



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

MINUTES

OF THE MEETING HELD ON TUESDAY 28 JULY 2015

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

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

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

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

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

3. Apologies

Councillor Alister Purbrick (Lake Nagambie Ward)

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

41/15 **CRS WILLIAMS/SWAN** : *That the Minutes of the Planning Committee meeting held on Tuesday 14 July 2015 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 BOYLE)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong School Road, Wahring**

Application Details:

Application is for:	Use and development of the land for two broiler farms
Applicant's/Owner's Name:	Frank Fermino
Date Received:	12 September 2014
Statutory Days:	165
Application Number:	P2014-104
Planner: Name, title & department	Jennifer Dowling Assistant Manager Sustainable Development Sustainable Development Department
Land/Address:	Lot 4 on Plan of Subdivision 503584R Certificate of Title Volume 10988, Folio 402, Lot 2 on Plan of Subdivision 503584R Certificate of Title Volume 10988 Folio 403, Lot 3 on Plan of Subdivision 503584R Certificate of Title Volume 10988 Folio 404, Lot 1 on Title Plan 843161K Certificate of Title Volume 10988 405, Lot 1 on Plan of Subdivision 503584R Certificate of Title Volume 10988 Folio 406, Lots 2, 3, 5 and 6 on Title Plan 843157A Certificate of Title Volume 10988 Folio 407 60 Old Dargalong School Road, Wahring VIC 3608
Zoning:	Farming Zone
Overlays:	Public Acquisition Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4
Restrictive covenants on the title?	No
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*.

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

Summary

- The application proposes the use and development of the subject site for two broiler farms with 400,000 birds and eight sheds in each farm.
- The application is considered a Class B farm within the Code of Practice for Broiler Farms as *the farm capacity is equal to 400,000 birds and the development can meet the minimum separation distance requirement but the distance is not fully contained within the broiler farm boundary.*
- The site is located within the Farming Zone and is affected in part by the Public Acquisition Overlay (Vic Roads – Road Widening (Goulburn Valley Highway duplication and restoration of local access)).
- The property is currently used for grazing and cropping purposes and contains scattered vegetation.
- The subject site has a total area of 203.3 hectares, comprising of ten (10) crown allotments.
- The application was referred internally to Council's Assets Services department and Environmental Health Department who have not objected to the development subject to a number of conditions.
- The application was referred externally to the Country Fire Authority, Department of Environment and Primary Industries (now DELWP), Goulburn Murray Water who have not objected to the proposal subject to a number of conditions.
- Notice of the application was given to Environment Protection Authority, (EPA). EPA responded that the proposed application is a 'high risk' and that 6 sensitive receptors are near the proposed farms and would experience odour concentrations over 10 Odour Units from 7 to 31 times per year. As result of further investigation, it was noted that one of the sensitive receptors identified at 500 metres away was not a sensitive receptor and EPA revised their comments accordingly, stating the following;-
 - Receptor 1 is likely to experience a High risk of odour (20 occurrences at more than 10 OU)
 - Receptor 2- no impact, not occupied
 - Receptor 3- is likely to experience a medium risk of odour
 - Receptor 4- is likely to experience a High risk of odour (10 occurrences at more than 10 OU)- this level is right on the cusp of medium and high risk
 - Receptor 5 - is likely to experience a medium risk of odour
 - Receptor 6- is likely to experience a medium risk of odour
- The application was advertised to all land owners within two kilometres of the subject site. Ten objections have been received.

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- Lot 1 on Title Plan 78587 is located entirely within the buffer area of Proposed Farm 1 on the opposite side of Old Dargalong School. This lot is part of a larger property in the same ownership as the land to its immediate east. Should approval for a sensitive use be sought into the future, these two parcels would be required to be consolidated. This will allow for approximately 50 hectares of land outside of the proposed buffer to Farm 1.
- The application has been assessed outside of the 60 day statutory time period due to objections received as well as ongoing discussions with EPA and changes to their policy.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council:

- having caused notice of Planning Application No. P2014-104 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 Strathbogrie Planning Scheme in respect of the land known as Lot 4 on Plan of Subdivision 503584R Certificate of Title Volume 10988, Folio 402, Lot 2 on Plan of Subdivision 503584R Certificate of Title Volume 10988 Folio 403, Lot 3 on Plan of Subdivision 503584R Certificate of Title Volume 10988 Folio 404, Lot 1 on Title Plan 843161K Certificate of Title Volume 10988 Folio 405, Lot 1 on Plan of Subdivision 503584R Certificate of Title Volume 10988 Folio 406, Lots 2, 3, 4, 5 and 6 on Title Plan 843157A Certificate of Title Volume 10988 Folio 407, 60 Old Dargalong School Road, Warring VIC 3608, for the use and development of the land for two broiler farms, in accordance with endorsed plans, subject to the following conditions:

Consolidation of land

1. Prior to the commencement of works, Lots 2 and 3 on Plan of Subdivision 503584 and Lot 1 on Title Plan 843161 must be consolidated into one parcel, (Lots south of the Goulburn Valley Freeway).
2. Prior to the commencement of works, Lots 2,3,4,5 and 6 on Title Plan 843157 and Lots 1 and 4 on Plan of Subdivision 503584 must be consolidated into one parcel, (lots north of the Goulburn Valley Freeway).

