



Planning Committee Minutes

Bannockburn Shire Hall

**Tuesday 14 July 2015
9.30am-10.29am**

Committee Charter

1. To oversee the effective planning of the Shire in accordance with Council's Municipal Strategic Statement, policies and provisions of the Golden Plains Planning Scheme.
2. To work with the Development Unit to identify opportunities for the development of local planning policies and provide direction in the preparation of such policies and any relevant state policies.
3. To implement the provisions of the Golden Plains Planning Scheme, including the Municipal Strategic Statement, Local Planning Policies, State Planning Policies and Victorian Planning Provisions.
4. To consider the views of written submissions from the public; relevant Government and resource bodies and the Planning Officer's report and recommendations in the assessment of planning applications which attract objection(s) or are recommended for refusal.
5. To make recommendations to Council on planning applications and other planning matters, where appropriate.
6. To take all reasonable steps to improve our knowledge of matters relevant to our planning duties.

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1. PRESENT

Cr Bill McArthur Chairperson

Cr Jenny Blake

Cr Andrew Cameron arrived 9.52am

Cr Nathan Hansford

Cr Helena Kirby

Cr Des Phelan, Mayor

Cr Greg Vaughan

Rod Nicholls

Chief Executive Officer

Greg Anders

Director Assets & Amenity

Jillian Evans

Director Community Services

Richard Trigg

Director Corporate Services

Tim Waller

Development Manager, arrived 9.38am

Leigh Page

Acting Planning Team Leader

Adrian Peggie

Town Planner

James Iles

Town Planner

Stuart McLay

Senior Environmental Health Officer

Peter Cameron

Works Manager arrived 9.59am

Helena Charles

Senior Economic Development Officer arrived 10.03am

Petra Neilson (Minutes)

Council Support Officer

Fernando Ferreria

Mr and Mrs Robert Kent

Damien Harbison

2. APOLOGIES

Nil

3. DECLARATIONS & MINUTES

3.1. DECLARATIONS OF INTEREST

File: 02-03-007

Councillors must disclose a conflict of interest in accordance with Section 79 of the *Local Government Act 1989*.

Cr Andrew Cameron declared a direct interest in item 4.1.1 P14-299 for use and development of land for an office and retail premises at 1 High Street, Inverleigh. Cr Cameron declared he is a co-owner of the land.

3.2. CONFIRMATION OF MINUTES

Moved Crs Phelan/Hansford

That the Minutes of the Planning Committee meeting 9 June 2015, as circulated, be confirmed.

Carried

4. REPORTS

4.1. KEY RESULT AREA: ENVIRONMENT & LAND USE PLANNING

It is recorded that Cr Cameron declared a direct interest in this item and was not present in the chamber.

4.1.1 Planning Application P14-299 for use and development of land for an office and retail premises at 1 High Street, Inverleigh

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Leigh Page, Acting Planning Team Leader
Author	Adrian Peggie, Town Planner
File References	Planning Application P14-299
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The demolition of an existing outbuilding and the use and development of the land for an office and retail premises and reduction in car parking
Land Address	1 High Street, Inverleigh, 3321
Applicant	Harbison Design Group
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Township Zone ▪ Heritage Overlay 21
Attachments	<ol style="list-style-type: none"> 1. P14-299 Plans 2. P14-299 Locality Plan 3. P14-299 Objection

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Adrian Peggie: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

This report relates to a planning permit application for the use and development of the land for an office and retail premises. The application has been referred to the Planning Committee for determination as an objection to the proposal has been received. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes to demolish an existing outbuilding and to use and develop the land for an office and retail premises in its place. The new building is to be 29m deep and 12.3m wide, for an area of 295 square metres. It is to be located flush with the footpath at the front of the building, with verandah at the front and porch at the rear. The building is to be single-storey, 4.8m high at the front ridge and 3.15m high at eaves level. The building is to be setback from the western boundary by 1.2 metres.

The building is to be clad in polystyrene and rendered, with light grey wall colour and cream window framing. The roof is to be constructed from corrugated sheet metal roof cladding, of a non-reflective variety. An advertising sign is proposed above eaves level. Details of the sign have not yet been submitted.

The building is to contain retail space at the front and office space and associated facilities to the rear. Car parking for the site is proposed both on and off-street, with the bulk to be provided on the north side of the service road at the front of the site.

Site Description

The subject site is located at 1 High Street, Inverleigh. The site consists of two lots each with a width of 40.2m and depth of 50.3m, for total area of 4,046 square metres. The site currently contains the Inverleigh Hotel and associated outbuildings. The existing outbuilding is in poor condition. A large peppercorn tree is contained within the beer garden of the Inverleigh Hotel, next to the proposed development. Informal off-street car parking is located at the rear of the hotel, with an area of on-street parking on East Street. Unmarked on-street parking is available at the front of the property.

The site is located within the Inverleigh Hotel heritage listing. Adjacent land is located within the Inverleigh Heritage Precinct heritage listing. The main street of Inverleigh features a number of historic buildings of good integrity. The house adjacent to the site, at no. 5 High Street, is a single storey dwelling of significant heritage value within the context of the Inverleigh Heritage Precinct.

History

The application was received on 28 November 2014. The application was referred to VicRoads. VicRoads did not object to the proposal and did not propose any conditions. The proposal was also referred to the Works and Environmental Health Departments. The Works Department did not object to the proposal on the proviso that conditions be applied to any permit granted. The Environmental Health Department requested further information in the form of a Land Capability Assessment. This has not yet been provided, but can be required as a permit condition should a permit be granted. The Heritage Adviser supported the proposal, but requested further details in relation to design detail that could be provided through conditions on any permit granted.

Community Communication

Notice of the application was given to neighbours pursuant to Section 52 of the *Planning and Environment Act 1987* ("the Act"). An objection was made to the proposal, a copy of which is provided at Attachment 3. The objection was made on three main grounds: The design of the building and its suitability in terms of heritage, including its footprint and height (i), car parking and road safety issues (ii) and the proposed use of the building (iii). A consultation meeting was held on 8 April 2015, following which amended plans were submitted. These amended plans resulted in the height of the roof of the building being lowered and the building being setback from the western boundary while providing an alternative car parking arrangement. The objectors have viewed the amended plans and have maintained their objection to the development in terms of the design of the building and its effect on the heritage precinct.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 15 Built Environment and Heritage

15.01-1 Urban design

Objective: To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-2 Urban design principles

Objective: To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Relevant strategies

- Heritage

New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.

- Architectural quality

New development should achieve high standards in architecture and urban design.

Clause 15.01-5 Cultural identity and neighbourhood character

Objective: To recognise and protect cultural identity, neighbourhood character and sense of place.

Clause 15.03 Heritage

Objective: To ensure the conservation of places of heritage significance.

Relevant strategies

- Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Local Planning Policy Framework

Clause 21.06 Built Form, Heritage and Infrastructure

Two of the objectives of this policy are relevant, which are:

- To protect, maintain and enhance heritage areas and features in private and public ownership.
- To provide a high quality urban environment within existing township areas.

Clause 22.12 Heritage

It is policy to:

- Encourage the restoration, adaptation and reconstruction of heritage places in a manner that does not detract from the cultural significance of the place or area.
- Discourage the demolition or inappropriate alteration of all locally significant and contributory heritage places.

- Encourage appropriate alternative uses of buildings in order to achieve the conservation of heritage places.
- Encourage advertising signs in traditional forms and locations on building and that are limited in number.
- Encourage the retention of mature trees in High Street, Inverleigh and therefore discourage developments that may threaten the health of those mature trees.
- Discourage the use of Zinalume roofing material in heritage precincts.

