

Delegation Report

Application No: 2017/18

Application Type: Use & Development

Received: 8 February 2017

The Applicant:

Name: Chicken Farms Australia Pty Ltd
Address: C/- Focus CDS Consulting
 9-10 Garden Court
 Narre Warren VIC 3805

The Proposal:

Proposal: Use and development of a 400,000 bird broiler farm (including site office/amenities building, silos, tanks, dam and access track) removal of native vegetation and three lot subdivision

The Land:

Land Address: 80 Pit Road Wooreen VIC 3953 and 870 Leongatha-Yarragon Road Wooreen
Land Description: CA 95B Parish of Allambee, CA 95C Parish of Allambee, and L3 PS329996L

Assessment:

By:

Planning Scheme and/or Planning and Environment Act Definition

Land Use

Broiler Farm

Development

Building and works (10 broiler sheds, site office/amenities building, silos, tanks, dam and internal tracks)

Remove native vegetation

Subdivision (three lots)

Zone and Overlays:

FZ - Farming Zone

ESO2 - Environmental Significance Overlay - Schedule 2

ES05 - Environmental Significance Overlay - Schedule 5

BMO - Bushfire Management Overlay (part of land)

Why is a Permit Required?

Zone

Use

Clause 35.07-1 – A permit is required for the use of the land for a Broiler Farm.

Development

Clause 35.07-3 – A permit is required to subdivide land

Clause 35.07-4 – A permit is required for buildings and works associated with a use in Section 2 (broiler sheds, site office/amenities building, silos, tanks, dam and access track).

Overlay

ESO – Clause 42.01-2 – A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Remove, destroy or lop any vegetation, including dead vegetation. This does not apply:
 - If a schedule to this overlay specifically states that a permit is not required.
 - If the table to Clause 42.01-3 specifically states that a permit is not required.
 - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

The ES02 does not provide any exemptions for buildings or works associated with Intensive Animal Husbandry or the native vegetation removal.

The ES05 does not provide any exemptions for the construction of the broiler sheds as they are greater than 200m² (2349m² each), nor does it exempt the construction of the tracks or the native vegetation removal.

BMO – Clause 44.06-1 A permit is required to subdivide land.

Particular provisions triggering a permit

Clause 52.17-2 - A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply if the table to Clause 52.17-7 specifically states that a permit is not required. There is no relevant exemption.

Particular provisions that are relevant but do not trigger a permit

Clause 52.06 Car parking – the clause applies to a new use. There is no specified car parking rate in Table 1 for Intensive Animal Husbandry or Broiler Farm. Clause 52.06-6 provides that where a use of land is not specified in Table 1, car parking spaces must be provided to the satisfaction of the responsible authority. The proposal provides six car parking spaces, which is considered to be more than necessary for any employees and/or visitors to the site at any one time. There is also ample overflow parking available on such a large property. It is therefore to Council's satisfaction.

Clause 52.31-2 - A permit application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, must comply with the Victorian Code for Broiler Farms 2009. A 400,000 bird Class B broiler farm must meet the separation distance of 686m. The application complies.

Size of the Land (Square meters or hectares):

The land is approximately 198.94 ha and is in 3 lots

Is there a registered restrictive covenant or a Section 173 Agreement on the title? If so, does the proposal comply with the restriction or Section 173 Agreement?

No.

Does the land abut a Road Zone Category 1 or a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road?

No.

Is there a designated waterway on the land?

Yes. There are designated waterways running through the property. They are located throughout all three lots.

Is the land within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994?

Yes. The land is within the Tarwin River (Meeniyen) Water Supply Catchment (ID no: 118) as proclaimed by the Victoria Government Gazette (No. G17 2 May 1990).

Does the application require car parking / bicycle facilities?

No car parking or bicycle facilities are required by Clauses 52.06 or 52.34 of the Planning Scheme.

Is an Aboriginal Cultural Heritage Management Plan required?

No, a CHMP is not required because the proposed use and development is not in an area of cultural heritage sensitivity, and even though the proposed subdivision is within an

area of cultural heritage sensitivity, it is not a high impact activity under Division 5 of the Aboriginal Heritage Regulations 2007.

	Use and development	Subdivision
(a) Is the location of the proposed use and / or development on or partly on an area of Cultural Heritage sensitivity as defined under Divisions 3 or 4 of the <i>Aboriginal Heritage Regulations 2007</i> ?	No. Therefore, no CHMP required.	Yes (part)
(b) Is the proposed use and / or development of the land a high impact activity as defined under Division 5 of the Aboriginal Heritage Regulations 2007?	Yes	No – see S46 (1)(a)+(b). The three lots may be used for a dwelling subject to a permit under (1)(a) but the area of each of at least three of the lots is not less than eight hectares as stipulated by (1)(b). Therefore, it is not a high impact activity and no CHMP required.
(c) Is the activity exempt from a CHMP under Division 2 of the Aboriginal Heritage Regulations 2007?	No	No
(d) Is the activity exempt from a CHMP because of significant ground disturbance?	No	No

Was Further Information Requested under Section 54?

Further information was required regarding the following:

DEVELOPMENT COST

- 1) You are required to provide costing for the development, including for all earthworks and the internal road.

SUBDIVISION

- 2) Council doesn't support the proposed three lot subdivision as it will result in some of the sheds being built across a boundary. You are required to amend the subdivision proposal to contain all of the broiler farm development and access within a single lot.

VEGETATION REMOVAL

- 3) You are required to provide a detailed description (species, size and health) and photographs of the vegetation required to be removed. These details also need to be shown clearly on the Vegetation Removal Plan or on enlarged sections of that plan.
- 4) The Ecological Assessment must be amended (p.11, item 5.3) to state that vegetation is required to be removed for the sheds (as well as for the road).

ACCESS AND INTERNAL ROADS

- 5) Council does not have any traffic speed or volume counts in Leongatha – Yarragon Rd in the vicinity of the proposed new access to the broiler farm.
Accordingly the traffic report must be amended to include recent counts at this location to justify the extent of the proposed works, including justification of the sight distances being provided, especially for traffic approaching from the north.
- 6) An assessment of the 85th percentile speed past the proposed entry must be provided.
- 7) Provide traffic generation examples from other similar sites to justify the statement "Based on experience with similar developments in Victoria."
- 8) You are required to show the extent of all existing access tracks and batters on the internal access road layout plan, or on an additional plan.
- 9) Show chainages on the access road layout plan, to enable correlation with the longitudinal and cross section plans. While detail design plans are required to be provided for assessment, please note that the only works that will be formally approved by Council's Engineering Department will be the works in Leongatha – Yarragon Rd. All other internal works will be required to be approved, constructed and certified as correct by the supervising engineer employed by the applicant. Please confirm that you are agreeable to this requirement.
- 10) The scale on the longitudinal and cross section plans for both the road, dam and sediment pond are incorrect when compared to the RL datum on those plans. You are required to provide amended plans that show the existing and proposed levels consistent with the scale on the plans. Council is unable to determine the extent of cut and fill, and resultant levels, without accurate data.
- 11) You are required to show cross sections with chainage and level data for the peak cut and fill areas for the internal road, and
- 12) The longitudinal sections are required to be amended to show chainage and level data consistent with 10) above (i.e. for peak cut and fill areas).