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Landscaping

3. Prior to the commencement of development a detailed landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must be to the satisfaction of the Responsible Authority, and be in accordance with the requirements of the Infrastructure Design Manual. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter);
 - b) a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass or other surface materials as specified;
 - c) the method of preparing, draining, watering and maintaining the landscaped area;
 - d) a permanent screen of trees and shrubs with a minimum of two rows using a mixture of local trees and understorey species along the boundaries of the site adjoining the Goulburn Valley Freeway;
 - e) All species selected must be to the satisfaction of the Responsible Authority.
4. The landscaping works shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority prior to the commencement of development and use or any other time agreed in writing by the Responsible Authority.
5. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority for a period of 3 summers from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

Broiler Farm

6. No more than 400,000 birds are to be housed at any one time on lots south of the Goulburn Valley Freeway
7. No more than eight broiler sheds are to be erected at any one time on lots south of the Goulburn Valley Freeway
8. No more than 400,000 birds are to be housed at any one time on lots north of the Goulburn Valley Freeway

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- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong School Road, Warring (cont.)

9. **No more than eight broiler sheds are to be erected at any one time on lots north of the Goulburn Valley Freeway**
10. **The broiler farm must comply at all times with the *Victorian Code for Broiler Farms 2009*, Department of Primary Industries, September 2009.**
11. **The broiler farm must comply at all times with the *Prevention of Cruelty to Animals Act 1986*, the *Code of Accepted Farming Practices for the Welfare of Poultry* (Rev 2) AG1143, Department of Primary Industries, December 2003 and the *Code of Practice for the Land Transport of Poultry*, Department of Primary Industries, October 2001.**
12. **The broiler farm must comply at all times with the endorsed *Environmental Management Plan*.**
13. **Other than the loading and placement of live birds, no deliveries to or removals from the broiler farm are to be taken place after 8.00pm or before 7.00am on any day without the prior written approval of the Responsible Authority.**

Asset Services Conditions

14. **Prior to the commencement of the use an approved pavement in either asphalt or concrete must be constructed at the entrance to the site (farm 2) on Dargalong Road (south of the Goulburn Valley Freeway) to protect the existing seal from turning movements by heavy vehicles entering/exiting the site. The length of pavement required will match the extent of a B-Double turning movement entering/exiting the site. The site access at this location must also be constructed perpendicular to Dargalong Road.**
15. **Prior to the commencement of the use, Old Dargalong School Road must be upgraded from the intersection with Dargalong Road to the property entrance in accordance with IDM requirements (4.5m wide unsealed pavement with additional 1.5m shoulders). See IDM clause 12.4 'rural roads'. The minimum depth of pavement required for the road shoulders will be 50mm. Appropriate and functional table drains will also be required on either side of the unsealed road. The widening of the Old Dargalong School Road will also require the extension/replacement of an existing culvert (min 375mm dia RCP) at its intersection with Dargalong Road. Note that the road widening for a full width of 7m (including shoulders) will be required except at intervals where significant removal of native vegetation would be necessary. Significant native vegetation must not be removed without a planning permit. A total road width less than 7m at those locations will be considered.**
16. **Prior to the commencement of the use, new vehicular entrances to each of the farms from the road/s shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority.**

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- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong School Road, Warring (cont.)

17. **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. Both access constructions shall be to "Typical B Double Vehicle Crossing (Rural Entrance)" standard SD265 of the Infrastructure Design. Refer to www.designmanual.com.au standard drawings attachment.**
18. **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.**
19. **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.**
20. **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.**
21. **Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.**
22. **A route map for heavy vehicles must be provided regarding 'farm 1' (off Old Dargalong School Road) to propose access via Dargalong Road and the Goulburn Valley Freeway. Access via Warring – Murchison Road is to be excluded for heavy vehicles and a notation must be provided on the route map. The map will be reviewed by council and if accepted will then form part of the permit for use.**

Environmental Health Conditions:

23. **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.**

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- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
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24. 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.

General Conditions:

25. 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*.
26. The broiler sheds must be constructed in accordance with the endorsed plans. The endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements, or unless otherwise directed by another condition of this permit.
27. 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.
28. 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.
29. The broiler sheds must be constructed in accordance with the endorsed plans. The endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements, or unless otherwise directed by another condition of this permit.
30. 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.
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.

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32. Country Fire Authority Conditions:

- (a) Access Roads around all sheds are to be a minimum of 4 metres in width and constructed to create a 15 Tonne trafficable surface.
- (b) It is noted that the planning report submitted by Frank Femino / 134th Larena Pty Ltd specifies that fire fighting water will be provided by the 4 x 240,000 litre shared use water storage tanks.
- (c) Suitable Fire Extinguishers need to be placed around, the site including all sheds.
- (d) An Emergency Management Plan will need to be developed for the site.

33. Goulburn Murray Water Conditions:

- (a) The development must comply with the Victorian Code of Practice for Broiler Farms (2009).
- (b) Dead birds are to be removed from the sheds on a daily basis and regularly removed from the dead bird composting area so as to avoid odour and leeching issues. No polluted runoff is to be discharged from this area or contaminate any on site drainage.
- (c) Buildings and sheds for Farm 2 must be located at least 100 metres from the Goulburn East Main Channel.
- (d) Any effluent or chemical storage areas must be bunded following the principles and guidelines outlined in Bunding Guidelines (EPA Publication #347, 1992).
- (e) All catchment runoff must be diverted around the bunded broiler shed sites and redirected to its natural flow path downstream of the site.
- (f) Prior to the commencement of works a Stormwater Management Plan showing all the detailed stormwater management works within the subject land must be submitted to and approved in writing by Goulburn Murray Water
- (g) The stormwater retention basin must be appropriately sized through a water balance to cater for roof runoff, hardstand areas, average annual rainfall (Murchison Bureau of Meteorology) and 1 in 100 year rain events.