Decision guidelines

- The statement of significance and conservation policy for the heritage place or precinct.
- The views of Council's heritage adviser.
- The visual impact of an advertising sign.
- The impact upon the health or viability of a tree or group of trees.

Zone & Overlay Provisions

Clause 32.05 – Township Zone

The purpose of the 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 residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To allow educational, recreational, religious, community and a limited range of residential uses to serve local community needs in appropriate fashion.*

Pursuant to Clause 35.016-1, retail premises and an office are Section 2 Uses and require a permit.

The responsible authority must consider the following, as appropriate:

General Issues

- The State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the *State Environment Protection Policy (Waters of Victoria)* under the *Environment Protection Act 1970*.
- The design, height, setback and appearance of the proposed buildings and works including provision for solar access.
- The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.
- Provision of car and bicycle parking and loading bay facilities and landscaping.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The scale and intensity of the use and development.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.
- Any other decision guidelines specified in a schedule to this zone

Clause 43.01 Heritage Overlay

A permit is required for demolition, buildings, works and signage pursuant to Clause 43.01-1. The responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance, heritage study and any applicable conservation policy.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.

Schedule 21 of the Heritage Overlay – Inverleigh Hotel

The statement of significance for this site from the Australian Heritage Database online is:

This substantial two storey bluestone building is a local landmark making an important contribution to the local streetscape. The Hotel's substantial size and relatively early date is a reflection of both the early settlement of this part of Victoria from the late 1830s onward and of the significance of the Hamilton Highway, which was one of the early routes into the Western District from one of the district's main entry points, Geelong.

External paint controls apply within the overlay.

Adjacent land is located within the Inverleigh Heritage Precinct.

General Provisions

The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines contained in Clause 65 of the planning scheme. Before deciding on an application the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State and Local 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.

Particular Provisions

Clause 52.06 Car Parking – Decision Guidelines

For applications to allow some or all of the required car parking spaces to be provided on another site

Before granting a permit to allow some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay to be provided on another site, the responsible authority must consider the following, as appropriate:

- The proximity of the car parking on the alternate site to the subject site.
- The likelihood of the long term provision and availability of the car parking spaces.
- Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.
- Any other matter specified in a schedule to the Parking Overlay.

Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The responsible authority must consider:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.

Discussion

Planning Scheme

The proposed development is considered to meet the objectives and requirements of the state and local planning policy frameworks, zoning and overlay provisions, and the relevant particular and general provisions of the Scheme.

State Planning Policy Framework

It is considered that the proposed building responds well to the cultural identity of the township, contributes positively to local urban character and enhances the public realm, and minimises detrimental impact on neighbouring properties.

In terms of heritage, it is considered that the proposal respects, but does not copy, historic precedents, while achieving a high standard in architecture and urban design.

Local Planning Policy Framework

As stated above, it is considered that the proposal contributes to a high quality urban environment while respecting the character and heritage values of the area, and of the Inverleigh Hotel. The Council's Heritage Adviser supports the proposal. Further details in regards to advertising are required and can be dealt with as a condition on permit. The peppercorn tree at the site is thriving despite the presence of the existing outbuilding. It is expected that the replacement building will not impact upon the tree as it will go no closer to it than the existing building. In any event, the tree is not subject to protection by the Planning Scheme.

Township Zone

- The proposal meets the objectives of the zone.
- The existing peppercorn tree is not proposed for removal as part of the development.
- Given the site area is over 4,000 square metres, it is expected that wastewater could be disposed of satisfactorily from the development, pending the submission of a Land Capability Assessment which demonstrates this to be so. The likely outcome, however, is that the wastewater will be disposed of in Lot 2, while the development is to be located within Lot 1. Consequently, conditions must be applied to any permit granted requiring the submission of a Land Capability Assessment and the consolidation of the lots into one parcel of land, to prevent potential future land ownership conflicts.
- The building is appropriately designed and has sufficient solar access.
- A verandah has been provided at the front of the building.
- Car parking is to be provided on-street. Originally, the bulk of the car parking was to be provided on-site, although it was to be located to the rear of the hotel. It is considered that the provision of on-street parking is more suitable for the following reasons:
 - Easier access to the proposed development.
 - The on-street area is already used for informal car parking.
 - On-street car parking can be used for a variety of different premises and therefore offer greater flexibility to the public and potential passing trade.
- Adjoining uses are not expected to affect the proposed uses. The objector did raise concerns that the development may in the future be converted to residential accommodation in connection with the hotel use. Any such change of use would require a planning permit and be subject to appropriate scrutiny by the responsible authority.
- The scale and intensity of the proposed uses and development are appropriate for a main street in a country town.
- The site is served by a service road. The uses and development proposed are relatively modest in terms of intensity and therefore road safety is not expected to be compromised by the proposal.

Heritage Overlay

The proposal is not expected to adversely affect the setting of the Inverleigh Hotel. The proposed building will not be located any closer to the Hotel than the current building. The Hotel is a distinctive building which should not be copied due to its prominence to the streetscape. The proposed building will be visually subservient to the Hotel, and reflect the identity of other buildings on the street.

The proposal is also not expected to affect the setting of the significant dwelling at no. 5 High Street. The proposed building is setback from the western boundary and only slightly higher than that building. This should ensure that each building is separate and distinct and has its own identity. The proposed rendered finish is different to the weatherboard façade of the building at no. 5, but this is a contemporary interpretation of that design, rather than a replica. Overall, the proposal is not expected to detrimentally impact the significance of the neighbouring building.

Particular Provisions

Clause 52.06 Car Parking

A total of 10 car spaces are required to be provided for the proposed use. Two car spaces have been proposed to be located on-site, being the loading bay and accessible car space. A further eight car spaces are proposed to be provided on-street on the service road by way of construction of an additional car parking area. A further on-street car parking space can be provided through the removal of the crossover to the existing outbuilding.

The provision of on-street car parking is considered to be appropriate for a country town where the ability to provide substantial main street car parking is an advantage over suburban areas. The car parking proposed is expected to be more convenient, and more often used, than any car parking provided at the rear of the site where it would not be visible to passing traffic. Furthermore, informal car parking is already occurring on the median strip. Formalising this car parking is considered to be in the interests of the responsible authority. Line-marking of the on-street car parking on the south side of the service road is considered desirable to formalise the car parking in the immediate vicinity of the site.

Clause 52.29 Land Adjacent to a Road Zone, Category 1

The proposal is adjacent to land in a Road Zone, Category 1. VicRoads have not objected to the proposal. The proposal has access from a service road rather than from the Hamilton Highway itself and, consequently, it is expected that the proposal will not have any adverse impact on the functioning of the Hamilton Highway.

General Provisions

Clause 65 Decision Guidelines

It is considered that the proposal is supported by the Planning Policy Frameworks, the zoning and overlay provisions and the particular provisions.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social & Environmental Implications

It is considered that the application does not present any economic, social or environmental implications.

Conclusion

The proposed demolition, use and development is considered to meet the objectives and requirements of the state and local planning policy frameworks, the zoning and overlay provisions, and the relevant particular and general provisions of the Scheme. The proposal is considered acceptable. It is considered that the development will not cause unacceptable material detriment to any person.