- 13) The access road layout (or an enlargement of relevant sections) must show the dimensions of the truck passing bays and accurately show the extent of works, including batters or retaining walls.

OTHER LAND DISTURBANCE – CUT/FILL/STABILISATION

- 14) You are required to provide a plan which clearly shows how cut and fill will be retained. This is particularly important as sections of the road appear to have significant amounts of cut and fill, and will likely require properly engineered retaining walls. The full extent of existing and proposed cut and fill must be shown consistently across all plans, including on the Vegetation Removal Plan and the internal road plans with aerial photography overlaid.
- 15) Elevations for each of the buildings must show natural and proposed ground levels at and around the building site, and means to any retain disturbed ground.
- 16) The Geotechnical Report recommendations for the maximum cut and fill, and retaining of these areas, is generic and is not specific to this proposal. An amended report providing detail specific to the buildings and works proposed in this application is required.
- 17) You are required to amend the Farm Layout Plan to show the capacity and height of the proposed water storage tanks. As these are likely to require cut and fill, you are also required to show any such cut and fill, including batters, on amended site plans and elevations for the tanks.
- 18) Any retaining walls proposed throughout the site must be shown on additional plans, and must accurately show the dimensions and construction details of such walls. The plans must also show natural and proposed ground levels in those sections, and chainage details so as to identify their location. These locations need to be shown on all site plans.

HYDROLOGY

- 19) The Development Plan, and the Water Technology report (p.18), shows a detention dam of 20ML, however plan F-02 shows a detention of 28.25ML. Please amend the plans to be consistent. Further, whilst the Hydraulic & Hydrological Assessment by Water Technology proposes a detention dam of 20ML, the Hanrahan Broiler Farm (of 8 x 180m x 20m approximately sized sheds) proposed and constructed a detention dam of 50 ML, using the same "Water Balance" methodology described in the Water Technology report. The difference in dam size seems excessive, and you are required to provide further explanation of this discrepancy to Council's satisfaction, or amend the plans and all reports to be consistent with a 50ML detention dam.
- 20) The Water Technology report shows mean evaporation data for Narre Warren, for MUSIC inputs. Please provide more localized data inputs such as that of Ellinbank, Mirboo North or Leongatha, whichever is more closely aligned with actual climate conditions at the subject site.

21)The Water Technology report shows open drains that are not shown on the Figure 5 Farm Layout Plan (despite that plan showing other drainage). You are required to amend the Farm Layout Plan to show all proposed drainage.

SEPERATION BUFFER

22)On the Figure 4 site plan, you are required to identify the area of the land at 870 Leongatha-Yarragon Rd that encroaches into the separation buffer, and show the % encroachment. Whilst it is noted that this land is part of this application in terms of the subdivision, it is not part of the use and development application for the broiler farm and therefore needs to be considered.

Inspections:

Date Inspected	Observations
10 July 2017	<p>The subject land comprises 3 lots including Crown Allotment 95C and 95B Parish of Allambee, known as 80 Pit Road Wooreen and Lot 3, PS329996L Parish of Allambee, known as 870 Leongatha-Yarragon Road Wooreen. The boundary along Pit Road is 1,499m long and the frontage to the Leongatha-Yarragon Road is irregular with a length of 275m. Access to 80 Pit Road Wooreen (CA's 95B and 95C) is currently available from Pit Road. Access to 870 Leongatha-Yarragon Road Wooreen (Lot 3. PS329996L) is available from the Leongatha Yarragon Road. A new all-weather access will be constructed from the Leongatha - Yarragon Road and through the northern part of the land for the proposed broiler farm. This north western corner of the land (where the access is proposed), is the site of a former quarry. It contains a large land slip and other signs of erosion that would be remediated as part of this proposal.</p> <p>The land undulates although the site of the proposed sheds generally slopes from north west to south east.</p> <p>Boyle Creek flows in a north to south direction through the eastern part of the property. There are substantial areas of native vegetation in the western corner of the land along the Boyle Creek, north eastern and southern part of the land. The balance of the property is clear of vegetation with few scattered native trees.</p> <p>The surrounding land to the north and to the south of CA 95C is forested land in private ownership. Land to the east is the Mirboo North Regional Park. Cleared land to the south and west is used from</p>

	<p>agricultural purposes. The adjoining property to the west is used for dairy farming in conjunction with the subject land.</p> <p>The closest dwelling not associated with the broiler farm is located 705 metres to the south. However, the proponent has advised that they are negotiating purchase of the land. The next closest dwelling not associated with the broiler farm is 730 metres to the south west (located on Lot 3 PS329996L). However, that land owner supports the proposal because they gain approx. 11.52ha of better agricultural land in exchange for the access through the disused quarry. The closest dwelling that is not associated with the broiler farm in any way is located 861 metres from the proposed sheds to the north west.</p> <p>There is an existing dwelling, associated outbuildings and some old farm sheds located in the northern portion of the site.</p> <p>The site appears to have access to reticulated power, telecommunications, but not water or sewer.</p>
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Was notice of the application given under Section 52(1), 52(1AA), 52(3) or 57B?

The application was notified to adjoining/adjacent owners and occupiers. The application was also notified by placing a sign on the land and/or by publishing a notice in newspapers generally circulating in the area.

Were there any objections received?

There were 55 objections and one submission in support received at the time of writing this report.