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- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

- (h) Before the use starts an Environmental Management Plan (EMP) for the operation of the broiler farm must be submitted to and be to the satisfaction of the Responsible Authority and Goulburn Murray Water (GMW). When approved by the Responsible Authority and GMW the EMP will be endorsed and form part of this permit. The EMP must be prepared in accordance with the Victorian Code of Practice for Broiler Farms and have an annual audit in accordance with Section 4.1 of the Model EMP.
- (i) Spent litter and associated waste must be removed from the subject land and must not be stockpiled, composted or distributed (spread) on or over the subject land. The spent litter must be transported offsite by an approved contractor.
- (j) Prior to the removal of spent litter off-site, the removal contractor shall be provided with a fact sheet to be provided to the end users of litter advising that:

 - i. Litter should not be spread

 1. Within 200 metres of any waterway
 2. On areas subject to inundation
 3. On slopes with a gradient greater than 10%
 4. On areas with shallow topsoils
 5. On rocky or impermeable soils
 6. Within 20 metres of the property boundary
 - ii. Land application of litter should be undertaken at a rate appropriate for the soil type and the type of pasture/crop grown. The rate of application should ensure relevant N,P and K uptake such that there can be no discharge of excess nutrients to any waterways.
- (k) Litter is stored in accordance with the requirements of the Guideline for Manure Management.
- (l) All wastewater from the proposed amenities building must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval to the satisfaction of councils Environmental Health Department.
- (m) The wastewater disposal area must be located at least 60 metres from any waterways, at least 60 metres from any dams and at least 20 metres from any bores.
- (n) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.

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- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong School Road, Warring (cont.)

34. 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.

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

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

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

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

Planning Notes:

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.
- This Permit does not authorise the removal of any native vegetation including for access requirements. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.
- Any works in the road reserve will require a 'consent to works within the road reserve permit'. The permit application forms can be found on the Strathbogie Shire Council website
- This permit has been issued subject to a number of strict, ongoing requirements. The compliance with these conditions by the permit holder will be closely monitored by Council. Should three five breaches be recorded, the Responsible Authority will undertake to cancel the permit.

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- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

CRS WILLIAMS/WEATHERALD : *That the Recommendation be adopted.*

CRS SWAN/FURLANETTO -

Amendment:

That the Recommendation be adopted, subject to amendments to Conditions Numbers 4 and 25, and Planning Note fourth dot point, as shown by italics, underlining and strikethroughs.

42/15

ON BEING PUT, THE MOTION WAS CARRIED

Proposal

It is proposed to develop the land for two Broiler Farms (Intensive Animal Husbandry). Each of the broiler farms will be on separate allotments with each farm containing the following:

- Eight broiler sheds
- Associated infrastructure including amenities buildings, water tanks, gas storage tanks, generator sheds and silos
- Stormwater retention basin

The subject site is divided by the Goulburn Valley Freeway. Proposed Farm 1 will be located on the northern side of the Goulburn Valley Freeway and will be accessed from Old Dargalong School Road. Proposed Farm 2 is to be located on the southern side of the Freeway and is bound to its south by the East Goulburn Main Channel and will be accessible from Dargalong Road.

Each of the proposed Broiler Sheds will be 172 metres in length with a width of 16.75 metres and a total area of 2881 square metres. The sheds will be combi-tunnel ventilated farm sheds with fans located at the eastern end and cooling pads on the western sides. The sheds will be constructed of metal faced insulated coloured wall panels with concrete dwarf walls at the base of the building and custom orb roofing. The proposed dwarf concrete walls are to prevent rodent infestation of the sheds and the proposed roofing and internal insulation has been designed to minimise the effects of direct sunlight on the inside temperatures of the buildings. Concrete flooring is proposed for each shed which is proposed to be constructed at least 600mm above natural surface levels. A small control room will be provide at one end of each of the proposed sheds. Each shed will house a maximum of 50,000 birds this allows for a maximum of 400,000 per farm.

At the end of each shed a hardstand area of is proposed. Perimeter roads are proposed to ensure appropriate vehicular access is available throughout each property. Earthworks will be required for each of the sheds and associated works. Cut and fill is proposed to use existing soil on the site. Excess soil will be used to create batters which will be planted with grass. Screening vegetation is also proposed around each of the farms.

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School Road, Warring (cont.)

The application states the two farms will be managed by one manager who will live on the site in an existing dwelling.

An amenities building will be constructed adjacent to the entry to the complex which will contain staff facilities including toilets, showers and a kitchen. A machinery shed is also proposed for each of the farms which will have a length of 25 metres and a width of 12 metres. This shedding will be used for the storage of maintenance equipment and will be enclosed on one end for chemical storage.

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

The proposed broiler farm will contain a maximum of 400,000 birds per farm (800,000 for the whole of the subject site). The application proposes that the facility will operate seven days per week between 7:00am and 5:00pm. All feed will be delivered to the site and stored in proposed silos to be located at the ends of the sheds. This will then be augured into each of the proposed sheds. Feed will be carefully managed to avoid spillage and wastage which could lead to rodent issues on the site and surrounding areas.