Recommendation

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the demolition of an existing outbuilding and the use and development of the land for an office and retail premises, at 1 High Street, Inverleigh, subject to the following conditions:

- 1. Prior to the commencement of the development, the following shall be submitted to and approved by the responsible authority, which will then be endorsed and form part of the permit:***
 - a) An effluent disposal plan, including a Land Capability Assessment, to the satisfaction of the responsible authority. The effluent disposal plan shall provide a dedicated effluent disposal envelope contained within the site. Should the envelope be provided within Lot 2, the parcels shall be consolidated and certified as such prior to the commencement of the use. The Land Capability Assessment shall consider peak and average hydraulic loads for the entire site. It must also include a report and site plan with specifications of the existing septic system detailing the type and size of the tank and exact details of the disposal field, setback distances from site features and proposed boundaries, and the condition of the current system.***
 - b) Detailed construction plans for road, drainage and landscaping works to the satisfaction of the responsible authority. All works constructed or carried out must be in accordance with those plans.***

- c) **Detailed plans to the satisfaction of the responsible authority showing:**
 - i. **A colour scheme of all proposed materials, including roof cladding, fascias, gutters, downpipes, window sills, doors, verandah posts and verandah fascias;**
 - ii. **External doors;**
 - iii. **Verandah posts;**
 - iv. **Verandah floor construction;**
 - v. **Proposed signage, including details of illumination, if any.**
2. **The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.**
3. **The building must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the building must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) and Code of Practice – Onsite Wastewater Management under the Environment Protection Act 1970.**
4. **The building must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes to the satisfaction of the responsible authority.**
5. **The building must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.**
6. **Before the use begins or the building is occupied, no fewer than ten (10) car parking spaces must be provided including one (1) space clearly marked for the exclusive use of persons with disabilities. Two car parking spaces must be located on-site.**
7. **The loading and unloading of goods from vehicles must only be carried-out on the subject land.**
8. **The use and development must be managed so that the amenity of the area is not detrimentally affected through the:**
 - a) **Transport of materials, good or commodities to or from the land;**
 - b) **Appearance of any building, works or materials;**
 - c) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) **Presence of vermin.**
9. **The applicant must ensure that appropriate measures are implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the responsible authority.**
10. **Before construction works associated with the provision of car parking commence, detailed layout plans demonstrating compliance with AustRoads Publication ‘Guide to Traffic Engineering Practice: Part 11 Parking’, and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority.**
11. **Before the use begins or the building is occupied, the area set aside for parking of vehicles as shown on the endorsed plans must be:**
 - a) **Surfaced with an all-weather asphalt or seal coat to the satisfaction of the responsible authority;**
 - b) **Drained to the satisfaction of the responsible authority;**
 - c) **Line-marked to indicate each car space;**
 - d) **Constructed and completed to the satisfaction of the responsible authority.**
12. **Before the use begins or the building is occupied, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe drains to the satisfaction of the responsible authority. No effluent or polluted water of any type may be allowed to enter the Council’s stormwater drainage system.**
13. **All external lighting shall be designed, installed and baffled so as not to cause nuisance to adjoining properties and highway traffic, and shall be to the satisfaction of the responsible authority.**
14. **Except with the prior written consent of the responsible authority, the premises must only be open to the public between the following hours:**
 - **Monday to Friday: 7am – 7pm**
 - **Saturday and Sunday: 9am – 5pm**
 - **Good Friday and Anzac Day: 12 noon – 5pm**

15. ***This permit will expire if one of the following circumstances applies:***
- a) ***The development is not started within two years of the date of issue.***
 - b) ***The use is not started and the development is not completed within four years of the date of issue.***

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.

Note: 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.

Note: A 'Works within Road Reserve' permit must be obtained from the responsible authority prior to the carrying out of any vehicle crossing works.

Note: The applicant shall endeavour to protect the existing peppercorn tree on the site throughout the construction works proposed.

Moved Crs Vaughan/Blake

That Council suspend Standing Orders to hear a submission.

Carried

It is recorded that Council suspended Standing Orders at 9.43am.

It is recorded that Damian Harbison addressed Council between 9.43am and 9.48am

Moved Crs Blake/Hansford

That Council resume Standing Orders.

Carried

It is recorded that Council resumed Standing Orders at 9.48am.

Moved Crs Phelan/Vaughan

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the demolition of an existing outbuilding and the use and development of the land for an office and retail premises, at 1 High Street, Inverleigh, subject to the following conditions:

1. ***Prior to the commencement of the development, the following shall be submitted to and approved by the responsible authority, which will then be endorsed and form part of the permit:***
 - a) ***An effluent disposal plan, including a Land Capability Assessment, to the satisfaction of the responsible authority. The Land Capability Assessment shall consider peak and average hydraulic loads for the entire site. It must also include a report and site plan with specifications of the existing septic system detailing the type and size of the tank and exact details of the disposal field, setback distances from site features and proposed boundaries, and the condition of the current system.***
 - b) ***Detailed construction plans for road, drainage and landscaping works to the satisfaction of the responsible authority. All works constructed or carried out must be in accordance with those plans.***
 - c) ***Detailed plans to the satisfaction of the responsible authority showing:***
 - i. ***A colour scheme of all proposed materials, including roof cladding, fascias, gutters, downpipes, window sills, doors, verandah posts and verandah fascias;***
 - ii. ***External doors;***
 - iii. ***Verandah posts;***
 - iv. ***Verandah floor construction;***
 - v. ***Proposed signage, including details of illumination, if any.***
2. ***The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.***

3. **The building must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the building must be treated in accordance with the State Environment Protection Policy (Waters of Victoria) and Code of Practice – Onsite Wastewater Management under the Environment Protection Act 1970.**
4. **The building must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes to the satisfaction of the responsible authority.**
5. **The building must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.**
6. **Before the use begins or the building is occupied, no fewer than ten (10) car parking spaces must be provided including one (1) space clearly marked for the exclusive use of persons with disabilities. Two car parking spaces must be located on-site.**
7. **The loading and unloading of goods from vehicles must only be carried-out on the subject land.**
8. **The use and development must be managed so that the amenity of the area is not detrimentally affected through the:**
 - a) **Transport of materials, good or commodities to or from the land;**
 - b) **Appearance of any building, works or materials;**
 - c) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) **Presence of vermin.**
9. **The applicant must ensure that appropriate measures are implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the responsible authority.**
10. **Before construction works associated with the provision of car parking commence, detailed layout plans demonstrating compliance with AustRoads Publication ‘Guide to Traffic Engineering Practice: Part 11 Parking’, and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority.**
11. **Before the use begins or the building is occupied, the area set aside for parking of vehicles as shown on the endorsed plans must be:**
 - a) **Surfaced with an all-weather asphalt or seal coat to the satisfaction of the responsible authority;**
 - b) **Drained to the satisfaction of the responsible authority;**
 - c) **Line-marked to indicate each car space;**
 - d) **Constructed and completed to the satisfaction of the responsible authority.**
12. **Before the use begins or the building is occupied, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe drains to the satisfaction of the responsible authority. No effluent or polluted water of any type may be allowed to enter the Council’s stormwater drainage system.**
13. **All external lighting shall be designed, installed and baffled so as not to cause nuisance to adjoining properties and highway traffic, and shall be to the satisfaction of the responsible authority.**
14. **Except with the prior written consent of the responsible authority, the premises must only be open to the public between the following hours:**
 - **Monday to Friday: 7am – 7pm**
 - **Saturday and Sunday: 9am – 5pm**
 - **Good Friday and Anzac Day: 12 noon – 5pm**
15. **This permit will expire if one of the following circumstances applies:**
 - a) **The development is not started within two years of the date of issue.**
 - b) **The use is not started and the development is not completed within four years of the date of issue.**

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.

Note: 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.

Note: A 'Works within Road Reserve' permit must be obtained from the responsible authority prior to the carrying out of any vehicle crossing works.

Carried

Cr Cameron entered the chamber at 9.52am.

