both solid and liquid waste produced by the dogs and during the wash down and cleaning of kennels and other dog areas.**
 - (b) **Stormwater management to ensure no water contaminated with waste be discharged beyond the boundary of the premises.**
 - (c) **Noise control measures in place, including any sound proofing or other measures that are to be taken for noisier dogs and/or times.**
 4. **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.**
 5. **At all times during the operation of the animal boarding facility, no more than 36 dogs (of any breed), 10 cats and 18 Small Animals (Rabbits, Guinea Pigs and Birds) may be boarding on the land to the satisfaction of the Responsible Authority.**

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- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

6. **At all times the operation must be in accordance with the Code of Practice for the Operation of Boarding Establishments to the satisfaction of the Responsible Authority.**
7. **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.**
8. **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.**
9. **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.**
10. **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.**
11. **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.**
12. **EPA Conditions:**
 - (a) **Offensive odours must not be discharged beyond the boundaries of the premises.**
 - (b) **Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.**
 - (c) **Stormwater contaminated with waste must not be discharged beyond the boundary of the premises.**
 - (d) **Deposit of animal or organic wastes to land must not adversely affect the land.**
 - (e) **Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.**

6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

13. The use and development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
14. 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.
15. 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.
16. 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.
 - (c) The use ceases for a period of (2) years.

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

- before the permit expires; or
- 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. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.

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- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

- **A Land Capability Assessment may be required and should be undertaken by a suitability qualified person. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.**

CRS SWAN/FURLANETTO –

That Council

- **having caused notice of Planning Application No. P2014-049 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 refuse to grant a permit under the relevant provisions of the Strathbogie Planning Scheme in respect of the land known as Crown Allotment 32, Portion 11, Parish of Wormangal, Certificate of Title Volume 10424 Folio 990, 720 Nagambie-Locksley Road, Tabilk VIC 3607, on the following grounds:

- 1. The proposal does not adequately address the provision of access to the site suitable for a commercial operation;**
- 2. The proposal does not identify how the applicant intends to maintain the private access with increased traffic movement and no traffic management report addressed.**

05/15

ON BEING PUT, THE MOTION WAS CARRIED

Cr Weatherald voted against the Motion.

Proposal

It is proposed to use and develop the land for the purposes of animal boarding for dogs, cats and small animals (rabbits, guinea pigs, birds etc). Caluse 75, Nesting Diagrams of the Strathbogie Planning Scheme nests animal boarding under agriculture and the sub categories of animal keeping and animal husbandry. The facility is proposed to have the capacity for up to 36 dogs, 10 cats and 18 small animals.

The proposed boarding facility is to be run in conjunction with (albeit on separate lots) the applicants existing dog breeding facility on the adjoining lot to the north.

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- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

The new facilities will include three separate sheds containing boarding blocks each containing 12 kennels for the proposed dogs. These will be designed for ease of cleaning and maintenance. The sheds will be linked via shared outdoor training areas to be used by the dogs. The cats and other small animals will be contained within separate kennels to be constructed in another shed on the property. Although they will be within the same building, the cats and other small animals will be separately contained within their own cages/kennels.

The following aspects are also proposed:

- Six car parking spaces are proposed adjacent to the kennels.
- Drop off and pick up times are proposed to be between 8.30am and 4pm to 5pm Monday to Sunday.
- The existing building on site is proposed to be used for an office, storage and staff facilities.
- Waste is proposed to be disposed of in a commercial bin.
- Water is proposed to be provided by four 22500 litre tanks.

Subject site & locality

The subject site is described as Crown Allotment 32, Portion 11, Parish of Wormangal and is located at 720 Nagambie-Locksley Road, Tabilk. The site is generally flat in topography and has an area of approximately 3.8 hectares. The land is generally rectangular in shape however the eastern boundary of the site follows the alignment of the Wormangal Creek reserve. The land is currently landlocked however the applicant is currently in the process of securing vehicular access from an existing carriageway easement along the western boundary of the site from the adjoining land owner.

The site is currently occupied by a vacant dwelling and associated shedding. The remainder of the site is generally vacant of any buildings and vegetation.

The adjoining land to the south is in the same ownership as the applicant. The applicant currently operates a breeding facilities permitted under P2007/070. Further south is a large agricultural lot currently vacant of any building. To the west is a large lot occupied by a dwelling. To the north is a similar size lot with a dwelling at the north west corner. To the east is Wormangal Creek in crown land. Further east there are several lots with an average size of 3.5 hectares. Generally each lot is occupied by a dwelling.

Permit/Site History

A search of Council's electronic records has shown that no planning permits have previously been issued for the subject site.

6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

Public Notification

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

- Sending letters to adjoining land owners
- Placing (a sign on site)

The notification has been carried out correctly.

Council has received 7 objections to date. The key issues that were raised in the objections are:

- Traffic increase and safety
- Noise
- Smell
- Ongoing Compliance
- Screening
- Combination of proposal with applicants existing property would result in breach of previous permit conditions
- Overall liveability of the area

The objections have been considered and are addressed in the assessment of the application and are detailed further into this report.

Consultation

A copy of the objections was forwarded to the applicant who has provided an individual response to each objection.

These responses were then forwarded to the objectors for their review. No objections have been withdrawn as a result of this consultation process.

The responses included the following points:

- The accessway will be maintained by the applicants
- Noise will be managed in accordance with the relevant guidelines and kennels will be designed to mitigate noise.
- Odour is unlikely to occur by cleaning the kennels daily.
- The existing facility is compliant with the relevant regulations and Council requirements.
- The kennels and water tanks will be designed to include screening.
- Planning Permit P2007/070 was issued by VCAT and allowed for a dog breeding facility on the land at 722 Nagambie-Locksley Road, Tabilk. This application relates to a separate proposal.

Additional response to the objections:

- Should a permit issue, the conditions and requirements of the permit would be ongoing. The applicant is required to comply with the conditions at all times. If this does not occur, action would be required to be undertaken by Council's Compliance Officer.