It is proposed that dead and diseased chickens will be collected from inside the sheds on a daily basis and placed in a composting area to the north of the sheds. The composting area will be constructed of a 8m by 8m concrete pad with 1.2m high walls. Dead birds will be placed in this area and covered. At the end of a batch, these birds will be taken off site and disposed of appropriately.

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

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

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

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

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

The proposed broiler farms will be landscaped and has been shown on the plans submitted.

Subject site & locality

The site is located on the southern side of Old Dargalong School Road and is divided by the Goulburn Valley Freeway. The site comprises of 10 lots with a total area of approximately 203 hectares. The site is bound by the East Goulburn Main channel to the south and contains scattered vegetation throughout. Access is available to the site from Old Dargalong Road to the north of the freeway and Dargalong Road to the site south of the freeway.

The site is currently used for agriculture and is generally flat in topography. There are four dams located in the south eastern corner of the site in the area of the property to the north of the freeway.

Surrounding lots are similarly sized and are used for agricultural purposes with dwellings scattered throughout.

Permit/Site History

A search of Council's electronic records shows that one planning permit has previously been issued for the subject site and is detailed below:

- P69/2001 was issued on 16 July 2001 and allowed for earthworks to obtain construction material for the Goulburn Valley Highway Murchison Deviation, Creation of a dam and revegetation following completion of earthworks.

Public Notice

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

- Sending letters all landowners within 2km of the site
- Placing two signs on site (on either side of the freeway)

6.1 Planning Permit Application No. P2014/104
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The notification has been carried out correctly.

Council has received 10 objections to date. The key issues that were raised in the objections are:

- Increase in the frequency and intensity of odours in the area
- Increased traffic generation as a result of proposal
- Property devaluation
- Impact on health
- Cumulative impact of this farm in relation to others in the area
- Increase in rodents
- Impact on local viticulture and tourism industries
- Decrease in amenity for local residents
- Contamination of ground and surface water supplies
- Decrease in property values
- Non-compliance with the Broiler Code
- Capability of local roads to manage proposed vehicle movements
- Impact on flight path of existing soaring centre on opposite side of East Goulburn Main Channel

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

Consultation

A copy of the objections was forwarded to the applicants to respond.

The applicant provided a response to each individual objection. A summary of this response is provided below:

- The proposed development has been designed to comply with the Broiler Code
- Previous VCAT cases have stated there is no impact from a Broiler Farm to a winery
- Details of traffic movements have been provided in the application
- An offer was also made to inspect the applicants existing broiler farm site

This response was then forwarded to all of the objectors to review.

To date, one objection has been withdrawn on condition of the removal of vegetation. The application has not been amended to include the removal of vegetation therefore the objection is considered to stand.

In relation to the impact of broiler farms on the operation and productivity of vineyards in close proximity, it was determined by VCAT in *134th Larena Pty Ltd v Greater Shepparton CC [2014] VCAT 408* that without substantiated evidence, this is unable to be considered. The tribunal does not dismiss these claims, noting the impact on viticulture through tainting as a result of the Black Saturday Bushfires in 2009 as well as other potential environmental factors affecting grape production.

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong School Road, Warring (cont.)

The tribunal found that the lack of specific examples and evidence in Victoria of broiler farms directly impacting on viticulture suggests the two can successfully co-exist.

Referrals

External Referrals/Notices required by the Planning Scheme:

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

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

Purpose:

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

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

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

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 proposal which includes two broiler farms for up to 800,000 (maximum of 400,000 on each farm) birds will be located within an area of the shire which has been zoned for agricultural purposes.

There is a small number of sensitive land uses (dwellings) surrounding the proposed broiler farm. A habitable building is located on the opposite side of Old Dargalong School Road from the proposed broiler sheds to be located on Farm 1. The minimum separation distances required under the provisions of the Victorian Code for Broiler Farms (2009), based on a maximum capacity of 400,000 birds, is 686 metres. Pursuant to the code, the separation distances required for sensitive land uses where they are directly associated with an existing broiler farms do not apply. No dwellings or other sensitive land uses are located within this separation area.

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

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

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

An assessment of the overall proposal against the individual decision guidelines of the Farming Zone 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.

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The proposed buildings will be connected to on site effluent disposal systems. The application was referred to Council's Environmental Health Officer, who did not object.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site has an area of approximately 203ha and is currently used for smaller scale agriculture. The proposal will increase the intensity of agricultural use on the site. The existing dwelling on site will be used in association with the proposed Broiler Farms for a site manager.
<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	Broiler Farms generally raise concerns regarding odour. The applicant has provided odour modelling in accordance with a tested method previously used by VCAT. This modelling demonstrates that the proposed use is compatible with adjoining and nearby land uses. It is also noted that the proposed use is compatible with the purpose of the zone for agriculture.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	The development has made appropriate use of existing infrastructure on the site where possible including the existing dwelling, access and other onsite services.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The proposed Broiler Farm is an intensive agricultural use of the land. It will enhance the agricultural production on site.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The proposed broiler farms will operate separately from the existing agriculture on the site which includes cropping and grazing. These uses will occur on the site in areas not immediately required as part of the proposed intensive animal husbandry use of the land. The proposal will not remove land from agricultural production.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The proposed broiler farm is considered unlikely to limit surrounding properties from expansion of their agricultural land use. The proposed use is an agricultural use itself.