Pursuant to section 60 (1B) of the Act Council must (where appropriate) have regard to the number of objectors in considering whether the use or development may have a significant social effect. The number of objections (55) could be perceived as having a significant social effect, although this must be balanced against the matters raised in those submissions and the actual effect that the proposal is likely to have on any of those individuals who made a submission, as assessed against the Planning Scheme and Broiler Code. On face value, 55 objections to any proposal may seem like a significant number that could indicate a significant social effect. However, of those 55 objections only 14 live within a 2km radius of the proposed development. The closest objector at the time of writing this report was located approximately 1.25km to the south east and another three at the same distance but to the south. The next closest is approximately 1.5km to the north west and the next closest after that approximately 1.9km to the west. Even the closest of these objectors is located almost double the

minimum distance required by the broiler code (686m) and three of those are separated by a significant amount of vegetation and topography. A buffer of almost double the minimum requirement is expected to ensure that they would rarely, if at all, experience any adverse amenity impacts. A majority of the 55 objectors will clearly not suffer material detriment as a result of the proposal because they do not live within any reasonable proximity of the proposed development (over 2km away). Some of them won't even be affected by passing traffic associated with the broiler farm because the traffic route will not go past their dwelling/property. On balance, the application is considered to demonstrate that despite the number of submissions, there will not be a significant social effect as a result of the proposal.

The issues raised in the submissions are summarised below with a planning response provided to each issue:

Issues/concerns	Response
Classification of the broiler farm	<p>The claim that the farm is a Special Class farm, not a Class B Farm and could occupy more than 400,000 birds, is misconceived. The application seeks approval for 400,000 birds at a certain stocking density and the permit will specify this maximum number. This is a consistent approach across the State and the approach taken with two previous broiler farms approved in this Shire in the last five years.</p> <p>Since the Broiler Code was revised in 2009, the industry has generally adopted the RSPCA's Approved Farming Scheme Standards for Meat Chickens. These Standards have been adopted by both the proponent and their processor, Inghams. Maximum stocking density is specified in the RSPCA Standards. It is calculated based on bird live weight and the floor space available to the birds in the shed. Stocking density must not exceed 34 kg/ m² for tunnel ventilated sheds. This equates to a placement of some 17 birds m² (maximum depending on size of the birds). Given that the combined floor area of all sheds is 23,490 m², this enables 399,330 birds to be housed. The Standards set strict criteria with which accredited farms must comply. Failure to do so can lead to loss of accreditation which in turn would lead to the cancellation of the growing contract with the processor. To ensure compliance, the RSPCA audits farms at least twice per year. In the first year of operation, audits occur at least 4 times. The application clearly states a farm capacity of 400,000 birds. Given the regular RSPCA auditing and a condition on the permit that can be enforced</p>

	<p>by Council, there is a low risk of this capacity being exceeded.</p> <p>The proposed farm thus meets the requirements for separation from a sensitive land use and therefore can be seen to have 'minimised the risk from routine or abnormal odour and dust emissions'. Because of the size of the farm at 400,000 birds and the ability to meet the separation distances, albeit with this separation not being fully contained within the broiler farm boundary, the proposal is classified as a Class B farm.</p>
<p>Inadequate separation distance to sensitive uses</p>	<p>Some objectors mentioned that organic beef farming is a sensitive use, however, sensitive uses in the context of the Broiler Code only refer to off-site dwellings and not to any forms of agricultural land use. The closest dwellings to the proposed sheds are at 135 Forresters Road and 870 Leongatha-Yarragon Road. The former property is being purchased by the proponent and the latter property forms part of the subdivision. The closest off-site dwelling is located 861m from the proposed sheds at 945 Leongatha-Yarragon Road (no objection at time of writing report). The next nearest dwelling is 1250m away at 275 Forresters Road. All other dwellings are at least 1250m away from the sheds.</p> <p>These separation distances substantially exceed the separation distance specified in the Code for a 400,000 farm, which is 686 m. These distances are also well in excess of the setbacks specified for both rural living type zones and residential zones, which are 750 m and 1000 m respectively. This is consistent with the approach taken by Senior Member Byard in the following VCAT decision <i>Vukadinovic v Mount Alexander SC</i> (No. 6) [2016].</p> <p>The Broiler Code also stipulates the following:</p> <p style="padding-left: 40px;"><i>Separation distances provide sufficient space to minimise the risk of offensive odour and dust emissions under both routine and abnormal (or upset) conditions adversely impacting the amenity of existing sensitive uses.</i></p> <p>Whilst it is impossible to guarantee that adjoining sensitive uses will not smell or hear the operations from time to time, the distances specified in the Broiler Code (and complied within this instance) ensures that the risk of such land use conflict is minimised to a reasonable standard.</p>

<p>Inaccurate property description and advertising</p>	<p>The claim that the application breaches S13 (b) of the Planning and Environment Regulations 2015 and that advertising was not undertaken properly is not supported. Firstly, S13 of the Planning and Environment Regulations 2015 states that an application for a permit must be made in writing to the responsible authority and must –</p> <ul style="list-style-type: none"> (a) state the name, address and telephone number of the applicant; and (b) indicate clearly the land affected by the application by– <ul style="list-style-type: none"> (i) stating the address of the land; or (ii) stating the title particulars of the land; or (iii) including a plan showing the land; or (iv) any combination of these; and (c) state clearly the use, development or other matter for which the permit is required; and (d) describe the existing use of the land; and (e) if the permit is required to undertake development, state the estimated cost of any development for which the permit is required; and (f) state who is the owner of the land. <p>The planning permit application clearly describes the land as Crown Allotments 956 & 95C and Lot 3 PS329996L. All notices of the application forming part of the public notification process clearly described the land affected by the application as being located at: "80 Pit Road, Wooreen and 870 Leongatha - Yarragon Road, Wooreen - being CA95C and CA 958 Parish of Allambee, and L3 PS329996L." The site plan has all the details of the land as well.</p> <p>The Certificate of Titles are not required to be advertised because of privacy reasons, Council received copies of titles with the application. All other parts of S13 were included on the planning permit application form and the accompanying planning report.</p> <p>The application was notified to all adjoining owners, by placing a sign on site and by publishing notices in three newspapers circulating in the area. This was carried out in accordance with Section 52 of the Act and Section 16 of the Regulations. The site notice was placed in front of the proposed crossover as required by the Council. The site notice was there during a site inspection by Council officers and the</p>
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	<p>applicant has signed a statutory declaration confirming that the sign was maintained on site for the minimum period of time.</p> <p>As such, claims that the application does not meet the requirements of the Act/Regulations or that the process has not been followed are not substantiated by the objectors.</p>
Lack of advertising and/or exhibition period	<p>The proposal was advertised/notified through three different media (i.e. site notices, direct mail and newspaper notices) in accordance with the legislation. Objectors are able to contact Council to request an extension of time to submit their objection. Only two of the objectors appears to have contacted Council with regard to this issue prior to submitting an objection even though a number of them expressed this concern. Those objections were received and accepted by Council outside the original advertising period. More than 50% of the total objections were received outside the advertising period.</p> <p>Some objectors mentioned that a meeting was held on 24 June 2017 and Council did not notify them. The proponent organised that meeting in an attempt to address community concerns and Council did not have any involvement in organising that meeting.</p>
Referral to relevant authorities	<p>Some of the objectors question whether the application has been reviewed by relevant water and environmental authorities. The application has been reviewed by South Gippsland Water, West Gippsland Catchment Management Authority (provided advice to SGW), Southern Rural Water, DELWP and Council's Biodiversity Officer. All of these referral bodies provided conditional consent. The proposal was not referred directly to WGCMA under Section 52 (optional). Referral to EPA is not required under the Planning Scheme, nor would the referral provide any additional assessment of the proposal that has not already been considered by Council.</p>
Dust / particulates impacting on residents and contaminating Boyles Creek	<p>The proposal is not likely to generate fugitive dust that could affect anyone's amenity beyond the site boundaries given the combination of the proposed landscape buffer, the gravel and sealed driveways, existing vegetation and topography and separation distances to sensitive uses. It should also be noted that dust from the operation of the sheds (animals) is minimal given that the sheds are</p>