6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

- Planning Permit P2007/070 was issued by VCAT and allowed for a dog breeding facility on the land at 722 Nagambie-Locksley Road, Tabilk. This use and development allowed by this permit is currently being undertaken by the permit applicant. Use of the land at 722 Nagambie Locksley Road will continue. The proposed boarding facility on the land being considered as part of this application is a separate application. The issue of this permit will not breach the requirements of the previous permit as they are separate applications on separate parcels of land.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	Department of Environment and Primary Industries – No Objection, no conditions EPA – No objection, subject to conditions Advertising notices – as above

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

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone:

The site is located in the Farming Zone. The purpose of the Farming Zone is:

- *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.*

6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

A permit is required for the use and development of the land for intensive animal husbandry (animal boarding). When assessing an application for intensive animal husbandry under the provisions of this zone, in addition to the requirements of Clause 65 of the Strathbogie Planning Scheme, consideration must be given to the agricultural capacity of the land as well as a number of environmental and amenity impacts. An assessment of the proposal against the relevant decision guidelines of the Farming Zone is tabled 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 application was referred to Councils Health Officer who did not object subject to conditions being included on the permit.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site is 3.8 hectares in area and is considered inappropriate for traditional agricultural practices. The proposal provides a more economically sustainable use of the land. Environmentally, the proposal will be required to be managed in accordance with legislative requirements.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The subject site is considered to be a small lot suitable for the proposed intensive animal husbandry use. The use of the site is consistent with the use of land to the south.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	The site is proposed to be accessed by an easement which is in the process of being registered on title. Should a permit be issued a condition would be included requiring this access to be formalised prior to the commencement of the use.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	Intensive Animal Husbandry is nested under 'Agriculture' pursuant to Clause 74 of the Strathbogie Planning Scheme. The use of the land for this purpose is consistent with the purpose of the zone.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The proposal will provide for the continued use of the land for Agriculture. Currently, the land is vacant and this proposal would result in an overall improvement in the use of the subject site for agriculture.

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- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The use of the land for intensive animal husbandry is unlikely limit the operation or expansion of nearby agricultural uses. The land to the west of the site is the only lot currently used for agriculture.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site is capable of containing the proposed intensive animal husbandry use.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The quality of the land in this area is generally considered non productive due to lot sizes.
<i>Any integrated land management plan prepared for the site.</i>	n/a	As detailed above the site is not capable of accommodating a larger traditional agricultural use. A land management plan will be required by way of condition to ensure appropriate management of the site in relation to surrounding development and ongoing environmental sustainability.
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 application was referred to Council's Environmental Health Officer and the Environmental Protection Authority who assessed the application and did not object to the proposal subject to conditions.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	Should a permit be issued a condition will be included requiring a permit for a septic tank. This is also a specific requirement of the relevant code relating to intensive animal husbandry.
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 buildings and works will take place in the south western corner of the site which is close to the applicants adjoining dog breeding facility. This is considered an appropriate location in proximity to the adjoining agricultural use and set back from the waterway.

6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

<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. Basic plans have been submitted to Council for consideration. Detailed plans would be required should a permit be issued.
<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 sheds in which the use will operate 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	The proposed shedding and associated infrastructure is considered to be appropriately located within the site.
<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. The proposed boarding facility is unlikely to have significant traffic implications which would lead to a significant reduction in amenity. Management of the existing carriageway easement will be civil matter between all interested parties.

The State Planning Policy Framework (SPPF)

Clause 12.01-1 Protection of biodiversity

Objective:

- *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.*

No vegetation is proposed to be removed. It is not expected that the proposed use and development of the land for a domestic animal boarding facility is likely to impact on the biodiversity values of the area.

Clause 12.04-1 Environmentally sensitive areas

Objective:

- *To protect and conserve environmentally sensitive areas.*

The proposed use of the land for a domestic animal boarding facility is unlikely to have a significant impact on the environs of the adjoining creek or waterway networks. Waste water generated on the site by the proposed use will be managed and treated on site to ensure that waste water does not impact or harm the environmentally sensitive areas of the site or adjoining properties.

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- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

Clause 12.04-2 Landscapes

Objective:

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

The area in which the proposed development is to occur has not been identified as a significant landscape. It is considered however that the proposed development is unlikely to detriment the visual amenity of the area.

Clause 13.03-2 Erosion and landslip

Objective:

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

The area is not within an Erosion Management Overlay however surrounding waterways do render the area vulnerable to possible erosion. No vegetation is proposed to be removed and earthworks are minimal, based on the plans submitted.

Clause 13.03-3 Salinity

Objective:

- *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.*

The area is not within a Salinity Management Overlay however surrounding waterways do render the area susceptible to salinity issues if buildings and works are not appropriately managed both during and post construction activity. No vegetation is proposed to be removed and earthworks are minimal, based on the plans submitted.

Clause 13.04-1 Noise abatement

Objective

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

The impact of noise from the proposed development on surrounding land uses is considered as part of the assessment of this application. The applicant has proposed large water tanks on one end of the proposed development as well as vegetative screening around the perimeter of the development. The proposed screening will contribute to an overall reduction of the noise impacts of the proposal however sound proofing within the proposed buildings will also be addressed by a condition should a permit be issued.

6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

The site is located in the Farming Zone. The proposed intensive agriculture is an agricultural use. To minimise noise impact conditions will be included on the permit to restrict noise by sound proofing, access to the dogs for feeding and exercise and providing screening.

Clause 14.01-1 Protection of agricultural land

Objective

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

The subject site is located within the Farming Zone. The use of the land for intensive animal husbandry is nested under 'Agriculture' pursuant to Clause 74 of the Strathbogie Planning Scheme. The site is located in an area of land with smaller rural living sized lots. The use of these parcels for agriculture is limited due to their size. The proposal will ensure the land is able to be used for an agricultural purpose into the future.

Clause 14.02-1 Catchment planning and management

Objective

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

The use and development of the land as proposed is not likely to impact on the overall health of the surrounding waterways and dams. The proposal will be connected to an appropriate on site waste water management system to the satisfaction of Council's Environmental Health Officer. The ongoing use of the land for a boarding facility will be required to comply with the requirements of the Health Act 1958 and other relevant legislation.

Clause 17.01-1 Business

Objective

To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

The proposal provides for an additional dog boarding business which will contribute to the local economy. The proposal will provide an additional position of full time employment as well as casual employment at peak times.

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- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

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

Clause 21.02-4 Rural Zones

Objective

- *To protect and maintain established farming areas.*
- *To ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.*

The proposed use and development of the land is located within the Farming Zone. The use of the land for emerging rural enterprises is encouraged on land within this zone. The site is a suitable size to allow for intensive animal husbandry. Due to its size it is unlikely to be used for traditional agricultural practices. The site is large enough to accommodate the development of the land for kennels and associated buildings. It is also large enough to accommodate a sufficient buffer on site and comply with the relevant regulations of the Department of Environment and Primary Industry.