4.1.2 Planning Application P14-237 for the Use and Development for Intensive Animal Husbandry (Free Range Egg Production) and Use and Development of a Dwelling at Crown Allotment 7D, Lower Plains Road, Lethbridge.

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Leigh Page, Acting Planning Team Leader
Author	James Iles, Town Planner
File References	P14-273
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The use and development of land for Intensive Animal Husbandry (Free Range Egg Production) and use and development of a dwelling
Land Address	Crown Allotment 7D, Parish of Coolebarghurk, Lower Plains Road, Lethbridge
Applicant	Scolexia Pty Ltd
Zone & Overlay Summary	Farming Zone (FZ)
Attachments	4. P14-237 Application and plans 5. P14-237 Locality Map 6. P14-237 Copy of objections

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

James Iles: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

This report relates to a planning permit application for the use and development of four (4) free range layer sheds, an amenities/workshop, generator/mains power shed, car parking and roads and a dwelling at Crown Allotment 7D, Lower Plains Road, Lethbridge. The application has been referred to the Planning Committee for determination as objections to the application were received. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes the use and development of the land for an egg layer farm with the capacity of 78,000 birds (refer to Attachment 1 – copy of application and plans). The proposal consists of four (4) sheds (each shed housing 19,500 birds), silos, an amenities/workshop, generator/main power shed, car parking and internal roads. Each shed will be clad with a 4.3 metre high concrete wall with openable hatches to allow chickens to access the outside area and a double sided curtain with bird proofing mesh above the concrete wall. Each shed will have a length of 153.72 metres by 15.54 metres wide (2388 square metres). Nesting boxes will be located in the centre of the shed, with removable plastic slats on the floor. The chickens will have

access to an outdoor area either side of the shed. The free range areas will vary between 1.11 and 1.12 hectares and will be fenced to keep the birds from escaping.

The proposal comprises two (2) stages with two (2) sheds being constructed in each stage to ensure that the development proceeds in an efficient manner. The other buildings and dwelling will be built in Stage 1.

An internal roadway will provide access to the sheds from Lower Plains Road. This internal road system will also provide access to each end of a shed enabling the eggs to be picked up and delivered to the processor, supply of feed to the birds and removal of manure.

A new amenities/workshop building will be located on the site to provide amenities and a lunch room for staff. The building will have a floor area of approximately 170 square metres and is to be placed in the centre of the development next to the entrance road. There will be car parking provided next to the amenities building. A septic tank system will be installed to treat wastewater from the amenities building.

The site is currently connected to reticulated power from Lower Plains Road, but this will need to be upgraded and extended to the farm. A standby generator will be housed in a shed as a backup in the event of a power failure. The shed will have a floor area of approximately 60 square metres and is located next to the amenities/workshop building.

The proposal will employ two full time staff. Casual staff would also be required to operate the sheds at selected times when each batch of birds are removed or when cleaning out of the sheds is required. The production cycle involves layer birds being reared off site, prior to delivery on site at the age of 16 weeks, where they remain on the site until 54 weeks. At the end of each batch, the birds will be removed during the night, the sheds will be cleaned out and all litter removed from the site. The eggs are conveyed from the nest boxes and then placed on egg trays. Any dead or diseased birds will be collected on a daily basis, stored in a freezer and then taken off site for disposal.

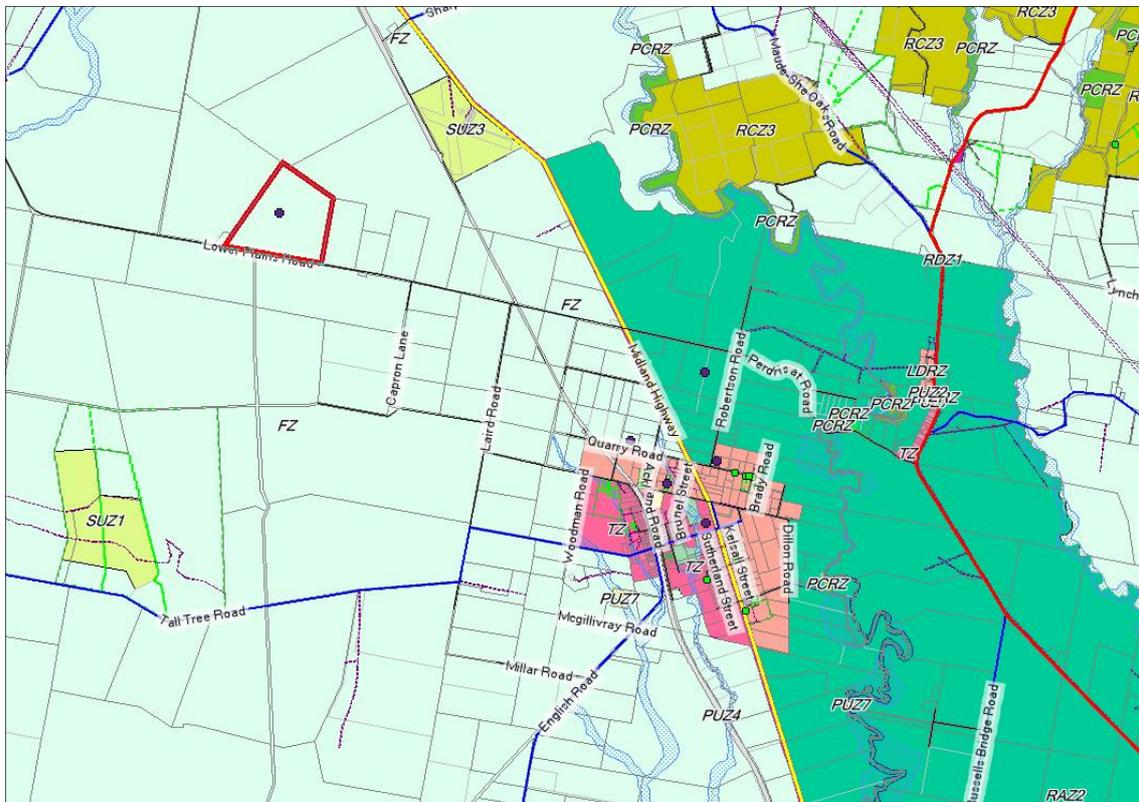
There will be landscaping provided along all boundaries of the site to minimize any visual amenity of the rural area. Landscaping strips of 30 metres will be provided on both sides of the existing watercourse to the east and a 50 metre landscape strip will be provided on the northern side of the existing watercourse to the south of the development site.

The proposed dwelling is to be located at the front of the property with the setback of approximately 80 metres from Lower Plains Road and approximately 30 metres from the new internal access road to the sheds. The dwelling will comprise four (4) bedrooms, ensuite to bedroom 1, separate bathroom, study, separate toilet, laundry, rumpus room, dining room, family room kitchen, and study. An alfresco area has direct access from the internal family room and a double car garage is attached at the front of the dwelling. The total floor area of the dwelling is approximately 348.66 square metres. The dwelling will be constructed from face brickwork with aluminium windows and doors and a tiled roof at a pitch of 22.5 degrees.

Site Description

The subject land is situated on the north side of Lower Plains Road (refer to Attachment 2 – locality map). The land is not affected by any restrictive covenants. The site is located in a rural area approximately 5.0 kilometres north-west of the Lethbridge township. The site has an area of 95.72 hectares and is used for agriculture and cropping purposes.

Surrounding land is predominantly used for agricultural purposes. Access to the site is from Lower Plains Road which is a sealed road that joins the Midland Highway to the east. A large free range egg farm operated by Farm Pride Pty Ltd is located approximately 2.5 kilometres to the south. To the west and north of the site is open farm land. To the east is farming zoned land and scattered dwellings.