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The subject site is considered capable of sustaining the proposed agricultural use and in part the existing agricultural uses on site.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The subject sites are considered appropriate for the proposed agricultural land use. Both sites are in proximity to the Goulburn Valley Freeway. This will allow for easier access to the site for deliveries and collection of birds and waste little.
<i>Any integrated land management plan prepared for the site.</i>	Yes	The application and applicant through discussion has provided details of land management. The site will be used for both the proposed broiler farms and grazing.
Dwelling Issues		
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	N/A	No new dwellings are proposed. The existing dwelling located on the site will be used by an employee who will manage both of the proposed broiler farms.
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	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		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The proposed buildings and works are unlikely to significantly impact on the surrounding environment. The dwelling and proposed broiler farms will be connected to on site waste water disposal systems to the satisfaction of the Responsible Authority.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	No vegetation is required to be removed as part of this application.

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

<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 is unlikely to have any significant impact on biodiversity within the site or surrounding area. A landscaping plan will require vegetation to be planted around the facilities. It is envisaged this will potentially lead to some biodiversity gains.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	On site effluent disposal will be provided The application has been referred to Council's Environmental Health Officer who did not object.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	The proposed broiler farms are considered to be appropriately located on each site. It is considered that the proposal will not result in loss of productive agricultural land.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting and design is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones. A condition will also require landscaping along the boundaries of the site. This is particularly crucial for proposed Farm 2 where the building will be visible from the freeway. Landscaping will be required along the northern boundary.
<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 buildings and works are unlikely to impact the character and appearance of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	All existing infrastructure is considered to be adequately designed. It is noted the subject sites are in proximity to the Goulburn Valley Freeway. All proposed infrastructure is considered to be appropriate.

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

<p><i>Whether the use and development will require traffic management measures.</i></p>	<p>Yes</p>	<p>The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures associated with the proposed buildings and works.</p> <p>The applicant has detailed the expected traffic movements to the site. The main traffic movements occur at the beginning and end of the batch cycle bring litter to the site and taking birds and used litter from the site.</p>
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Public Acquisition Overlay

Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land which is proposed to be acquired by a Minister, public authority or municipal council.*
- *To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.*
- *To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.*

The site is affected in part by the Public Acquisition Overlay. None of the buildings and works associated within the development is to be included within the area of the site affected by this overlay. A permit is not triggered by the Public Acquisition Overlay.

The State Planning Policy Framework (SPPF)

Clause 12.04-1 Environmentally sensitive areas

Objective:

- *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 dams and irrigation channel located on and near 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.

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

Clause 12.04-2 Landscapes

Objective:

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

The subject site and the surrounding area have not been identified as having any significant landscape values. The proposed broiler farms and associated infrastructure will not detract from 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.*

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

Clause 13.03-3 Salinity

Objective:

- *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 drainage and the proposed storm water retention basins will be required to be stabilised upon their completion. This will be required by way of condition on any permit issued.

Clause 13.04-1 Noise abatement

Objective:

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

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

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

Clause 13.04-2 Air quality

Objective:

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

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

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

Clause 14.01-2 Sustainable agricultural land use

Objective:

- *To encourage sustainable agricultural land use.*

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

Clause 14.02-1 Catchment planning and management

Objective:

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

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

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

Clause 14.02-2 Water quality

Objective:

- *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 14.02-3 Water conservation

Objective:

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

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

Clause 18.02-4 Management of the road system

Objective:

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

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

Clause 19.03-3 Stormwater

Objective(s):

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

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

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

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

Clause 21.06-2 Adapting and diversifying agriculture

Objective:

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

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

Clause 21.07-3 Traffic Management

Objective:

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

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

Clause 21.07-5 Drainage

Objective:

- *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 Sustainable Intensive Agriculture

Clause 22.02-2 Objectives:

- *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.*

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

- *To investigate and implement appropriate planning controls such as planning scheme overlays to buffer development from encroachment by sensitive uses.*

The proposed broiler farms and associated infrastructure are considered to be appropriately located in an area of the shire that has previously been developed with this type of agricultural use. The proposal will be carried out in accordance with the Broiler Code for Victoria (2009). The proposed broiler farms have been set back from surrounding sensitive land uses in excess of the requirements of the broiler code. No current planning controls are available on the site to prevent encroachment of sensitive land uses on the proposed development however an application would be required for a lot under the minimum lot size in the Farming Zone. The Farming Zone specifically considers the impact a dwelling may have on the existing surrounding agricultural land uses. At that point an application could be assessed in the context of the area.

Relevant Particular Provisions

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

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

Pursuant to Clause 52.32-2 of the *Strathbogrie Planning Scheme*, it is a requirement that any application for a new broiler farm or the expansion of an existing facility must comply with the Victorian Code for Broiler Farms 2009.

The code identifies a separation distance for each of the proposed farms (400,000 birds in each farm) of 686m from any sensitive land uses not directly associated with an existing broiler. The proposed broiler farms meet these separation requirements.

Documentation submitted by the applicant has been provided which demonstrates how the proposed development will comply with the code. A general condition on any permit issued which requires the applicant to operate the proposed broiler farms in accordance with the *Victorian Code for Broiler Farms 2009* will ensure ongoing compliance with the code.