Clause 21.02-6 Building Material – Muted Tones

Objective

- *To ensure that all structures blend in with the surrounding environment and that the aesthetic amenity of the area is preserved and/or enhanced.*

The proposed buildings will be constructed of muted tones so as not to impact on the aesthetic amenity of the surrounding area. This will be enforced by way of planning permit condition.

Clause 21.04-7 Bushfire

Objective

- *To minimise the risk to life, property and the environment from bushfire.*

The proposal is unlikely to lead to an increase in the risk to life, property or the environment from bushfire. The site is generally clear of vegetation and is able to be appropriately managed in the event of a bushfire.

6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

Clause 21.06-2 Adapting and diversifying agriculture

Objective

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

As intensive animal husbandry is nested under 'Agriculture' pursuant to Clause 74 of the Strathbogie Planning Scheme, the use of the land is able to be supported on land in this zone. The use is considered appropriate on this site as its size constrains its potential to be used for traditional agricultural purposes.

Clause 22.02 Sustainable Intensive Agriculture

Objective:

- *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.*
- *To support development growth through partnerships between EPA Victoria and other relevant authorities.*

The proposal is considered to be consistent with the objectives of this clause. The proposed boarding facility is appropriately located in close proximity to an existing breeding facility and is located on land zoned for this purpose. The development will be undertaken subject to a number of conditions relating to amenity, environmental management and other issues which have been considered in this report. As part of the assessment of the application, the Environment Protection Authority was notified and have consented to the proposal subject to a number of requirements which will be managed by way of conditions on any permit issued.

Relevant Particular Provisions

Clause 52.06 Car Parking

Purpose

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*

6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06-5 does not specify the number of car parking spaces required for Animal keeping. Clause 52.06-5A states:

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

In this instance the applicant has proposed six car parking spaces. This is considered an appropriate under of spaces to accommodate visitors to the site. Should additional car parking be required informal parking would be available to the north of the proposed buildings.

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.*
- *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.*

6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

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

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

The application proposes the use and development of the land for animal boarding. The land is located within the Farming Zone and the application has been assessed against the relevant decision guidelines.

With regard to the Zone:

- The proposed use and development of the land for animal boarding for up to 36 dogs, 10 cats and 18 small animals is considered appropriate.
- The application has been referred internally to Council's Asset Services Department and Environmental Health Departments. They did not object subject to conditions. The conditions relate to access, drainage and waste water management.
- The EPA and Department of Environment and Primary Industries were notified of the application. EPA has no objection subject to conditions and DEPI have no objection and do not require conditions.
- The proposal will utilise existing agricultural land for the proposed use. The use of the land is consistent with the purpose and decision guidelines of the Farming Zone.
- The issues raised in the seven objections have been address in the report. Conditions on the permit and compliance wot the relevant codes of practice will mitigate many concerns.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework and the Farming Zone.

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.

- 6.1 Planning Permit Application No. 2014/049
- Use and Development of Land for Animal Boarding (Kennel, Cattery and Domestic Pets) ~ 720 Nagambie-Locksley Road, Tabilk (cont.)

Attachments

Site Plan

P2014-049



PLANNING COMMITTEE REPORT NO. 2 (ASSISTANT MANAGER, SUSTAINABLE DEVELOPMENT – JENNIFER DOWLING)

**6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa**

Application Details:

Application is for:	Staged development and use of the land for three additional pullet rearing sheds and the removal of native vegetation
Applicant's/Owner's Name:	Phillip Szepe
Date Received:	03 July 2014
Statutory Days:	115
Application Number:	P2014-076
Planner: Name, title & department	Jennifer Dowling Assistant Manager Sustainable Development Sustainable Development Department
Land/Address:	Lot 2 Plan of Subdivision 435931Y Certificate of Title Volume 10532 Folio 343, 654 Drysdale Road, Euroa VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay (Part)
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4 Clause 44.01-1
Restrictive covenants on the title?	Section 173 Agreement – AH694501U Covenant – F948371
Current use and development:	Agriculture

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*.

Summary

- The proposal is for the development of three additional pullet rearing sheds in stages and the removal of native vegetation at 654 Drysdale Road, Euroa.
- The site is located within the Farming Zone and is affected in part by an Erosion Management Overlay.
- The property is currently used and developed with four pullet rearing sheds. The balance of the site is used for grazing purposes and contains scattered vegetation.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa (cont.)

- The subject site has an area of 40.5 hectares.
- The application was referred externally to APA, Department of Environment, Land, Water and Planning and the Environment Protection Authority who have not objected to the proposal with APA and EPA providing conditions.
- The application was referred internally to Council's Assets Services Department and Environmental Health Officer who have consented to the development subject to a number of conditions
- The application was advertised to all land owners within two kilometres of the subject site. Two objections have been received.
- The application is being presented to Planning Committee as objections have been received.
- The application has been assessed outside of the 60 day statutory time period.
- 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. P2014-076 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 44.01-1 of the Strathbogie Planning Scheme in respect of the land known as Lot 2 Plan of Subdivision 435931Y Certificate of Title Volume 10532 Folio 343, 654 Drysdale Road, Euroa VIC 3666, for the Staged development of the land for three additional pullet rearing sheds and the removal of native vegetation , in accordance with endorsed plans, subject to the following conditions:

Amended Plans:

1. **Prior to the commencement of development, an amended site plan must be submitted to and approved by the responsible authority. When approved, the plan 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. **All existing buildings and infrastructure located on the site and appropriately annotated**
 - b. **All proposed buildings and works located on the site and appropriately annotated.**

- 6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa (cont.)

'c. a landscape plan for the whole site generally in accordance with Condition 4 of P2007/082, including a reassessment of native vegetation removal requirements'.

Environmental Health Conditions:

2. Prior to the commencement of works, a permit to install a septic tank system may be required from the Responsible Authority. An application to alter the existing septic tank may also be required if deemed wastewater generation will be increased.
3. 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.

Engineering Conditions:

4. 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 Drysdale Road to protect the existing seal from turning movements by heavy vehicles entering/exiting the site to the satisfaction of the Responsible Authority.
5. Prior to the commencement of the use a new vehicular entrance to the subject land from the road 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 shall be referred to. www.designmanual.com.au
6. 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.
7. 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.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa (cont.)