Zoning map

There are four (4) dwellings located in the immediate area of the site, however these dwellings are situated outside the 500 metre buffer as required for chicken farms.



500 metre buffer from existing dwellings

History

The application was received by Council on 4th November 2014, at the time a preliminary assessment of the application was undertaken. The application was not referred as there are no referral authorities specified in the planning scheme for an application of this type. However, Council sought advice of the Corangamite Catchment Management Authority (CCMA) and the Environment Protection Authority (EPA) in regard to the application. The application was also internally referred to Council's Works Unit in regard to use of Lower Plains Road and Natural Resources Officer on the proposed landscaping plans.

Communications

Notice of the application was given in accordance with Section 51(1)(a), (b) and (d) of the Planning and Environment Act 1987. Notice was provided by mail to adjoining and neighbouring owners and occupiers within a 1.0 kilometre radius of the site. Notice was also carried out by placing a sign on the site and by an advertisement in the Geelong Adviser. As a result of public notice 5 objections were received. A copy of the objections are provided at Attachment 3.

All objectors and the applicant were invited to a consultation meeting held on the 1st April 2015. There was no resolution or agreement reached as a result of the meeting.

Summary of Objections

The grounds of objections are summarized as follows:

- 1. Road Safety.** Objectors are concerned that the proposal will adversely affect road safety as a result of an increase in truck movements on Lower Plains Road. Also, there is concern of safety of road users and trucks at the railway crossing.
- 2. Impact of separation distance on adjoining properties.** Concerns have been raised regarding the separation distance between existing and future uses of land in the immediate area. Specifically, that allowing the approval of an egg farm on the site will restrict the potential of other intensive animal husbandry uses from being developed on adjoining properties.
- 3. Impact on the existing waterway.** The subject development is likely to result in risks to the existing waterway (e.g. water quality) and its stability. This objection was raised by the CCMA.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 11.05 Regional Development

The State Planning Policy for regional development includes particular policies related to Melbourne's hinterland areas and rural productivity. The policy for Melbourne's hinterland areas (Clause 11.05-2) applies to the area within 100 kilometres of Melbourne's Central Activities District and aims to manage growth by preventing dispersed settlement and providing for development in selected settlements having regard to, among other things, agricultural activities in the area. The policy for rural productivity (Clause 11.05-3) aims to manage land use change and development in rural areas to promote agriculture and rural production.

Clause 13.04 Noise and Air

The objective of the State Planning Policy for noise abatement (Clause 13.04-1) is to assist the control of noise effects on sensitive land uses. The policy seeks to ensure that amenity is not reduced by noise emissions, using a range of design and land use separation techniques as appropriate to the land use functions and character of the area. Planning must consider as relevant the Interim Guidelines for Control of Noise from Industry in Country Victoria, EPA 1989.

The State Planning Policy for air quality (Clause 13.04-2) aims to assist the protection and improvement of air quality by ensuring that there is suitable separation between land uses that reduce amenity and sensitive land uses. Planning must consider as relevant the State Environment Protection Policy (Air Quality Management).

Clause 14.01 Agriculture

The State Planning Policy for agriculture includes particular policies for the protection of agricultural land and sustainable agricultural land use. The policy for the protection of agricultural land (Clause 14.01-1) seeks to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use. The policy for sustainable agricultural land use (Clause 14.01-2) supports effective agricultural production and facilitates the establishment and expansion of poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

Clause 14.02 Water

The objective of the State Planning Policy for catchment planning and management (Clause 14.02-1) is to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment. This policy seeks to retain natural drainage corridors with vegetated buffer zones at least 30m wide along each side of a waterway in order to:

- maintain the natural drainage function, stream habitat and wildlife corridors and landscape values;
- minimise erosion of stream banks and verges; and,
- reduce polluted surface runoff from adjacent land uses.

It also seeks to undertake measures to:

- minimise the quantity and retard the flow of stormwater runoff from developed areas;
- encourage measures to filter sediment and wastes from stormwater prior to its discharge into waterways; and aid in,
- the preservation of floodplain or other land for wetlands and retention basins.

The policy also seeks to ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses and requires the use of appropriate measures to restrict sediment discharges from construction sites.

Local Planning Policy Framework (LPPF)

Clause 21 Municipal Strategic Statement

The Municipal Strategic Statement (MSS) recognizes maintaining and encouraging viable agricultural industries as a key issue affecting the Shire's land use planning and development (Clause 21.02). Agriculture is the major land use in the Shire and whilst the Shire does not have a substantial amount of high quality agricultural land there has been growth of intensive agriculture including specialist livestock industries. The strategic direction and vision statement for the Golden Plains Shire (Clause 21.03) states that the Shire, in partnership with the community and through its decisions and actions, will work for the sustainable development of the Shire based on, among other things, facilitating productive agricultural activities. The Council Plan contains objectives and actions to encourage economic development and recognizes a prosperous agricultural industry supporting sustainable practices.

The agricultural policy (Clause 21.04-3) emphasises the economic importance of agricultural industries to the Shire, including poultry and recognizes that an important land use management issue is the potential for conflict between sensitive uses and agricultural practices. The objectives of agriculture policy seeks to ensure that the use and development of rural land is both compatible and complementary to agricultural activities and to encourage agricultural diversity and promote opportunities for new farming enterprises.

The Golden Plains Rural Land Use Strategy is a reference document to the planning scheme. The Strategy is designed to guide future land use and development across the Shire's rural areas. The Strategy recognizes that there has been significant growth in intensive animal industries in the Shire. The Strategy found that the industry has been attracted to the region by extensive areas of large farms in the central and south east areas where settlement is dispersed and

substantial buffers to rural dwellings exist. The objectives of the Strategy include, among other things, to provide for value adding rural industries, including intensive animal industries, where they can be sited so as to avoid conflicts and impacts on towns and settlements, residential uses, other agricultural uses and identified environmental values.

Clause 22.03 Intensive Animal Husbandry

This policy provides siting and design guidelines for intensive animal husbandry. The policy recognizes that there are many intensive animal husbandry uses located in the Golden Plains Shire that represent an important local industry.

The primary objective of this clause is to ensure appropriate siting of facilities so as to not impact on the environment, maintain the amenity of any nearby residential area and achieve consistency with state policy.

A more detailed assessment against this clause is found in the discussion section of this report.

Zone Provisions

The site and surrounding land is in the Farming Zone. The primary purpose of the Farming Zone is to provide for the use of land for agriculture. Intensive animal husbandry (egg layer farm) is a Section 2 use (Permit required) subject to a condition that it meets the requirements of Clause 52.31 of the planning scheme. Before deciding on an application Council must consider the relevant decision guidelines of the Farming Zone which include the following:

General Issues

- The State Planning Policy Framework and the Local Planning policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land;
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- 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.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

*Discussion***Planning Scheme**

The application is considered to satisfy the provisions of the State Planning Policy Framework, the Local Planning Policy Framework, Farming Zone, Clause 52.31 (Broiler Farm) and Clause 65 of the Victorian Planning Provisions (VPPs). The proposed use and development is consistent with state and local agriculture policies and the Rural land Use Strategy which seek to facilitate the establishment of intensive animal industries in suitable locations.