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

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

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

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

The report can be summarised as follows:

- The separation distances for both proposed farms and existing farms meet the requirements of Broiler Code.
- In May 2011 Strathbogie Shire was involved in a VCAT hearing which provided guidance on odour modelling. This modelling differed from the EPA's design criterion. It also differed from GHD's risk matrix.
- A fundamental difference between both assessments is that EPA aim to ensure nuisance never occurs while the matrix gives a measure of the risk of nuisance and subsequent complaint.
- The assessment included in the application has been undertaken using both VCAT's and GHD's modelling.
- Based on the modelling provided, the results show that the proposed farms would result in a Low Risk for all odour receptors (in this case dwellings) except one receptor where the risk is Medium Risk. The risk levels referenced are provided by the Broiler Code.

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

Consultation was undertaken with the EPA as discussed within the summary of this report. A revision of the modelling provided to EPA was undertaken based on a 'Receptor' not being a classed as a 'Sensitive Receptor'. This provided assurance that the proposed Broiler Farm was a Class B farm and could meet the separation distances.

While weight should be given to advice from the EPA weight should also be given to VCAT's previous decision for a site within Strathbogie Shire, *Robinson v Strathbogie Shire, 2011*. For this reason it is considered appropriate to accept the assessment, also used by VCAT, to determine a Low to Medium Risk. Therefore the proposal is considered appropriate subject to Conditions.

The decision guidelines of Clause 65

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

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

- *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.*

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

With regard to the Zone:

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

With regard to the Overlay:

- The development is proposed outside of the areas of the site currently within the Public Acquisition Overlay.

6.1 Planning Permit Application No. P2014/104
- Use and Development of the Land for Two Broiler Farms ~ 60 Old Dargalong
School Road, Warring (cont.)

With regard to Clause 52.31:

- The proposed farm is considered to be compliant with the requirements of the Broiler Farm Code of Practice.

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 to Grant a Permit in accordance with the officers recommendation.

Attachments

Locality Map.



	Shire Of Strathbogie Prepared By: Jennifer Dowling	22/07/2015 1:17969	
	Disclaimer Note This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Vmap Information © Department of Environment, Land, Water & Planning		

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

**6.2 Planning Permit Application No. P2015/010
- Use and Development of Land for Industry (Composting) ~ 894 McDonalds Road, Nagambie**

Application Details:

Application is for:	Use & development of land for industry (composting)
Applicant's/Owner's Name:	Kenneth Anderson
Date Received:	18 February 2015
Statutory Days:	6
Application Number:	P2015-010
Planner: Name, title & department	Jennifer Dowling Assistant Manager Sustainable Development Sustainable Development Department
Land/Address:	Lot 1 on Title Plan 825598U Certificate of Title Volume 10717 Folio 637 894 McDonalds Road, Nagambie VIC 3608
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?	No
Current use and development:	Vacant

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

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

Summary

- The application is for the use and development of land for industry (composting) on land at 894 McDonalds Road, Nagambie.
- Information supplied by the Applicant was insufficient to fully assess the application.
- The application has not been advertised it is recommended to refuse the application.
- No referrals have been undertaken due to insufficient information being provided.
- The application has been assessed within the 60 day statutory timeframe.
- The application is being heard before Planning Committee as it is recommended to refuse the application.

6.2 Planning Permit Application No. P2015/010
- Use and Development of Land for Industry (Composting) ~ 894 McDonalds Road, Nagambie (cont.)

- Without the required information, officers are unable to appropriately assess the proposal against the relevant objectives and decision guidelines of the Strathbogie Planning Scheme.
- It is recommended that Council resolve to issue a notice of Refusal to Grant a Permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- was not required to give notice under Section 52 of the *Planning and Environment Act 1987*

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 Refuse to Grant a Permit under the relevant provisions of the Strathbogie Planning Scheme in respect of the land known as Lot 1 on Title Plan 825598J Certificate of Title Volume 10717 Folio 637, 894 McDonalds Road, Nagambie VIC 3608, for the use & development of land for industry (composting), in accordance with endorsed plans, on the following grounds:

1. Insufficient information has been provided to undertake a comprehensive assessment of the proposed use and development of land for Industry (composting) on the subject site.
2. Insufficient information has been provided, and therefore an assessment against the State Planning Policy Framework (SPPF) is unable to determine if the application is consistent with the SPPF.
3. Insufficient information has been provided, and therefore an assessment against the Local Planning Policy Framework (LPPF) is unable to determine if the application is consistent with the LPPF.
4. Insufficient information has been provided to determine the specific use of the land in accordance with the Victorian Planning Provisions (VPPF).

43/15 **CRS SWAN/STORER** : *That the Recommendation be adopted.*

CARRIED

Proposal

It is proposed to use and develop the land for a composting facility to compost horse manure and hay bales to create a fertilizer product (Rural Industry). Horse manure and hay bales are to be brought on to the site for this purpose.

6.2 Planning Permit Application No. P2015/010
- Use and Development of Land for Industry (Composting) ~ 894 McDonalds Road, Nagambie (cont.)

Composting will be undertaken on a pad to be constructed 25 metres from the southern boundary and 120 metres from the western site boundary.

Subject site & locality

The subject site located on the eastern side of McDonalds Road, is rectangular in shape and has a total area of 17.14 hectares. The site is currently vacant of any development and is used primarily for sheep grazing. The land is generally flat in topography and is generally clear of vegetation. A dam is located in the south eastern corner of the site. Vehicular access to the site is currently available from McDonalds Road.