water Quality	<p>mechanically ventilated and animals do not interact with soils outside the shed at all. In addition, the proposed management measures allow for rectification of any issues.</p> <p>The 100m boundary buffer distance is imposed in the Broiler Code to minimise the risk of routine odour and dust emissions impacting outside the boundary of the broiler farm property. Separation distances are imposed in the Broiler Code and are designed to minimise the risk of both routine and abnormal odour and dust emissions from the broiler sheds adversely impacting on nearby sensitive uses. The proposal provides substantially more separation distance than that specified in the Code for a 400,000 bird Class B farm. It is highly unlikely that dust from the sheds will impact on residents in the vicinity or have any subsequent effect on Boyles Creek water quality.</p> <p>The proposal incorporates significant design and management measures to ensure dust will not be an issue off-site.</p>
Requirements for Odour Environmental Risk Assessment	<p>In complying with the separation distance for a Class B farm, the Code of Practice does not require an odour ERA to be undertaken as part of the assessment. Thus the requests made by the objectors for more detailed assessment of odour and dust impacts from air quality modelling are not supported by the application of the code. As previously stated, the separation distances in the code are designed to minimise risk under both routine and abnormal (unfavourable) conditions.</p>
Negative impacts caused by noise from birds, trucks and machinery	<p>The proposal is not likely to generate noise which exceeds background noise levels or that causes disturbance to sensitive receptors during day or night time operation. Other uses in the broader locality are likely to generate similar background noise levels as the proposed development (i.e. other farming uses in the area). In addition, the proposal is significantly set back from sensitive receptors. The nearest objector lives more than 1100m away, it is highly unlikely that the noise from the sheds will have any adverse amenity impact on them.</p> <p>The relevant test is not whether any noise is audible but whether the farm operates in accordance with the EPA's Guidelines for <i>Noise from</i></p>

	<i>Industry in Regional Victoria</i> (NIRV) which protects all residents. A planning permit condition will require compliance with NIRV
Detrimental light spill & glare	The only lighting on the farm will be batten lights at the ends of sheds which are only used during bird pickup. No other activities occur at night. There is no flood lighting proposed or required. There will be no adverse light spill beyond the boundaries of the site. The nature of the lighting to be used, existing vegetation and topography, the buffer distances and required landscaping will ensure this. During bird pick up operations, some lights may be visible, this only occurs on a limited number of nights, and given the separation distances, will not in any way impact objectors. Vehicles used to transport the livestock out of the sheds at night are fitted with low intensity blue lights which is required for welfare reasons to prevent the livestock from becoming active. Given the substantial separation distances, the screening provided by vegetation and the manner in which the farm will be operated, lighting is not considered to cause a nuisance to other residents.
Increased heavy vehicle traffic on local roads	<p>An average of 18 trucks will service the farm per week. This equates to about 3 visits (6 movements) per day of which about 36% will be at night when there is very little other traffic on the road. The likelihood of traffic conflict is minimal. This is a minimal amount of traffic being added to a good standard road which currently carries only low levels of traffic. It should be noted that whilst the number of existing vehicles using the local roads is relatively low, the road is well equipped to handle the expected increase in truck traffic, given the historic and current use of land in the vicinity for quarries and other types of agriculture.</p> <p>The proponent will construct a new access to Leongatha-Yarragon Road commensurate with the needs of the traffic generated by the proposed farm and the characteristics of the traffic using the road. The trucks servicing the farm will travel to and from the site via the Leongatha - Yarragon Road and the Strzelecki Highway to the south. They will not travel to the north.</p> <p>Council's Engineering Department has reviewed the proposal and has provided conditional consent.</p>

<p>Inappropriate disposal of spent litter and resultant pollution and health risks</p>	<p>Spent litter will not be stockpiled or spread on the property. It will be removed off-site by a contractor at the end of every cycle. This ensures that there will be no risk to surface water quality, soil quality or the environs of Boyle Creek. A condition of the permit will require no stockpiling or spreading of litter on site.</p> <p>However, it should also be noted that there is absolutely no planning restrictions in place to stop farmers from fertilising land. As such, an adjoining farm could already pollute the environment and create health risks from existing agricultural practices that far outweigh the proposed broiler farm's impacts.</p>
<p>Reduced or unacceptable visual amenity</p>	<p>The broiler sheds and associated infrastructure are screened from views to the north west, north, east and south east by existing bushland and topography. Landscape plantings of trees and shrubs will be established to the west, south west and south. The landscaping will provide effective upper and lower screening of the buildings and works as it matures and will minimise their visual impact on the landscape. The sections of shed roofs that maybe visible from the Leongatha – Yarragon Road will be clad in a pale green Colorbond to minimise glare and reflection of sunlight. This will assist in blending the sheds into the landscape.</p> <p>Solar panels will be located on the north facing side of the shed roofs and therefore will not be visible from external locations. The proposed sheds are located at least 680 metres to the west of the Leongatha- Yarragon Road. It is true that the sheds will be visible from sections of Leongatha – Yarragon Road when travelling toward the site from the south, particularly during construction and before landscaping is established. However, a number of factors lead to the conclusion that the sheds will be acceptable with regard to visual amenity.</p> <ol style="list-style-type: none"> 1. The setback from the road will assist in diminishing any views. 2. Views from the road into the site are intermittent due to the winding nature, topography and vegetation in the road reserve and adjoining farms. 3. Views from the road will also be substantially screened by the existing and proposed landscaping over time. 4. The sheds are located below the level of the road when travelling along it, as opposed to being above the level of the