8. **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.**

EPA Conditions:

9. **Nuisance dust must not be discharged beyond the boundaries of the premises.**
10. **Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended**
11. **All industrial waste generated during construction must be managed in accordance with EPA's Industrial Waste Resource Guidelines 2009.**
12. **Discharge of wastewater to land must not adversely affect the land.**
13. **Deposit of biosolids to land must not adversely affect the land.**

Native Vegetation Conditions:

14. **Prior to the commencement of works, the permit holder must advise all persons undertaking the (vegetation removal/works) on site of all relevant conditions of this permit.**
15. **In order to offset the removal of eleven (11) scattered trees approved in 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:**
16. **The offset must:**
 - (a) **contribute gain of 0.455 general biodiversity equivalence units**
 - (b) **be located within the Goulburn Broken Catchment Management Authority boundary; and**
 - (c) **have a strategic biodiversity score of at least 0.856.**

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- Staged Development and Use of Land for Three Additional Pullet Rearing
Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa
(cont.)

17. **Prior to the removal of the native vegetation, 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.

General Conditions:

18. **Not more than 108,000 (36,000 per shed) birds are to be kept within the three sheds approved by this permit at any one time to the satisfaction of the Responsible Authority.**
19. **Landscaping works as shown on the endorsed plan(s) must be completed within six (6) months of the use hereby permitted commencing and then maintained (including the replacement of any dead or diseased planting's) to the satisfaction of the Responsible Authority.**
20. **Any litter storage areas on site must be designed in accordance with EPA Publication 347 Bunding Guidelines.**
21. **Any wastewater generated by the washing down of the sheds that is discharged beyond the sheds must be collected in a dam to the satisfaction of the Responsible Authority. The dam must be:**
- **Suitably lined to protect groundwater in accordance with the State Environment Protection Policy (Groundwaters of Victoria);**
 - **Designed to ensure that no waste water can be discharged beyond the boundary of the premises in accordance with State Environment Protection Policy (Waters of Victoria); and**
 - **Designed to contain a 1 in 10-year storm event.**
22. **The dam allocated to collect the wastewater from the washing down of the sheds must be separate to a storm water/reuse dam.**
23. **The stormwater/reuse dam must be constructed with a clay liner (or similar impervious material) to a hydraulic conductivity less than 1×10^{-9} m/s to prevent seepage from the structure. The liner is to be kept covered with 300mm of water to minimise cracking.**

6.2 Planning Permit Application No. P2014/076
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(cont.)

24. **Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates, or into a watercourse or easement drain, but must be treated and/or absorbed on that lot to the satisfaction of the Responsible Authority.**
25. **Dead birds must be stored in an appropriate freezer and removed from the site or disposed of in another manner consented to in writing by the Responsible Authority.**
26. **The use and development must comply with the Prevention of Cruelty to Animals Act, 1986, the Code of Accepted Farming Practice for the Welfare of Poultry, December 2003 and the Code of Practice for the Land Transport of Poultry, October 2001 (or their successors).**
27. **A formal agreement must be entered into with the litter contractor to implement litter removal and disposal systems to ensure that no offensive odours emit beyond the property boundary to the satisfaction of the Responsible Authority.**
28. **Waste litter must be transported from the farm in enclosed vehicles with no spillage or dust emissions occurrences.**
29. **Litter removal must not be undertaken at times when environmental factors, such as wind and temperature, increase the likelihood of offensive offsite odour or dust impacts.**
30. **The development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.**
31. **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.**
32. **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*.**

6.2 Planning Permit Application No. P2014/076
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Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa
(cont.)

33. **Outdoor lighting must be designed, baffled and located to the satisfaction of Responsible Authority such that no direct light is emitted beyond the boundaries of the land.**
34. **The amenity of the area must not be detrimentally affected by the use, through the:**
- (f) Appearance of any building, works or materials;**
 - (g) Transport of materials, goods or commodities to or from the land;**
 - (h) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;**
 - (i) Presence of vermin, and;**
 - (j) Others as appropriate.**
35. **This permit will expire if one of the following circumstances applies:**
- (d) The development is not started within two (2) years of the date of this Permit,**
 - (e) 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**
- 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.**
- The vegetation removal permitted by this permit does not override any other State or Commonwealth legislation requirements**
- A Land Capability Assessment may be required and should be undertaken by a suitability qualified person. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.**
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.**

6.2 Planning Permit Application No. P2014/076
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Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa
(cont.)

APA Note:

- **Should the proposed works require the use of large vehicles, trucks and plant crossing the pipelines for any reason then the applicant must contact APA GasNet Lands Department to discuss suitable mitigation measures to protect the integrity of the pipeline asset.**

CRS FURLANETTO/WILLIAMS : That the Recommendation be adopted, subject to the inclusion of an additional proviso to Condition 1, being 'c. a landscape plan for the whole site generally in accordance with Condition 4 of P2007/082, including a reassessment of native vegetation removal requirements', as shown in italics and underlined.

06/15

ON BEING PUT, THE MOTION WAS CARRIED

Proposal

It is proposed to expand the existing pullet rearing operations on the subject site. This expansion comprises the construction of three additional sheds which will each contain 36,000 birds (total of additional 108,000 on site).

Two of the sheds to the south are proposed to start construction immediately with the remaining one to the north to be constructed at a later date. One shed will be located on the northern side of the existing pullet rearing sheds on the site and the other two will be constructed to the south.

Each of the sheds will be constructed of metal faced insulated coloured wall panels with concrete dwarf walls at the base. The ceilings, walls, doors and endwalls will be insulated. Rainwater will be drained from the proposed sheds towards an existing retention basin on the site. The sheds will be 144.8 metres long and 17 metres wide with a total floor area of 2,462 square metres.

The additional three sheds will operate in conjunction with the existing pullet rearing sheds located on the site and will use existing infrastructure including roads and storage facilities for chemicals. An additional staff member will be required to assist with the ongoing management of the facility when at full capacity.

The sheds will operate seven days per week generally between 7:00am and 5:00pm. Feed for the chickens will be sourced from outside of the site and will be stored in silos before being augered into the shed. Litter will be disposed of from the site by registered contractors at the end of each 16 week cycle. The sheds will be inspected daily and dead and diseased chickens will be removed from the sheds and stored in a freezer on site and removed on a weekly basis as required.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa (cont.)