Intensive Animal Husbandry

Policy	Response
That part of the site area which is developed with enclosures, yards or buildings used for the holding of animals should be suitably located and designed.	All free range areas will be fenced and located adjacent to the sheds. The sheds are sited in a cluster.
No enclosures, yards or buildings in which animals are raised on an intensive raising system should be located within 200 metres of any river, creek, water course or pondage, within 500 metres of a dwelling on any other property, or within 30 metres of any road (whether or not such road forms the frontage).	<p>The proposed buildings are located at least 500 metres from the nearest dwelling including the proposed dwelling associated with the development.</p> <p>The proposed buildings are located within 200 metres of an existing water. The application was referred to CCMA for comment and they originally had concerns to the closeness of the development. The applicant has since provided an appropriate solution by fencing off and the planting of vegetation in a 30 metre buffer from the waterway to remove the potential of any contamination entering the waterway.</p> <p>The development is located at least 30 metres from any road.</p>
The site used should have an area of not less than 4 hectares, and the total area for buildings, yards, or enclosures used for the enclosure of animals should not exceed 10 percent of the area of the site.	The subject site has a total area of 92 hectares. The developed area will not exceed 10 percent of the area of the site. There are no enclosures or yards associated with the development, only buildings. The proposed buildings occupy approximately 2.0 hectares of the site (2.2%).
Buffer areas should be contained wholly on the property where practical.	The 500 metre buffer will encroach into 3 adjoining properties. It is considered that this setback does not restrict the use of the adjoining land, nor does it extend to the location of existing dwellings.
Landscaping of the site should be undertaken so as to remove any adverse visual impact of the development on the surrounding area.	Conditions of the planning permit seek landscaping around all boundaries of the site to provide an effective visual screen. The appearance of the sheds is not inconsistent with other existing agricultural developments within the surrounding landscape.

Policy	Response
<p>All manure and polluted run-off water from any enclosures, yards or buildings used in conjunction with any intensive animal husbandry, or any water otherwise contaminated as a result of such use, shall be treated and disposed of either within the boundaries of the site or in an alternative manner to the satisfaction of the responsible authority.</p>	<p>An environmental management plan has been submitted with the application and details proposed surface run-off methods for detention. The development is within 200 metres of the Stony Creek watercourse and appropriate fencing and landscaping will be provided to remove any potential of contamination into the creek.</p>
<p>Measures should be taken to the satisfaction of the responsible authority to ensure that the use and development proposed does not prejudicially affect the amenity of the locality by reason of appearance or emission of noise, smell, fumes, waste water, waste products or otherwise.</p>	<p>Conditions of the permit seek to protect the amenity of the closets adjoining and adjacent properties from dust, noise, odour and traffic.</p>
<p>Infrastructure (such as roads and water supply) should be paid for and provided for by the proponent.</p>	<p>Conditions on the permit seek construction of internal roads, drainage, etc...</p>

It is considered that the development is in accordance with Council's Intensive Animal Husbandry Policy and the proposed conditions on the permit will address amenity, traffic, internal road and drainage construction and landscaping.

Objections

The concerns raised by objectors to the application are addressed as follows:

1. **Road Safety.** Advice on the application was sought from Council's Works Engineer regarding traffic and use of the existing road network. It is considered that Lower Plains Road in its current form is acceptable for the current level of traffic. Other road concerns raised by the objectors fall outside of the applicant's requirements.

2. **Impact of separation distance on adjoining properties.** The application complies with the various setback requirements under the Code as well as Clause 22.03 of the Planning Scheme. Adjoining landowners have raised concerns their land will be limited for future use as intensive animal husbandry.

The planning scheme allows a planning application to be submitted for an intensive animal husbandry on adjoining properties and will be assessed against the relevant policies. The underlying issue is the meeting of the bio-security buffer of new uses against the existing intensive animal husbandry uses.

Bio-security buffers are considered under a set of guidelines prepared by DEDJTR. The guidelines provide certain buffer distances to be considered with a new poultry farm and an existing poultry farm. The guidelines state the following:

Biosecurity buffer distance guidelines are presented in Table 1. These guidelines should not be interpreted too prescriptively as effective biosecurity is achieved through a combination of measures.

Table 1: A Guide on biosecurity buffer distances*

Farm type	Species	Buffer (m)
New farm	Fowls/turkeys/other avian species eg. ratites, quail	1000
Units in large farm complex	Fowl/turkeys or other avian species	200 - 500
Farm complexes	Fowl/turkeys or other avian species	> 2000
Breeder farms	Fowl/turkeys or other avian species	2000 - 5000
Duck or waterfowl farms	Duck, waterfowl	5000

The buffer is measured from either the nearest shed walls for older type shedding or from the centroid of the mechanical ventilation system of the newer tunnel ventilation sheds

The buffers are considered to only be guidelines and a combination of other measures may be able to achieve a more effective biosecurity.

There are no other poultry farms in close proximity to the site and therefore the buffers comply.

At this stage no planning applications on any adjoining land has been lodged with Council for other intensive animal husbandry enterprises. Council cannot consider the impacts of future land uses in deciding on this application. Each application is to be considered on its own merit.

- Impact on the existing waterway.** The applicant has addressed the concerns raised by the Corangamite Catchment Management Authority and they have now withdrawn their objection and require a condition to be placed on the permit.

Financial & Risk Management Implications

It is considered there are no financial or risk management implications.

Economic, Social & Environmental Implications

It is considered that there are no economic, social or environmental implications.

Conclusion

The application satisfies the provisions of the State and Local Planning Policy Frameworks, the Farming Zone, Clause 22.03 (Intensive Animal Husbandry) and the decision guidelines of the Planning Scheme (Clause 65). The site is considered to be appropriate as it will facilitate the establishment of an important and productive agricultural industry in a manner that is consistent with the orderly and proper planning and the protection of the environment. It is therefore considered that the grant of a permit will not cause material detriment to any person.

Recommendation

That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the use and development of the land for intensive animal husbandry (Free Range Egg Production) and associated works and use and development of a dwelling in accordance with the endorsed plans at Crown Allotment 7D, Lower Plains Road, Lethbridge subject to the following conditions:

Intensive Animal Husbandry

- 1. Before the use and/or development starts, an amended landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the planning permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plan must generally in accordance with the plans submitted with the application but modified to show:***
 - a) Additional planting of trees, shrubs and grasses around the boundaries of the site. All plants must be indigenous to the locality in accordance with the revised species list provided by Council's Natural Resources Officer.***
 - b) The location and type of all proposed screening and other plantings and landscaping.***
 - c) Anticipated tree or shrub height and width of maturity.***
 - d) Timetables for plantings and arrangements for maintenance of landscaped areas.***
- 2. The layout of the site and the size of the buildings and works, as shown on the endorsed plans, must not be altered or modified without the consent in writing of the responsible authority.***
- 3. Before the development commences, an Environment Management Plan (the EMP) for the operation of the layer farm to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the EMP will be endorsed and will then form part of the permit. The EMP must provide for annual reviews.***
- 4. Reviews of the EMP must be undertaken in accordance with the endorsed EMP. Any revision to the EMP must be to the satisfaction of the responsible authority and must be submitted to and approved by the responsible authority. When approved, the revised EMP will be endorsed and will then form part of the permit.***
- 5. The development must at all times be undertaken in accordance with the most current version of the endorsed EMP.***
- 6. The use and development approved by this permit must at all times be conducted in accordance with the requirements of:***
 - a) The Code for Accepted Farming Practice for the Welfare of Poultry (December 2003) (as amended); and***
 - b) Each of the Permit Documents to the satisfaction of the responsible authority.***
- 7. Before the development commences all internal access roads must be constructed, formed and drained to the satisfaction of the responsible authority.***
- 8. Before the development commences vehicle crossing must be provided conforming to requirements of Golden Plains Shire Council contained in the Infrastructure Design manual (IDM) standard drawing SD 265 and to the satisfaction of the responsible authority.***
- 9. No polluted or sediment laden runoff is to be discharged directly and indirectly into drains or watercourses.***
- 10. Before the development commences, all stormwater for areas not associated with the farm shall be diverted away from the farm and discharged to the satisfaction of the responsible authority.***