	<p>road and protruding into the landscape.</p> <ol style="list-style-type: none"> 5. The sheds are proposed to be benched into the side of the hill and “step up” the hill. 6. The colour treatment of the sheds will ensure they blend into the landscape as much as possible. <p>Therefore, the sheds are not considered to dominant the landscape or reduce visual amenity to an unacceptable level once the landscaping is established.</p>
Inadequate water supply	<p>Water for the farm's consumption will be harvested from the shed roofs, hardstand areas and environs. The harvested water is stored untreated in the retention dam. The water is then transferred as required to holding tanks adjacent to the sheds. Water from the holding tanks is chlorinated prior to it entering the sheds to be consumed by the chickens. The water balance calculations presented at Section 5 of the hydrological and hydraulic assessment report prepared by Water Technology, demonstrates that sufficient water to meet the farm's consumptive requirements of some 30 ML per year would have been provided from this source in nearly all the 26 years modelled. Therefore, it is anticipated that sufficient water can be harvested to meet the farm's needs in all but maybe the very driest years. The proponent can purchase a water rights allocation from an existing licence holder within the catchment to enable harvesting of water from Boyle Creek in the very few years where insufficient water is able to be harvested to meet consumptive requirements.</p>
Detrimental impacts on groundwater, surface water and potable water supply catchment	<p>The sheds will have compacted clay floors and concrete dwarf walls. This ensures that there is no opportunity for stormwater to come into contact with litter within the sheds. The compacted clay floors provide an impervious barrier and ensure there will be no opportunity for waterborne contamination to impact on the groundwater table. Shed floor levels will be well above the adjacent catch drains therefore moisture will not be able to enter the sheds. The design of the sheds and farm ensures that stormwater does not come into contact with contaminated or waste materials. The proposal is considered to have negligible impact on water quality or contamination. The hydrological and hydraulic assessment report prepared by Water Technology concluded that the quality of the</p>

	<p>water being released from the retarding dam would be better than existing conditions.</p> <p>The proposal is not considered to adversely affect groundwater or surface water. As such it is unlikely to impact drinking water. The proposal incorporates significant design and management measures to ensure that the proposal will not affect groundwater or surface water.</p> <p>SGW and WGCMA have assessed the application and SGW (the relevant potable water supply authority) has provided conditional consent after carrying out a detailed assessment.</p>
Contaminated water from cleaning of sheds	<p>Upon completion of bird pick up. The sheds are cleaned and sanitised in preparation for the subsequent batch of chickens. Equipment within the shed is raised to provide clear working space. Frontend loaders and/or bobcats remove the spent litter from the sheds and place it into trucks to be taken off-site by an external contractor. The floors are swept to remove any remaining litter from the sheds. The shed surfaces and equipment are then sanitised using high pressure but low volume sprays and the sheds are left to dry. No waste water is generated by this activity. No water leaves the sheds. Therefore, this cannot be a source of contamination of either Boyle Creek or the farm's water supply dam There is no wash down of sheds as claimed by many objectors and this may be a misconceived understanding based on how the industry operated in the past.</p>
Reduced ability to use neighbouring properties	<p>This is not considered to be substantiated by any of the objectors. The proposal is not considered to affect the ability to use or develop neighbouring properties in accordance with the Farming Zone. They are either well clear of the 686m separation distance or have substantial areas available beyond this distance to site dwellings. All land in the area is zoned Farming Zone, Public Conservation and Resource Zone or Special Use Zone (quarry). The purpose of the Farming Zone is to provide for the use of the land for agriculture and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. The proposed broiler farm use is compatible with other forms of agricultural use, whether that be dairying, organic beef production or horticultural activities. Spent litter will not be spread on the subject land so this cannot be a</p>

	source of water pollution.
Loss of property values, lifestyle and tourism	<p>Property values (devaluation) are not a legitimate planning matter to be considered under the Planning & Environment Act or Planning Scheme. The value of agricultural land will be determined primarily based on its productive capacity, not whether there is a poultry farm in the general area. The general Wooreen area is within the Farming Zone, not a Rural Living or similar zone. Therefore, the emphasis on land use is to be agricultural, not residential or rural living. Property values are not a consideration for a number of reasons but primarily because they are subjective and influenced by other factors. Furthermore, property values should not be affected at all if the potential impacts of a use/development are not actually realised beyond the boundaries of the subject site.</p> <p>Tourism is not considered to be impacted by the proposal, neither is the quality of lifestyle. It should also be noted that tourism is not currently the preferred land use in the Farming Zone.</p>
Unfavourable market and economic considerations	<p>Market factors or considerations are not a legitimate planning matter pursuant to the Planning & Environment Act 1987.</p> <p>Under Section 60(1)(f) of the Act Council must consider the economic effects the use or development may have. However, it is not required to take into consideration whether a proposal is economically viable or sustainable. It is considered that the proposal will not have any adverse economic effects on the locality or the region, particularly if its potential environmental effects are contained within the property boundaries. The proposal is likely to have significant positive economic effects in the locality during the construction phase and then less once operational (due to low number of staff required to operate).</p>
Negative impacts of native vegetation removal	<p>The proposal will require removal of a total combined area of 1.772ha (0.853ha of remnant vegetation and 13 scattered trees (0.923ha)) to facilitate the entrance roadworks, the access road and shed construction. These works have been located to minimise vegetation removal, largely using previously cleared areas.</p> <p>DELWP and Council's Biodiversity Officer reviewed the application</p>

	and do not object to the removal of native vegetation, subject to conditions being imposed on the permit.
Negative impact on flora and fauna	There will be minimal threat to the aquatic fauna in Boyle Creek as a result of this proposal given that there will be no contaminated or chemically treated water flowing into it or stored in the retention dam or any other location. The water in the dam will be used for drinking water for the chickens so it is in the proponent's own interests to ensure it will not be contaminated or contain chemicals. There will be no waste water released from the sheds and any treatment of water will occur at the point just before where it enters the sheds. The proposed sheds are approximately 230m away from the Boyle Creek. The operator will be required to follow all reasonable land management practices as part of their Environmental Management Plan (EMP) in order to minimise potential issues.
Adverse impact on Giant Gippsland Earthworms	The subject site contains two small areas of the Environment Significance Overlay Schedule 9 (Giant Gippsland Earthworm And Habitat Protection). However, the proposal does not affect those areas so this ground of objection is not substantiated.
Detrimental impact on land stability	<p>The Geotechnical Report identified that the subject land contained areas of minor slope instability and surface erosion. It also identified that under adverse conditions the site could be subject to earth/landslides. The report recommended risk mitigation measures which would minimise the risk of erosion and reduce the risk of landslips to a tolerable level.</p> <p>Council's Engineering Department has reviewed the application and provided conditional consent. A Site Management Plan showing the proposed erosion control measures will be required to be submitted to Council before any works commence. The Site management plan will include sediment and erosion control measures to address issues such as stability of road embankments and erosion/sediment control measures at stormwater outlets.</p>
Animal welfare considerations	Animal welfare is not addressed through the planning process and this is stipulated clearly in the Broiler Code. The operator must comply with all relevant legislation e.g. Prevention of Cruelty to Animals Act 1986. The proposal incorporates a number of measures