As part of the proposed development, eleven trees are required to be removed. The trees to be removed are located on the southern end of the development and are located in the vicinity of one of the proposed sheds and the access road.

The balance of the site will continue to be used for agriculture i.e. cropping.

Subject site & locality

The subject site is located on the northern side of Drysdale Road and has a total area of 40.5 hectares. The subject site is contained within one title and is generally rectangular in shape. The land has a gentle downward slope away from Drysdale Road and a water course is located to the south eastern corner of the site. Vegetation is scattered throughout the site.

The site is currently developed with four pullet rearing sheds, associated infrastructure and a managers residence. The pullet rearing sheds are located towards the centre of the site.

Land to the west of the site is currently used for a free range egg laying facility. To the north and east of the site, there are two piggery facilities located on separate allotments. Further north and east, as well as to the south, land is generally used for more broadacre agriculture with dwellings scattered throughout. Directly south of the subject site is a heavily vegetated property which is currently vacant.

An agreement under Section 173 of the *Planning and Environment Act 1987* (AH694501U) is registered on the title of the land. This agreement prohibits the subdivision of the land, including the excision of the existing dwelling on the site which is used as a manager's residence. The proposal does not breach this agreement as no subdivision is proposed.

A Covenant (F948371) is also registered on the title of the subject site. This covenant relates to a gas pipeline on the site in favour of the Gas and Fuel Corporation of Victoria and sets out requirements for buildings and works in and around the easement as well as access to and from the easement. The proposal does not breach this covenant as no buildings and works are proposed on the easement and access to and from the easement will still be available.

Permit/Site History

A search of Council's electronic records system shows that one planning permit has been issued for the subject site:

- P2007/082 was issued on 27 November 2007 for the use and development of the land for a Poultry Rearer Farm. This development has been completed and is currently operating from the subject site.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa (cont.)

Public Notification

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

- Sending letters to all land owners within 2km of the subject site
- Placing (a) sign on site

The notification has been carried out correctly.

Council has received 2 objections to date. The key issues that were raised in the objections are:

- Inadequate information in relation to the removal of vegetation including inadequate offset/buffering proposed.
- Offsets will not compensate for loss of mature trees to be removed from the site.
- Value of offsets is compromised if these from part of landscaping around proposed sheds.
- Lack of buffering from surrounding development will jeopardise amenity and liveability of surrounding land owners
- Objection to any increase in the zone area approved for this operation as of 2001 plans however no objection to plans submitted.

Consultation

A copy of the objections was forwarded to the applicants.

To date, no objections have been withdrawn.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	EPA, no objection, subject to conditions
Section 52 Notices	DEPI, no objection APA Group (Gas), no objection Public Notice – two objections

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

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa (cont.)

Assessment

The zoning of the land and any relevant overlay provisions

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 development of land for pullet rearing sheds (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 pullet rearing sheds for up to 108,000 birds will be located within an area of the shire which has been zoned for agricultural purposes and is to be located with existing pullet rearing sheds and adjoining an existing free range egg laying facility.

The proposed pullet rearing sheds will enhance the use of the land for an expanding agricultural enterprise on the site and will be operated in conjunction with a number of other poultry farms located through North Eastern Victoria. The site is considered capable of containing the proposed agricultural use and it is considered unlikely that the proposed development will significantly impact on the amenity of surrounding land owners and occupants. Although considered to be a new use of the land, the sheds proposed as part of this application will operate in conjunction with the four existing sheds on the site and will rely on existing infrastructure. All of the conditions required within the permit for the existing sheds are to be included on any permit issued for the three additional sheds. Amended plans will also be required to be provided which clearly detail the existing sheds and infrastructure on the site in relation to the three sheds proposed as part of this application.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa (cont.)

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. The removal of native vegetation is discussed below in detail. Conditions on any permit issued will be required to ensure that the development and use of the facility 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 pullet rearing sheds have been appropriately sited on the land to ensure that the visual impact is minimised as much as possible. 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.

An assessment of the proposal against the specific relevant decision guidelines has been undertaken and 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 additional pullet rearing sheds are considered capable of being contained on the site. Waste generated on site will be in accordance with the requirements of Council's Environmental Health Officer while drainage and stormwater generated on site must be consistent with Council's Assets Department requirements.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing
Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa
(cont.)

<i>How the use or development relates to sustainable land management.</i>	Yes	The use of the site is an expansion of the existing pullet rearing enterprise on the site. This type of agriculture requires less land than traditional farming practices for its use however the remainder of the property which forms part of a buffer to other land uses will continue to be able to be used for less intensive agriculture such as grazing or cropping.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The use of the site for an expansion of the existing pullet rearing farm is considered a suitable use for the site. The use is compatible with surrounding land uses including the free range egg laying facility to the west and piggeries to the north.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	The proposed pullet rearing sheds will utilise all existing infrastructure available on the site including access, storage and drainage.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The proposed development will allow for greater agricultural use of the subject site as it effectively doubles the way in which the site is currently used for agriculture.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The proposed development of the land will ensure the site continues to be used for agricultural production in the future.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The proposed development of the site is unlikely to impact on or reduce the expansion opportunities surrounding agricultural land uses.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing
Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa
(cont.)

<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The subject site is considered to be capable of sustaining the current use with the additional development. As the use is considered 'intensive animal husbandry' a large majority of the feed and supplies for the use are produced off site. The site is considered capable of sustaining the proposed use.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	While the site is located in an area of quality agricultural land, the proposed use is an expansion of an existing use which is appropriate for the site.
<i>Any integrated land management plan prepared for the site.</i>	Yes	The proposed pullet rearing sheds will operate in conjunction with the existing sheds. An environmental management plan has been prepared which addresses a range of issues in relation to operation of the facility, health and the natural environment.
Dwelling Issues		Complies
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>		n/a
<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>		n/a
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>		n/a
<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>		n/a
Environmental issues	Complies	Officers Comment
<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 pullet rearing facility is unlikely to have a significant impact on the natural physical features of the site. Waste water generated from the site will be treated on site. The proposal is unlikely to have any significant impact on the health soil within or surrounding the site.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing
Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa
(cont.)