Land surrounding the subject site is developed for a range of land uses. Directly south of the land is the Nagambie Wastewater Treatment Plant and Council's Nagambie Transfer Station. North of the site is an existing cluster of broiler farms with four existing facilities as well as an additional two which were approved by Council in May 2015. Directly east of the site is some agricultural land with one lot containing an existing dwelling as well as the Nagambie Mining site. To the west of the site is a single dwelling, vacant agricultural land as well as the Goulburn Valley Freeway.

Application History

The following is a chronological assessment of all documented steps of the application to date and communication with the Applicant:

- 3 February 2015 – Application documentation received
- 18 February 2015 – Application fee paid
- 19 February 2015 – Application acknowledged
- 5 March 2015 – Further information requested
- 8 April 2015 – Extension of time to provide further information sought
- 9 April 2015 – Extension granted
- 27 April 2015 – Submission of further information by Applicant
- 12 May 2015 – Applicant advised information submitted is insufficient and is requested to provide remaining documentation.
- 2 July 2015 – Applicant advised officers would seek to refuse application due to insufficient information. The Applicant was required to provide information or make contact with Council within two weeks of this correspondence. This has not occurred to date.

Permit/Site History

A search of Council's electronic records shows that one planning permit has previously been issued for the subject site and is detailed below:

- P2008-113 was issued on 28 October 2008 and allowed for the use of land for a rural industry. The use of the land, similar to what was proposed commenced on site. The use ceased due to ongoing non-compliance issues with the EPA and Council. The existing use of the land has expired and the permit is now invalid.

This permits and site history supports the officer's recommendation which ensures only an appropriate use is permitted on site.

6.2 Planning Permit Application No. P2015/010
- Use and Development of Land for Industry (Composting) ~ 894 McDonalds Road, Nagambie (cont.)

Public Notification

The application was not required to be advertised pursuant to Section 52 of the *Planning and Environment Act 1987* as it is proposed to refuse the application.

Council officers have had some informal discussion in relation to the proposal with Goulburn Valley Water in the context of them owning the site as well as their operation on the site immediately south of the subject site. These discussions do not constitute formal notification of the proposal under the *Planning and Environment Act 1987*.

Consultation

No consultation has been required to be undertaken.

Referrals

No referrals have been undertaken.

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 proposed use and development of land. At this time, with the information provided thus far, it has been determined the proposed use of the land within the Victoria Planning Provisions is best defined as 'Industry'. This could have been defined differently had further information been supplied with the application.

Without all of the necessary information, officers are unable to assess whether or not the proposal is consistent with the purpose and decision guidelines of the Farming Zone. Concerns have been identified in relation to the impact of the proposed use on the amenity of surrounding land uses as well as the implications for sustainable agriculture in the immediate and wider area.

6.2 Planning Permit Application No. P2015/010
- Use and Development of Land for Industry (Composting) ~ 894 McDonalds Road, Nagambie (cont.)

The State Planning Policy Framework (SPPF)

The information provided with the application is insufficient. Officer's understanding of the information provided identifies the following clauses of the State Planning Policy Framework may be relevant to the proposal:

- Clause 11.10-1, *A diversified economy*
- Clause 11.10-2, *Environmental assets*
- Clause 13.04-2, *Air quality*
- Clause 13.05-1, *Bushfire planning strategies and principles*
- Clause 14.01-1, *Protection of agricultural land*
- Clause 14.01-2, *Sustainable agricultural land use*
- Clause 14.02-1 *Catchment planning and management*
- Clause 14.02-2 *Water quality*
- Clause 17.02-1 *Industrial land development*
- Clause 19.03-3 *Stormwater*
- Clause 19.03-5 *Waste and resource recovery*

With insufficient information having been provided, Officers are unable to appropriately assess whether or not the proposal is consistent with the objectives of the State Planning Policy Framework.

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

The information provided with the application is insufficient. Officer's understanding of the information provided identifies the following clauses of the Local Planning Policy Framework may be relevant to the proposal:

- Clause 21.02-4, *Rural Zones*
- Clause 21.02-6, *Building Material – Muted Tones*
- Clause 21.03-4, *Nagambie*
- Clause 21.04-3, *Water*
- Clause 21.04-4, *Native vegetation and biodiversity*
- Clause 21.04-7, *Bushfire*
- Clause 21.06-2, *Adapting and diversifying agriculture*
- Clause 22.02, *Sustainable Intensive Agriculture*

With insufficient information having been provided, officers are unable to appropriately assess whether or not the proposal is consistent with the objectives of the Local Planning Policy Framework.

Relevant Particular Provisions

No particular provisions are considered relevant to this proposal.

6.2 Planning Permit Application No. P2015/010
- Use and Development of Land for Industry (Composting) ~ 894 McDonalds
Road, Nagambie (cont.)

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.*

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.

6.2 Planning Permit Application No. P2015/010
- Use and Development of Land for Industry (Composting) ~ 894 McDonalds
Road, Nagambie (cont.)