	to ensure the welfare of the livestock. It is also in the best interest of the operator to do so in any case, to ensure that the yield and quality of product is maximised.
Threats from wildfire	<p>Whilst the land is in an area covered by the Bushfire Management Overlay, the use and development of the broiler sheds does not trigger a permit under the BMO provisions. Only the subdivision component of the application requires a permit.</p> <p>The risk to human life and property are at acceptable levels because the buildings and works are located well clear of the adjacent bushland areas. Adequate access is provided to the development which is remote from any community infrastructure. Water for firefighting purposes will be available from the large water storage tanks and the retention dam. Each poultry shed will be fitted with fire hoses.</p>
Aboriginal heritage considerations	While there is an area of cultural heritage sensitivity located 200 metres either side of Boyle Creek. The proposed buildings and works are not located within this area. Therefore, there is no mandatory requirement for the preparation of a Cultural Heritage Management Plan or the need to obtain any Aboriginal heritage permits. Even though parts of the proposed subdivision area is within an area of cultural heritage sensitivity, it is not a high impact activity under Division 5 of the Aboriginal Heritage Regulations 2007.
Missing documents during advertising	<p>Some attachments were missing in the online advertising package which was updated immediately once Council was made aware of the issue. However, all documents were available at Council for viewing as required by the Act.</p> <p>One objector claims that documents were removed from the advertising package by Council, which is false and unsubstantiated. It may be that another person removed information from the file for their own purposes without authorisation but Council takes every possible measure to ensure that this does not happen and that files are maintained as required by legislation.</p>
No Job for locals	This is not a relevant planning consideration under the provisions of Planning and Environment Act 1987.

Was the application referred under Section 55 or 57C?

Authority	Which Clause? Determining or Recommending?	Date received and response
Department of Environment, Land, Water and Planning	66.02-2 Native vegetation - Recommending	19 June 2017 – conditional consent
South Gippsland Water	66.01 Subdivision referrals - Determining 66.02-5 Special water supply catchment – Determining 66.04 Schedule 2 to clause 42.01 (ESO) - Determining	27 April 2017 – conditional consent
Ausnet Services	66.01 Subdivision referrals - Determining	06 March 2017 – conditional consent
Country Fire Authority	66.03 and 44.06 – Recommending	15 August 2017 – unconditional consent

Were there any non-statutory or internal referrals?

Authority	Which Clause / Overlay / Why?	Date received and response
SGSC Biodiversity/Environment	Offset requirements for native vegetation removal	24 July 2017 – conditional consent
SGSC Engineering	To determine if provision of access / parking / stormwater facilities is acceptable and complies with the Planning Scheme / IDM / Australian Standards.	7 July 2017 – conditional consent
SGSC Waste Water	To determine if waste water can be treated and retained on-site in accordance with the SEPP (Waters of Victoria) under the Environment Protection Act 1970.	23 March 2017 – conditional consent

SGSC Parks	Landscaping plan	No response received
DELWP	Abuts Crown Land	19 June 2017 – conditional consent
Southern Rural Water (Dam)	Construction of a dam	11 April 2017 – conditional consent

Planning Scheme Requirements and policies:

SPPF

The following SPPF clauses are considered relevant to the assessment of this application:

11 SETTLEMENT

- 11.10 GIPPSLAND
 - 11.10-1 A diversified economy

12 ENVIRONMENTAL AND LANDSCAPE VALUES

- 12.01 Biodiversity
 - 12.01-1 Protection of biodiversity
 - 12.01-2 Native vegetation management

13 ENVIRONMENTAL RISKS

- 13.03 Soil Degradation
 - 13.03-2 Erosion and landslip
- 13.04 Noise and air
 - 13.04-1 Noise abatement
 - 13.04-2 Air quality
- 13.05 Bushfire
 - 13.05-1 Bushfire planning strategies and principles

14 NATURAL RESOURCE MANAGEMENT

- 14.01 Agriculture
 - 14.01-1 Protection of agricultural land
 - 14.01-2 Sustainable agricultural land use
- 14.02 Water
 - 14.02-1 Catchment planning and management
 - 14.02-2 Water quality
 - 14.02-3 Water conservation

15 BUILT ENVIRONMENT AND HERITAGE

- 15.03 Heritage
 - 15.03-2 Aboriginal cultural heritage

18 TRANSPORT

- 18.02 Movement networks
 - 18.02-4 Management of the road system
 - 18.02-5 Car parking

19 INFRASTRUCTURE

- 19.03 Development infrastructure
 - 19.03-3 Stormwater
 - 19.03-5 Waste and resource recovery

LPPF

The following LPPF clauses are considered relevant to the assessment of this application:

21.03 KEY ISSUES

- 21.03-2 Environmental and landscape values
- 21.03-3 Environmental risks
- 21.03-4 Natural resource management
- 21.03-8 Transport
- 21.03-9 Infrastructure

21.04 VISION

- 21.04-1 South Gippsland Shire Council – Council Plan 2010 – 2014
- 21.04-2 Vision

21.06 ENVIRONMENTAL AND LANDSCAPE VALUES

- 21.06-1 Biodiversity

21.07 ENVIRONMENTAL RISKS

- 21.07-2 Land and catchment management
- 21.07-3 Dams

21.08 NATURAL RESOURCE MANAGEMENT

- 21.08-1 Agriculture

21.13 INFRASTRUCTURE

- 21.13-1 Waste management and stormwater drainage
- 21.13-2 Alternative energy

Clause 22 policies

The following Clause 22 policies are considered relevant to the assessment of this application:

- 22.06 Rural Subdivision

General Assessment:

The applicant seeks approval to use and development of the land for a 400,000 bird, Class B broiler farm and associated works.

The proposed development comprises:

1. Ten mechanically ventilated and heated broiler sheds, measuring 135m x 17.4m, each housing up to 40,000. Each shed will have an impervious compacted clay floor. Shed walls will be 4.3m high. The sheds will be

constructed with 150 mm high concrete dwarf walls with Colourbond clad polystyrene sandwich panels located above. There will be mini vents located within the side walls. A minimum of 10 ventilation chimney extraction fans will be mounted on the roof, near the apex. The southern side of the roofs on Sheds 1 - 8 will be clad with pale green Colourbond to minimise their visual impact. The northern side of the roofs will be custom orb, as will be the roofs on Sheds 9 and 10.