<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposed development includes the removal of 11 trees from the site. This will be required to be offset in accordance with the conditions detailed in the recommendation of this report and is discussed in more detail further into the 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 revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The removal of 11 trees is not expected to have any significant biodiversity implications as the vegetation is considered to be of low risk. Offsetting will ensure the biodiversity values of the site are able to be regained into the future.
<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 undertaken in accordance with the requirements of Council's Environmental Health Officer
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 pullet rearing sheds are sufficiently set back from property boundaries to avoid any impact on the ability of surrounding agricultural land uses to continue.
<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 pullet rearing sheds 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	The proposed pullet rearing facility and associated infrastructure is considered to be appropriately located.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing
Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa
(cont.)

<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.
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One of the objections received related to any changes in the zoning of the area. As the proposal does not include any changes to the zoning within the Strathbogie Planning Scheme, this objection is considered to be satisfied. For the reasons listed above, it is considered that the proposal is consistent with the purpose and decision guidelines of the Farming Zone.

Erosion Management 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 protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

A permit is required for buildings and works on land affected by the Erosion Management Overlay. The southern portion of the land is located within this overlay. The two sheds proposed at the southern end of the existing shedding and the vegetation to be removed are all located within this overlay while the proposed shed to the north is only partially within this area of the site. The erosion implications of the development are considered minimal as there are no obvious current issues of the site. To ensure development does not create an erosion issue, all disturbed soils, including those soils in areas where vegetation is removed, will be required to be stabilised upon completion. The proposal is considered to be consistent with the purpose and decision guidelines of the Erosion Management Overlay.

The State Planning Policy Framework (SPPF)

Clause 12.01-1 Protection of biodiversity of the Strathbogie Planning Scheme 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 surrounding the proposed development which will form part of the landscaping of the site.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing
Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa
(cont.)

Clause 12.01-2 Native vegetation management of the Strathbogie Planning Scheme 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 (11 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.

Clause 12.04-1 Environmentally sensitive areas of the Strathbogie Planning Scheme 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 13.03-2 Erosion and landslip of the Strathbogie Planning Scheme 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 and drainage, 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 of the Strathbogie Planning Scheme 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 and drainage will be required to be stabilised upon their completion. This will be required by way of condition on any permit issued.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa (cont.)

Clause 13.04-1 Noise abatement of the Strathbogie Planning Scheme objective(s):

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

The noise generated by the proposed pullet rearing sheds will largely be internal to the proposed sheds and the site 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 5:00pm which is unlikely to impact on the amenity of surrounding land owners and occupiers.

Clause 13.04-2 Air quality of the Strathbogie Planning Scheme objective(s):

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

The impact of the proposed pullet rearing sheds 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.

Clause 14.01-2 Sustainable agricultural land use of the Strathbogie Planning Scheme objective(s):

- *To encourage sustainable agricultural land use.*

The proposed development 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. The pullet rearing sheds will be an appropriate intensive use of land which is considered to meet the objective of this clause.

Clause 14.02-2 Water quality of the Strathbogie Planning Scheme 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.

Clause 18.02-4 Management of the road system of the Strathbogie Planning Scheme 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 proposes no 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.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa (cont.)

Clause 19.03-3 Stormwater of the Strathbogie Planning Scheme 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.

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

Clause 21.06-2 Adapting and diversifying agriculture of the Strathbogie Planning Scheme is considered relevant to the proposal and contains the following objective(s):

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

The proposed development of land for an additional three pullet rearing sheds will contribute to the retention of the agriculture use on the site. The proposed expansion of this existing intensive agricultural use will assist in continuing to provide added economic benefit to the region.

Clause 21.07-3 Traffic Management of the Strathbogie Planning Scheme is considered relevant to the proposal and contains the following 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 of the Strathbogie Planning Scheme is considered relevant to the proposal and contains the following objective(s):

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

On site drainage systems and facilities will be constructed to the satisfaction of the Responsible Authority.

Clause 22.02-2 of the Strathbogie Planning Scheme is considered relevant to the proposal and contains the following 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.*

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa (cont.)

- *To encourage businesses to implement the highest standards and be leaders in their industry.*
- *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 pullet rearing sheds are considered to be appropriately located in an area of the shire that has previously been developed with this type of agricultural use.

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.

It is proposed to remove a total of eleven native trees which are generally concentrated in an area of the site south of the existing shedding where one of the proposed sheds and a driveway are proposed. 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.

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing
Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa
(cont.)

To offset this vegetation, the applicant proposes to plant a number of trees around the proposed buildings. It will be a requirement on any permit issued that the applicant enter an agreement with the Responsible Authority which ensures this vegetation is protected and appropriately managed in perpetuity. This will be required prior to the commencement of the proposed use.

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

One of the objections related specifically to the types of vegetation to be removed and refers to other legislation including the *Flora and Fauna Guarantee Act 1988* (State Legislation) and the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth Legislation). An application for a planning permit to assess the removal of native vegetation is only able to have direct consideration for the requirements of the *Planning and Environment Act 1987*. Although Council are unable to consider the vegetation removal outside of the *Planning and Environment Act 1987*, land owners must at all times comply with all other relevant legislation and seek relevant approvals if necessary.

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.*
- *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.*

6.2 Planning Permit Application No. P2014/076
- Staged Development and Use of Land for Three Additional Pullet Rearing Sheds and the Removal of Native Vegetation ~ 654 Drysdale Road, Euroa (cont.)

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 development 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 Erosion Management Overlay: The proposal is considered to be consistent with the provisions of the Erosion Management Overlay. The buildings and works are unlikely to have any erosion implications as all works will be stabilised as part of the development.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Farming Zone and the Erosion Management Overlay.

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
- APA Conditions for works near APA Group gas transmission pipelines

P2014-076



Figure 1: APA Keon Park to Wodonga Pipeline within the study area





APPENDIX 1: CONDITIONS FOR WORKS NEAR APA GROUP GAS TRANSMISSION PIPELINES

Damage to a Transmission Pipeline could result in:

- Possible explosion/fire causing fatality, injury and mass community evacuation
- Loss of gas supply to thousands of customers
- Gas escaping at pressures up to 15,000 kPa
- Substantial repair and gas restoration liability damage costs to the authority or principal responsible.