Summary of Key Issues

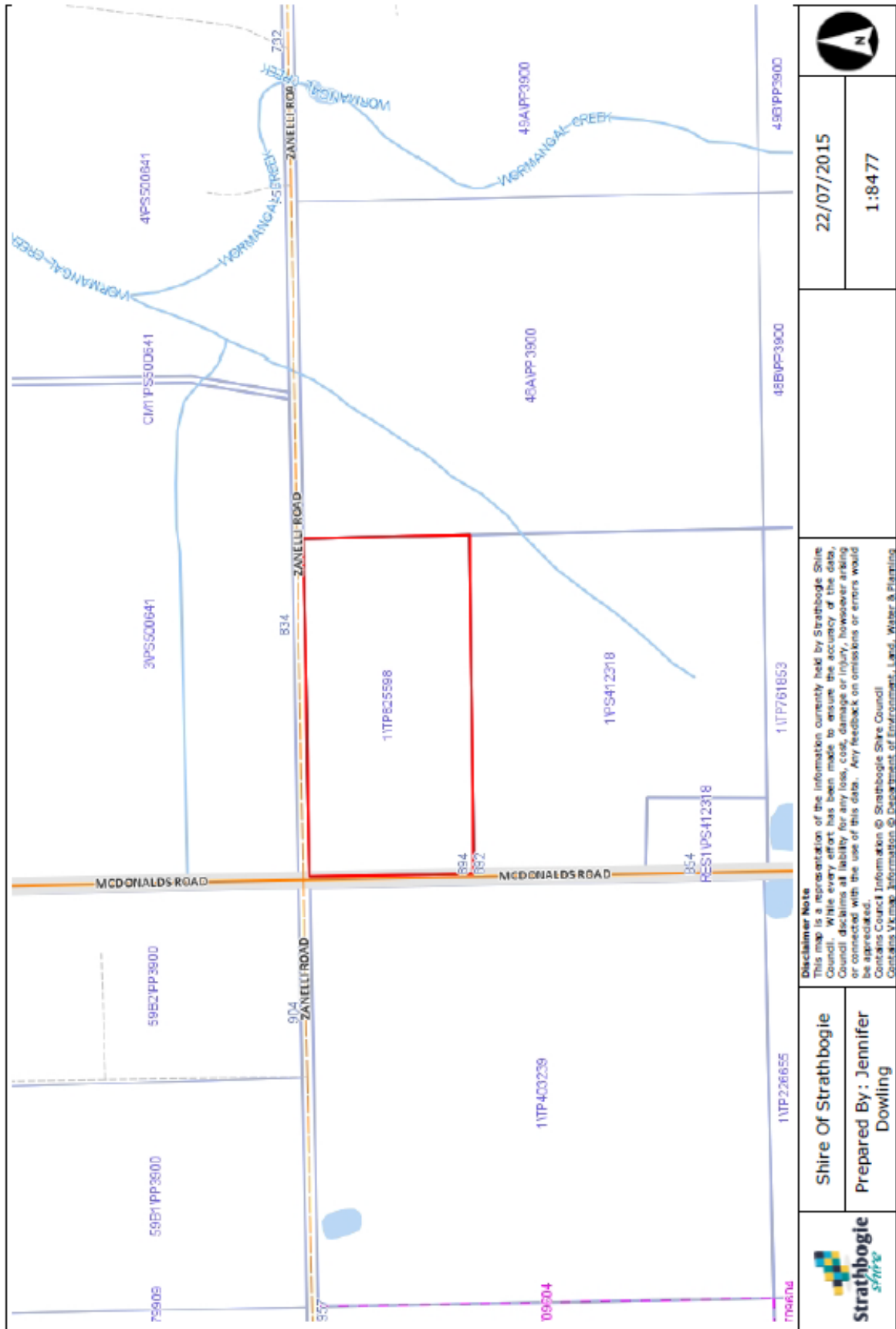
- Insufficient information has been provided for Officers to undertake a comprehensive assessment of the proposal.
- The Applicant has been advised three times in writing that further information is required to undertake an appropriate assessment of the proposal.
- Officers are not satisfied that the proposed use and development of the land will not impact on the amenity of surrounding land uses and agriculture in the wider area.
- Without sufficient information to assess the application, it is recommended that the application be refused.


Conclusion

After due assessment of all the relevant factors, it is considered appropriate to issue a notice of Refusal to grant a permit.

Attachments

Locality Map.



 <p>Strathbogie Shire</p>	<p>Shire Of Strathbogie</p> <p>Prepared By: Jennifer Dowling</p>	<p>Disclaimer Note This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of this data, Council disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning</p>	<p>22/07/2015</p>
	<p>1:8477</p>		

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

7. OTHER BUSINESS

**7.1 Planning Applications Received
- 8 to 22 July 2015**

Following are listings of Planning Applications Received for the period 8 to 22 July 2015.

RECOMMENDATION

That the report be noted.

44/15 CRS FURLANETTO/WILLIAMS : That the Recommendation be adopted.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.58 P.M.

Confirmed as being a true and accurate record of the Meeting

.....

Chair

.....

Date

Planning Applications Received

Wednesday, 8 July 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
350 Goulburn Weir-Murchison Road, Goulburn Weir VIC 3608	P2015-077	Two (2) lot subdivision (House lot excision) and the use and development of land for a second dwelling	Monger & Tomkinson-Graeme Schneider	\$0.00*

Tuesday, 14 July 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
321 Alexandersons Road, Locksley VIC 3665	P2014-117 - 1	Development of land for the construction of a dwelling and group accommodation facility	Michael & Jenni Bannister	\$0.00*
Murray Street, Nagambie VIC 3608	P2015-078	27 lot subdivision	Kelvin Boyle	\$0.00*

Monday, 20 July 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1141 Upper Boho Road, Boho South VIC 3669	P2015-079	3 Lot Subdivision	Leanne Curphey	\$0.00*

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

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