2. One machinery shed containing staff amenities, measuring 20m x 8m.
3. 11 feed silos, each measuring 3.4m in diameter and 8.5m high (45 tonne capacity).
4. One diesel storage tank.
5. Two water storage tanks.
6. One vehicle wheel wash.
7. Construction of a new dam.
8. Access road construction with parking area and loading pad area.
9. Removal of native vegetation along the access road route and the eastern side of Leongatha - Yarragon Road.
10. Three lot subdivision (re-alignment of the title boundaries between CA 95B, CA 95C and Lot 3 PS329996L) in order to facilitate the access road.

The use comprises the following processes:

1. Birds will be brought onto the site in batches approximately every 65 days. A batch will generally arrive over a 2-3 day period. It is anticipated that 5.6 batches of chickens will be grown each year on average.
2. The proposed production cycle for each shed on the farm involves a growing period of approximately 7-8 weeks and approximately a 10 to 14 day period for shed clean up and turn around.
3. Birds are generally removed from Day 34 through to approximately Day 50 at varying market related weights. Typical bird removal arrangements would be removal of approximately half of the birds between Days 34 and 36 and removal of the remaining birds at the end of the batch. These times may vary a little subject to market demands.
4. Stocking densities are not proposed to exceed 34kg/m² in accordance with animal health and welfare guidelines.
5. The ventilation system uses extractor fans, which are located at one end of the sheds and draw fresh air into the sheds.
6. Internally mounted fin pipes on the sidewalls of the sheds will assist temperature control within the sheds via hot and cold water circulation. A minimum level of airflow through the sheds will be maintained at all times.
7. Drinking water to the sheds is to be provided from the large dam to be constructed to the south west of the shed complex. This will collect the runoff

- from the shed roofs and surrounding hard stand areas. Water will be appropriately treated and initially stored in the two large storage tanks and then fed into an automatic watering system within the sheds. This system will be fitted with dripless drinking nozzles otherwise known as nipple drinkers in accordance with latest best practice.
8. Feed for the birds will be delivered by enclosed bulk delivery trucks and will be blown through an enclosed system from the trucks into the feed silos. From the silos, the feed will be augured through an enclosed ducted system into an automatic feeding system within each shed.
 9. Shed floors will be constructed of compacted clay. Prior to the introduction of the birds to the sheds, a 5 to 6cm deep layer of a softwood shavings based litter will be distributed over the entire shed floor. This litter will be composed of 80% wood shavings and 20% peat moss (Spanvall litter (proprietary product) or similar). The entire floor area of the sheds will be covered in a layer of litter (wood shavings, saw dust or rice hulls). At the end of each batch, litter will be replaced with a new litter layer.
 10. Dead and diseased birds will be collected on a daily basis and stored in the freezer to be located in the machinery shed. Contractors will remove the frozen birds off-site as required.
 11. High pressure disinfectant sprays will be used to clean the interior of the sheds. No free flowing wafer will be generated during the clean-up of the sheds. No contaminated or waste water will be discharged from the sheds at any time.
 12. The existing dwelling on the land will be used as a manager's residence.
 13. The applicant predicts that traffic attending the development will be 172 delivery vehicles per cycle or 962 per year. This equates to 1924 movements per year. These are summarised as follows:

	Broiler farm 400,000 birds (5.6 batches/annum)	
Function	Trucks per cycle	Trucks per annum
Chicken delivery at commencement of batch	8	44
Diesel deliveries	4	22
Litter in	16	90
Litter out	24	134
Feed deliveries	58	325
Bird pick ups	62	347
Total	172	962

Traffic will utilise the Strzelecki Highway and Leongatha-Yarragon Road to access the site. A new access road is proposed for the broiler farm site.

14. The proposed dam will have three functions. It will act as a water supply for the birds, cooling requirements and landscape watering. It will also provide a further sedimentation function. Its third function is to act as a retarding basin for rainfall events of 1 in 10 year recurrence interval as prescribed by the Broiler Code. This retardation storage will be provided above an outlet pipe which will be designed to restrict the outflow rate from the dam to less than the current rate for a pastured area of the same size as the shed complex area. Flows from the outlet pipe will be discharged to a further sediment pond then to a contoured swale from where it will be dispersed to pasture consistent with current flow conditions on the property.
15. A landscape buffer will be established around the western and southern sides of the shed complex. Forested land exists to the north and east of the sheds. The sheds are located a minimum of 680 metres from the Leongatha - Yarragon Road.

State Planning Policy Framework

The proposal is consistent with the relevant objectives and strategies of the SPPF clauses listed above. Specifically, the following:

Clause 11.10-1 A diversified economy

To strengthen economic resilience by growing a more diverse economy and building on the region's traditional strengths through new investment, innovation and value-adding. Support production and processing facilities that add value to local agricultural, forestry and fisheries products.

The proposal will diversify agricultural production by introducing a new enterprise while having minimal impact on the traditional agricultural production. This will be beneficial for diversifying the economy in the region.

Clause 11.10-5 Gippsland Regional Growth Plan

Gippsland Regional Growth Plan identifies the area of the subject land as key agriculture and forestry land for economic development. The proposed use and development will provide additional agricultural production on the subject land which is consistent with promoting agriculture and rural production.

Clause 12.01-1 Protection of biodiversity

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

The ecological assessment accompanied with the application found that the vegetation and habitat quality of the subject site is low. It is dominated by cleared agricultural land. WGCMA advised that the water quality outcome from the proposed development could be improved by vegetating the waterway and its buffer downstream of the dam in accordance with the relevant Ecological Vegetation Classes for the area. The proposed landscape plan includes such a buffer downstream of the dam.

Clause 12.01-2 Native vegetation management

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

The only removal of native vegetation required is that associated with the construction of the access road into the site. The alignment of the access road was chosen to minimise the removal of native vegetation and avoid the higher quality vegetation on the site. It traverses the cleared former quarry site at its western end and avoids existing native vegetation for the remainder of its route, except for eight small patches and 13 scattered trees. The ecological impact of the proposed development on the current biodiversity of the subject site is considered to be minimal. A condition of the permit will require offset of the vegetation removal.

Clause 13.03-2 Erosion and landslip

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

The Geotechnical Report identified that the subject land contained areas of minor slope instability and surface erosion. It also identified that under adverse conditions the site is could be subject to earth slides/slips. The report recommended risk mitigation measures which would minimise the risk of erosion and reduce the risk of landslips to a tolerable level.