1 Conditions

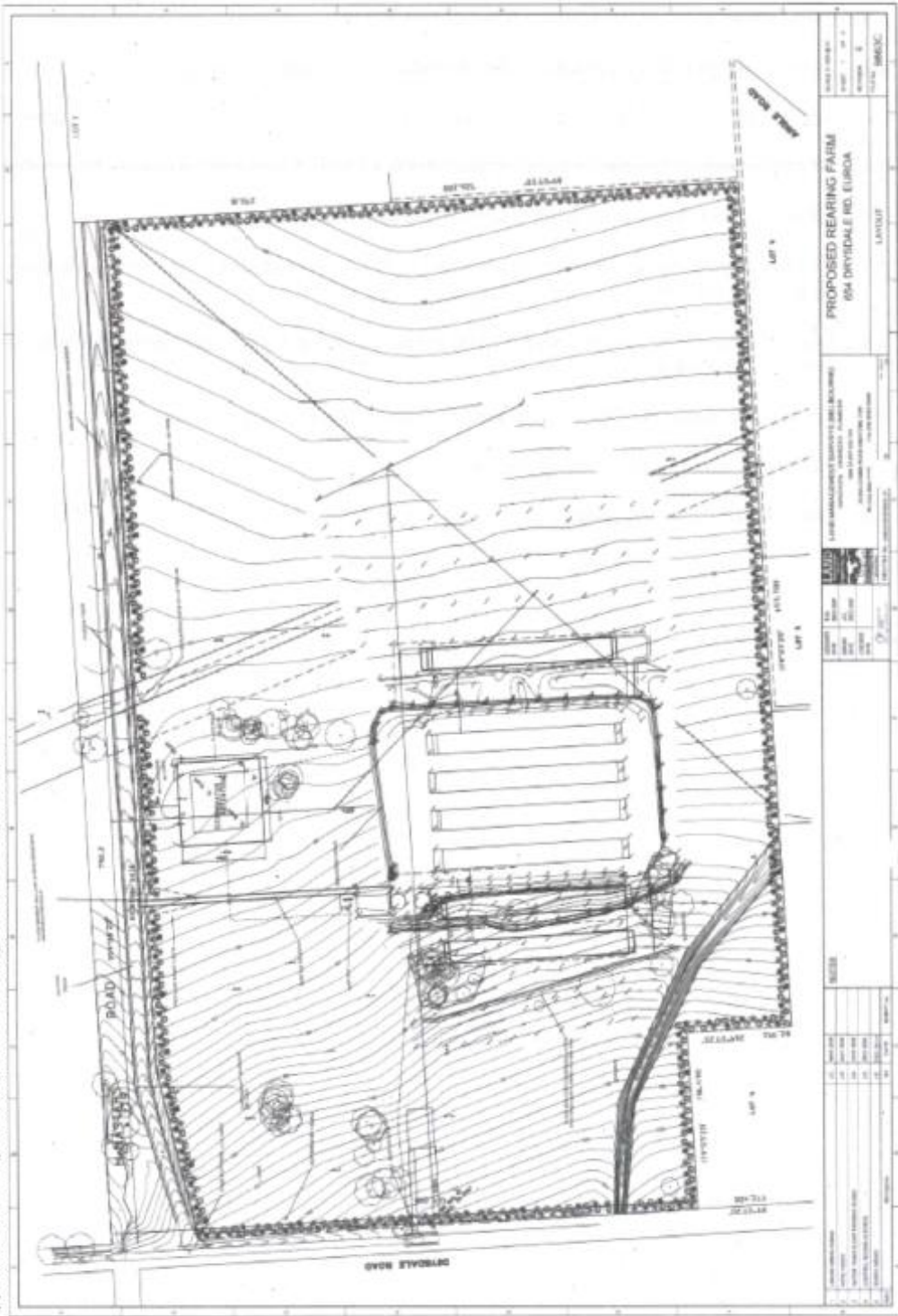
- 1.1 In Victoria, under the Gas Safety Act, Section 79, failure to notify a gas pipeline owner of an excavation deeper than 300mm within 3 metres of a pipeline may incur a fine of \$2,300.00 or \$11,500.00 for natural persons or body corporates respectively.
- 1.2 A "Permit to Work", issued by APA Group, is required for any proving's and/or construction activity deeper than 300mm within 3m of a transmission pipeline. **This work must be supervised by an APA Group representative.** Contact our Transmission Operations Section, Dandenong on **1800 103 452**, at least **5 day's notice** prior to the commencement of this work to arrange to have an APA Group Inspector on site to issue a permit and supervise the work. Usually, no charge is made for this service.
- 1.3 In the case of an **EMERGENCY** please contact APA Group on our free call number **1800 686 634**
- 1.4 To determine the exact location of a pipeline prior to commencement of design work and/or construction, **HAND EXCAVATED** proving's shall be carried out and only under the supervision of an APA Group Inspector.
- 1.5 **NO MECHANICAL EQUIPMENT** shall be used within 1 metre of the pipeline even after the pipeline has been proven, except when approved by, and under explicit on-site direction from the APA Group Inspector. Under no circumstances is mechanical equipment to be used within 300 mm of the pipeline.
- 1.6 Where a bore is to pass under or over a pipeline, the position of the pipeline shall be proven by excavation. All or part of this excavation shall be by hand as directed by the APA Group Inspector. The excavation shall be extended to 1 metre from the pipeline on the side, from which the bore will approach, and the position and direction of the bore head checked when it reaches this excavation to ensure the required minimum clearance between the bore and the pipeline will be maintained. In addition, progressive measurement of the length of the bore shall be made to ensure bore head has not missed the check excavation and travelled beyond it.
- 1.7 No alteration to the surface level over the pipeline shall be carried out without the prior written approval of the Transmission Operations Department
- 1.8 APA Group must be notified at least 1 week prior to any proposed blasting. All blasting shall be in accordance with SAA Explosives Code 2187, and APA Group's "Conditions for use of Explosives near APA Group Transmission Pipelines". Restrictions can only be modified after explicit agreement with an APA Group engineer. Any blasting shall be carried with extreme caution and only in the presence of an APA Group Inspector.
- 1.9 It is essential that prior to any work being carried out, detailed design plans of proposed construction work in the vicinity of gas transmission pipelines are forwarded to the Transmission Operations Department, at the address above