11. ***Before the development commences, engineering plans and details for the design of the internal access roads, drainage, stormwater detention and diversion systems shall be prepared and submitted to the responsible authority for approval. The stormwater detention and diversion system must be designed to collect, treat and store all runoff from the sheds, sealed, traffic areas and associated buildings for the critical 1:10 ARI event. Discharge from the stormwater detention system must not exceed the flow from the predeveloped critical one-in-ten year storm event. The stormwater detention dam design must be provided for a clay lined or equivalent non-permeable base and walls.***
12. ***The applicant must ensure that appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimize mud, crushed rock or other debris being carried onto public roads from the subject land, to the satisfaction of the responsible authority.***
13. ***The applicant must ensure that throughout the construction stage of the development dust suppression is undertaken to ensure that dust does not cause a nuisance to surrounding properties to the satisfaction of the responsible authority.***
14. ***All trees, shrubs and grasses included in the endorsed Landscape Plan must be planted prior to the completion of the development or within six months of the commencement of the use whichever is the earlier, and must thereafter be maintained to the satisfaction of the responsible authority.***
15. ***No advertising sign shall be located on any part of the site unless it conforms with the provisions of the Golden Plains Planning Scheme.***
16. ***All stormwater retention dam/basin shall be constructed by a suitably qualified and experienced contractor in accordance with Southern Rural Water's guidelines for dam construction. The dam shall be clay lined and non-permeable and have the capacity to retain run-off from a one-in-ten-year storm event and be maintained to the satisfaction of the responsible authority.***
17. ***All litter and associated waste must be removed from the subject land in accordance with the endorsed EMP unless otherwise approved by the responsible authority.***
18. ***Dead birds must be collected at least daily and promptly chilled/frozen and subsequently removed from the subject land, or composted in accordance with EPA Victoria's Environmental Guidelines for Composting and Other Organic Recycling Facilities and the endorsed Environmental Management Plan. Dead birds must not be incinerated or buried on-site, except in an emergency situation and with the approval of the responsible authority.***
19. ***The removal of litter from the sheds by use of machinery must occur between the hours of 7.00am & 8.00pm only and no removal may be undertaken on Sundays and Public Holidays including Christmas Day and Good Friday.***
20. ***If the responsible authority determines that the amenity of nearby residents is adversely affected in the emission of an unreasonable level of odour from the site, the permit holder must immediately 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 sheds, removing litter immediately, or any other actions reasonably required to rectify the emission of offensive odour.***
21. ***The poultry sheds and all feed stores must be vermin and bird proof to the satisfaction of the responsible authority.***
22. ***The manner of discharge of all water from the site must be to the satisfaction of the responsible authority.***
23. ***No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses.***
24. ***Construction and post-construction activities associated with the development of the site must be carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA Publication 275).***
25. ***Other than the loading and placement of live birds, no deliveries to or removal from the site must take place after 8.00pm or before 7.00am on any day without the prior written approval of the responsible authority.***
26. ***The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be carried out entirely within the site.***
27. ***The surface of the car parking, loading areas and access lanes must be constructed and maintained to the satisfaction of the responsible authority to prevent dust and drainage run-off.***

28. **Security lighting or external floodlighting (if required) must be installed in such a manner that it does not create amenity problems outside the site.**
29. **The layer farm must be designed and operated to ensure that noise emissions from the premises meets the requirements of the Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority (EPA), 1989) and the EPA Guideline Noise from Industry in Regional Victoria (NIRV).**
30. **All vehicles used in the delivery, pick-up and transportation of live birds must be fitted with high performance sound-reducing mufflers to the satisfaction of the responsible authority and the permit holder must use its best endeavours to ensure that such activities do not cause any unreasonable noise impact on the amenity of the surrounding area.**
31. **The permit holder must use its best endeavours to avoid sanitizing sheds with odorous chemicals which give rise to offensive odours being detectible off site. Airborne sprays or chemical odours must not be transmitted beyond the site to the detriment of any person to the satisfaction of the responsible authority.**
32. **All walls of the poultry sheds and other buildings hereby permitted which will be visible from beyond the site must be coloured or painted in non-reflective muted tones to the satisfaction of the responsible authority.**
33. **All goods and materials must be stored out of view or so as not to be unsightly when viewed from nearby roads to the satisfaction of the responsible authority.**
34. **The development must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a) **transport of materials, goods or commodities to or from the land**
 - b) **appearance of any building, works or materials**
 - c) **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot,**
 - d) **ash, dust, waste water, waste products, grit or oil**
 - e) **presence of vermin**

Corangamite Catchment Management Authority

35. **Fenced and vegetated buffer areas of 30 metres and 50 metres respectively must be provided in accordance with plans provided, File ref 11108, Revision C, dated 30/10/2014.**

Environment Protection Authority

36. **The Environment Protection Authority requires the following conditions:**
 - a) **Nuisance dust must not be discharged beyond the boundaries of the premises.**
 - b) **Sediment traps or similar, must be installed to prevent the transportation of sediment, litter and wastes oil, grease and detergents from vehicles to the stormwater system.**
 - c) **The applicant must install bunds and/or cut off drains around the boundary of operational area to prevent contaminated run-off entering into any waterway.**
 - d) **A secondary containment system must be provided for liquids which if split are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.**
 - e) **Storage areas/pads for manure, spent litter or dead animals must be bunded and appropriately drained to onsite storage/tanks to prevent potentially contaminated water entering any surface water resources/channel infrastructure.**
 - f) **Noise emitted from the premises must not exceed the recommended levels set out in Noise from Industry in regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.**
 - g) **There must be no discharge or seepage of waste, be it feed, effluent, dead animals or other organic or chemical matter from the premises to the land or water (including stormwater) environments.**
 - h) **Deposit of animal or organic wastes to and must not adversely affect the land.**
 - i) **The managed disposal of animal wastes outlined in the Environmental Management Plan, dated August 2014 is to be maintained as a minimum standard.**

Dwelling

37. **The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes to the satisfaction of the responsible authority.**
38. **The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.**
39. **The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) and Code of Practice – Onsite Wastewater Management under the Environment Protection Act 1970.**

Expiry of permit

40. **This permit will expire if one of the following circumstances applies:**
 - a) **The development and use are not started within two years of the date of this permit.**
 - b) **The development is not completed within four 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.**

Note: 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.

Works within Road Reserve Permit Required

A works within road reserve permit must be obtained from the responsible Authority prior to the carrying out of any vehicle crossing works.

Moved Crs Phelan/Hansford

That Council suspend Standing Orders to hear submissions.

Carried

It is recorded that Council suspended Standing Orders at 10.14am.

It is recorded that Fernando Ferreira and Rob Kent addressed Council between 10.14am and 10.23am

Moved Crs Cameron/Hansford

That Council resume Standing Orders.

Carried

It is recorded that Council resumed Standing Orders at 10.23am.