2 Minimum Clearances For Design Purposes And/Or Construction

- 2.1 300mm from the top of the pipeline to the underside of road pavement boxing.
 - 2.2 300mm between the pipeline and any installation up to 1.5 metres wide which is crossing the pipeline.
 - 2.3 500mm between the pipeline and any installation over 1.5 metres wide which is crossing the pipeline.
 - 2.4 500mm between the pipeline and an installation laid parallel to the pipeline.
 - 2.5 6 metres between the pipeline and an installation that could add excessive loads to the pipeline or restrict access to the pipeline.
 - 2.6 6 metres between the pipeline and an installation that could require underpinning should APA Group need to expose the pipeline
 - 2.7 Separation distances from electrical installations apply and are assessed individually.
 - 2.8 Protective concrete slabbing may be required.
 - 2.9 Easement conditions may apply.
-

APA Group

Appendix 2: 654 Drysdale Rd, Eurooa - Rearing Farm Development Plan



PLANNING COMMITTEE REPORT NO. 3 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)

7. OTHER BUSINESS

**7.1 Planning Applications Received
- 4 December 2014 to 4 February 2015**

Following are listings of Planning Applications Received for the period 4 December 2014 to 4 February 2015.

RECOMMENDATION

That the report be noted.

07/15 CRS SWAN/WEATHERALD : That the Recommendation be adopted.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.50 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

Planning Applications Received

04 December 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
301-305 High Street, Nagambie Victoria 3666	P2007/038 - 5	Use and development of the land for the construction of function rooms (ground floor and first floor) roof deck with bar and waiving of car parking	Mike Walter	\$60,000.00

10 December 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
743 Euroa-Mansfield Road, Euroa Victoria 3666	P2006/055 - 6	Use & development of land for construction of a single dwelling	Peter Sherwood	\$4,800.00

11 December 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Wilkinsons Lane, Euroa VIC 3666	P2014-021	Use & development of land for a dwelling and native vegetation removal	Troy Spencer	\$250,000.00

12 December 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1177 Upton Road, Avenel VIC 3664	P2014-140	Two (2) lot Subdivision and creation of carriage way easement	BAYLES, Judith Alison	\$0.00*
300 High Street, Nagambie VIC 3608	P2014-065 - PC1	Development of land for construction of a veranda	Lloyd Payne	\$0.00*
777 Euroa-Mansfield Road, Euroa VIC 3666	P2014-141	Development of land for an extension and alterations to an existing building	Sam Verrocchi	\$256,000.00

17 December 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
148 Alexandersons Road, Locksley VIC 3665	P2014-144	Use and development of the land for a store	NING QIU	\$58,000.00
28 Mansfield Road, Euroa VIC 3666	P2014-143	Two (2) lot Subdivision	Alan Monger	\$0.00*
505 Tarcombe-Ruffy Road, Ruffy VIC 3666	P2014-142	Two (2) lot Re-Subdivision	Troy Spencer	\$0.00*

18 December 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
164-182 Ewings Road, Avenel VIC 3664	P2014-127	Thirteen (13) lot subdivision	James Peart	\$0.00*

23 December 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
55 Golf Course Road, Euroa VIC 3666	P2014-146	Use & Development of land for a dwelling and a two (2) lot re-subdivision	Troy Spencer	\$280,000.00

Total: 11

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

Planning Applications Received

08 January 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1208 Reedy Lake Road, Whroo Victoria 3608	P2010-040 - 1	Use & Development of Land for the Construction of a Dwelling	Sam McCardel	\$0.00*
144 Arcadia Two Chain Road, Arcadia South VIC 3631	P2015-001	Use & Development of land for the construction of a dwelling	Michael Schuster	\$337,930.00
8 Magiltan Drive, Strathbogrie Victoria 3666	P2012/004 - 2	Development of land for a dwelling and shed - Amendment	Neal Cartledge	\$0.00*
Euroa-Mansfield Road, Euroa Victoria 3666	P2011/116 - PC1	Use and development of the land for a dwelling	Pauline Cunnew	\$0.00*

09 January 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1208 Reedy Lake Road, Whroo Victoria 3608	P2010/040 - 7	Use & Development of Land for the Construction of a Dwelling	Lloyd Payne	\$7,000.00
133 Faithfull Road, Longwood East VIC 3666	P2013-130 - 1	Use and development of the land for a dwelling	Michael Barry	\$0.00*

13 January 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
15-35 Stewart Street, Euroa VIC 3666	P2014-096 - 1	Subdivision of the land into two lots	Graeme Schneider	\$0.00*
55-63 Down Street, Longwood VIC 3665	P2015-002	Subdivision of the land into two lots (boundary realignment) and removal of an easement	Graeme Schneider	\$0.00*
8 Nelson Street, Euroa VIC 3666	P2014-145	Re-subdivide existing two lots to create two parcels	Graeme Schneider	\$0.00*

19 January 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
183 Euroa-Strathbogrie Road, Euroa VIC 3666	P2014-139	Native vegetation removal	Glenn Bewicke	\$0.00*

22 January 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
5 Livingstone Street, Avenel VIC 3664	P2015-005	Use and Development of land to construct a storage shed	MORAN, Barbara Ann	\$15,000.00
Feltrim Road, Earlston VIC 3669	P2015-003	Use and Development of an Emergency Services Facility (Fire Station) and associated works	Country Fire Authority	\$220,000.00

23 January 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
38-42 Hunter Street, Euroa VIC 3666	P2015-004	Development of land to construct a dwelling	HANSON, Campbell Roger Wedgewood	\$0.00*

28 January 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
104 Allowah Court, Whroo VIC 3612	P2015-006	Use and development of land for intensive animal husbandry	Pia Triaca	\$10,000.00
286 Galls Gap Road, Gooram VIC 3666	P2014-050 - 1	Development of land for a dwelling	Belinda Groves	\$0.00*
Cowslip Street, Violet Town VIC 3669	P2015-009	Development of land for a single dwelling on each Allotments	BRADLEY, Nicholas Sam	\$315,000.00

29 January 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
15 Shields Lane, Strathbogie VIC 3666	P2015-008	Development of land to install an inground Swimming pool	Peter Winch	\$60,970.00
185 Long Gully Road, Violet Town VIC 3669	P2014-097 - 1	Subdivision of the land into two lots (dwelling excision)	Monger & Tomkinson	\$0.00*
57 Bank Street, Avenel VIC 3664	P2015-007	Development of land for a dwelling and shed	Nick Muggleton	\$300,000.00

Total: 19

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