Moved Crs Blake/Cameron

That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the use and development of the land for intensive animal husbandry (Free Range Egg Production) and associated works and use and development of a dwelling in accordance with the endorsed plans at Crown Allotment 7D, Lower Plains Road, Lethbridge subject to the following conditions:

Intensive Animal Husbandry

1. **Before the use and/or development starts, an amended landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the planning permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plan must generally in accordance with the plans submitted with the application but modified to show:**

- a) **Additional planting of trees, shrubs and grasses around the boundaries of the site. All plants must be indigenous to the locality in accordance with the revised species list provided by Council's Natural Resources Officer.**
- b) **The location and type of all proposed screening and other plantings and landscaping.**
- c) **Anticipated tree or shrub height and width of maturity.**
- d) **Timetables for plantings and arrangements for maintenance of landscaped areas.**
2. **The layout of the site and the size of the buildings and works, as shown on the endorsed plans, must not be altered or modified without the consent in writing of the responsible authority.**
3. **Before the development commences, an Environment Management Plan (the EMP) for the operation of the layer farm to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the EMP will be endorsed and will then form part of the permit. The EMP must provide for annual reviews.**
4. **Reviews of the EMP must be undertaken in accordance with the endorsed EMP. Any revision to the EMP must be to the satisfaction of the responsible authority and must be submitted to and approved by the responsible authority. When approved, the revised EMP will be endorsed and will then form part of the permit.**
5. **The development must at all times be undertaken in accordance with the most current version of the endorsed EMP.**
6. **The use and development approved by this permit must at all times be conducted in accordance with the requirements of:**
 - a) **The Code for Accepted Farming Practice for the Welfare of Poultry (December 2003) (as amended); and**
 - b) **Each of the Permit Documents**
7. **Before the development commences all internal access roads must be constructed, formed and drained to the satisfaction of the responsible authority.**
8. **Before the development commences vehicle crossing must be provided conforming to requirements of Golden Plains Shire Council contained in the Infrastructure Design manual (IDM) standard drawing SD 265 and to the satisfaction of the responsible authority.**
9. **No polluted or sediment laden runoff is to be discharged directly and indirectly into drains or watercourses.**
10. **Before the development commences, all stormwater for areas not associated with the farm shall be diverted away from the farm and discharged to the satisfaction of the responsible authority.**
11. **Before the development commences, engineering plans and details for the design of the internal access roads, drainage, stormwater detention and diversion systems shall be prepared and submitted to the responsible authority for approval. The stormwater detention and diversion system must be designed to collect, treat and store all runoff from the sheds, sealed, traffic areas and associated buildings for the critical 1:10 ARI event. Discharge from the stormwater detention system must not exceed the flow from the predeveloped critical one-in-ten year storm event. The stormwater detention dam design must be provided for a clay lined or equivalent non-permeable base and walls.**
12. **The applicant must ensure that appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimize mud, crushed rock or other debris being carried onto public roads from the subject land, to the satisfaction of the responsible authority.**
13. **The applicant must ensure that throughout the construction stage of the development dust suppression is undertaken to ensure that dust does not cause a nuisance to surrounding properties to the satisfaction of the responsible authority.**
14. **All trees, shrubs and grasses included in the endorsed Landscape Plan must be planted prior to the completion of the development or within six months of the commencement of the use whichever is the earlier, and must thereafter be maintained to the satisfaction of the responsible authority.**
15. **No advertising sign shall be located on any part of the site unless it conforms with the provisions of the Golden Plains Planning Scheme.**

16. **All stormwater retention dam/basin shall be constructed by a suitably qualified and experienced contractor in accordance with Southern Rural Water's guidelines for dam construction. The dam shall be clay lined and non-permeable and have the capacity to retain run-off from a one-in-ten-year storm event and be maintained to the satisfaction of the responsible authority.**
17. **Dead birds must be collected at least daily and promptly chilled/frozen and subsequently removed from the subject land, or composted in accordance with EPA Victoria's Environmental Guidelines for Composting and Other Organic Recycling Facilities and the endorsed Environmental Management Plan. Dead birds must not be incinerated or buried on-site, except in an emergency situation and with the approval of the responsible authority.**
18. **If the responsible authority determines that the amenity of nearby residents is adversely affected in the emission of an unreasonable level of odour from the site, the permit holder must immediately 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 sheds, removing litter immediately, or any other actions reasonably required to rectify the emission of offensive odour.**
19. **The poultry sheds and all feed stores must be vermin and bird proof to the satisfaction of the responsible authority.**
20. **The manner of discharge of all water from the site must be to the satisfaction of the responsible authority.**
21. **No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses.**
22. **Construction and post-construction activities associated with the development of the site must be carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA Publication 275).**
23. **The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be carried out entirely within the site.**
24. **The surface of the car parking, loading areas and access lanes must be constructed and maintained to the satisfaction of the responsible authority to prevent dust and drainage run-off.**
25. **Security lighting or external floodlighting (if required) must be installed in such a manner that it does not create amenity problems outside the site.**
26. **The layer farm must be designed and operated to ensure that noise emissions from the premises meets the requirements of the Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority (EPA), 1989) and the EPA Guideline Noise from Industry in Regional Victoria (NIRV).**
27. **All vehicles used in the delivery, pick-up and transportation of live birds must be fitted with high performance sound-reducing mufflers to the satisfaction of the responsible authority.**
28. **The permit holder must use its best endeavours to avoid sanitizing sheds with odorous chemicals which give rise to offensive odours being detectible off site. Airborne sprays or chemical odours must not be transmitted beyond the site to the detriment of any person to the satisfaction of the responsible authority.**
30. **All walls of the poultry sheds and other buildings hereby permitted which will be visible from beyond the site must be coloured or painted in non-reflective muted tones to the satisfaction of the responsible authority.**
31. **All goods and materials must be stored out of view or so as not to be unsightly when viewed from nearby roads to the satisfaction of the responsible authority.**
32. **The development must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a) **transport of materials, goods or commodities to or from the land**
 - b) **appearance of any building, works or materials**
 - c) **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot,**
 - d) **ash, dust, waste water, waste products, grit or oil**
 - e) **presence of vermin**

Corangamite Catchment Management Authority

33. **Fenced and vegetated buffer areas of 30 metres and 50 metres respectively must be provided in accordance with plans provided, File ref 11108, Revision C, dated 30/10/2014.**

Environment Protection Authority

34. The Environment Protection Authority requires the following conditions:

- a) **Nuisance dust must not be discharged beyond the boundaries of the premises.**
- b) **Sediment traps or similar, must be installed to prevent the transportation of sediment, litter and wastes oil, grease and detergents from vehicles to the stormwater system.**
- c) **The applicant must install bunds and/or cut off drains around the boundary of operational area to prevent contaminated run-off entering into any waterway.**
- d) **A secondary containment system must be provided for liquids which if split are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.**
- e) **Storage areas/pads for manure, spent litter or dead animals must be bunded and appropriately drained to onsite storage/tanks to prevent potentially contaminated water entering any surface water resources/channel infrastructure.**
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Works within Road Reserve Permit Required

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Carried

5. OTHER BUSINESS

The Chair Cr McArthur requested that a review be held on the use of zincalume in respect of Heritage classifications.

6. ATTACHMENTS

Attachment 1	Item 4.1.1	P14-299 plans
Attachment 2	Item 4.1.1	P14-299 locality plan
Attachment 3	Item 4.1.1	P14-299 objection
Attachment 4	Item 4.1.2	P14-237 application and plans
Attachment 5	item 4.1.2	P14-237 locality map
Attachment 6	item 4.1.2	P14-237 copy of objections

Attachments are available upon request.

7. DATE OF NEXT MEETING

To be advised.

8. CLOSE OF MEETING

The meeting closed at 10.29am.

9. CERTIFICATION

In accordance with Section 93(5) of the Local Government Act 1989, I hereby certify that the minutes of this Planning Committee meeting have been confirmed as a true and correct record.

Confirmed, Chair, Cr Bill McArthur

Date

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