Council's Engineering Department has reviewed the application and provided conditional consent. A Site Management Plan showing the proposed erosion control measures will be required to be submitted with Council before commencing any work. The Site management plan will include sediment and erosion control measures to address issues such as stability of road embankments and erosion/sediment control measures at stormwater outlets.

Clause 13.04-1 Noise abatement

Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Mechanical equipment will be located substantial distances away from the nearest sensitive uses. The access point from the Leongatha-Yarragon Road and the farm access road are located well away from sensitive uses. This will ensure that noise impacts from vehicles on neighbouring properties will be negligible.

A condition of the permit will require noise from plant equipment used at the broiler farm to comply with the requirements of the EPA's Guidelines *Noise from Industry in Regional Victoria* (NIRV or any subsequent revision).

Clause 13.04-2 Air quality

To assist the protection and improvement of air quality. Ensure, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses.

The proposal complies with the separation distance (686m) required by the Broiler Code (detailed assessment in Attachment 1) to minimise the risk of offensive odour and dust emission under both routine and abnormal (or upset) conditions adversely impacting the amenity of the sensitive uses. The proponent proposes to employ superior technology and management systems which are better than conventional systems. This will ensure that the required separation distance of 686m is sufficient to protect off-site sensitive uses from unacceptable odour or air quality impacts.

Clause 13.05-1 Bushfire planning strategies and principles

To assist to strengthen community resilience to bushfire.

The use and development of the broiler sheds does not trigger a permit under BMO provisions, only the subdivision component requires permit.

The risk to human life and property are considered acceptable because the buildings and works are located well clear of the adjacent bushland areas, adequate access is provided to the development and water for firefighting purposes will be available from the large water storage tanks and the retention dam. Each poultry shed will be fitted with fire hoses.

The proposed subdivision results in two lots containing an existing dwelling on each with significant areas of defensible space around them. The third lot is a vacant lot that will also contain a significant amount of area for a potential dwelling site. However, any permit for a future dwelling on the vacant lot will trigger a permit under the BMO and will be assessed against the relevant criteria at the time. No specific conditions are considered necessary having regard to bushfire.

Clause 14.01-1 Protection of agricultural land

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

The proposal is for intensive animal husbandry and proposed subdivision will allow the neighbouring farmer to have more productive agricultural land.

Clause 14.01-2 Sustainable agricultural land use

To encourage sustainable agricultural land use.

Facilitate the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment [emphasis added]

The proposed broiler farm is consistent with the objective and strategy of this state planning policy. The proposal complies with the broiler code and the rest of the land could be used for other agricultural uses, such as grazing or dairying. The proposed broiler operations will need to comply with the Environmental Management Plan (EMP) submitted with the application.

Clause 14.02-1 Catchment planning and management

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

All runoff from the developed areas of the site will be directed via grassed drains and sedimentation basins into the proposed retarding dam and either reused within the broiler sheds or released at flow rates no greater than existing conditions. Litter will not be spread on the property. These measures will ensure that the farm will not contaminate or contribute to nutrient loadings in the local waterways.

Clause 14.02-2 Water quality

To protect water quality.

As discussed above.

Clause 14.02-3 Water conservation

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

The water supply for the proposed farm activities will be sourced from the retention dam. This will receive runoff from the shed roofs and hardstand areas. The recycling of runoff water demonstrates that the proposed farm will be using alternative water sources.

Clause 15.03-2 Aboriginal cultural heritage

While there is an area of cultural heritage sensitivity located 200 metres either side of Boyle Creek. The proposed buildings and works are not located within this area. Therefore, there is no mandatory requirement for the preparation of a Cultural Heritage Management Plan or the need to obtain any Aboriginal heritage permits. Even though part of the land in the proposed subdivision is within an area of cultural heritage sensitivity, it is not a high impact activity under Division 5 of the Aboriginal Heritage Regulations 2007.

Clause 18.02-4 Management of the road system

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.

In order to improve access for semi-trailers and other vehicles to and from the site, it is proposed to widen Leongatha-Yarragon Road to provide a right turn lane into the site access. Widening will occur on the eastern side of Leongatha-Yarragon Road. This will allow for a northbound vehicle to pass a 19 metre semi-trailer stopped centrally waiting to turn right into the subject site's new access.

Clause 18.02-5 Car parking

To ensure an adequate supply of car parking that is appropriately designed and located.

There is provision for adequate car parking for the proposal on-site. A condition of the permit will require the applicant to construct the car parking area to the satisfaction of the responsible authority.

19.03-3 Stormwater

To reduce the impact of stormwater on bays and catchments

The sheds will be fully enclosed with the compacted clay floors raised above surrounding surface levels, thus prohibiting any stormwater entering the sheds. Stormwater flows that do not emanate from the shed complex area will be diverted around the area and discharged to pastures as is the current situation. Stormwater from the roofs of the sheds, hardstand areas, access roads and the immediate vicinity of the sheds will be directed via grassed table drains incorporating sediment basins into the new dam to be located towards the south west of the shed complex. The proposed design of the stormwater system will be such that water quality from the site should be either increased or maintained and water quantity leaving the site will either be decreased or maintained to current standards.

19.03-5 Waste and resource recovery

To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices

The spent litter removed from the sheds will be taken off-site. There will be no spreading of the used litter on the property. This approach ensures minimal potential for odour and dust generation. It also ensures no nutrient loaded run-off to surrounding waterways or ground water.

Dead birds will be collected daily and placed in freezers within the machinery shed. A contractor will remove the frozen dead birds off-site as required. This approach minimises the likelihood of disease transmission and minimises odour generation.

The storage of chemicals and chemical waste will be undertaken within an enclosed section of the machinery shed in accordance with the requirements outlined in the relevant safety data sheets for the particular chemical.

Local Planning Policy Framework and Local policies

The proposal is consistent with the relevant objectives and strategies of the LPPF clauses and Local policy listed above.

The Municipal Strategic Statement (MSS) remarks on the importance of agricultural land on a number of occasions, albeit, without reference specifically to broiler farms. However, it does specify the importance of encouraging more intensive, sustainable and viable agricultural industry and to also protect land in the Farming Zone for primary production and to facilitate diversity in agricultural land uses. The proposal is considered to be consistent with the MSS.

Issues related to biodiversity, land and catchment management, agriculture, and infrastructure has been addressed under the SPPF clauses.

21.07-3 Dams

Overview

The construction of dams is often necessary to support the agricultural use of land. The MSS refers to the need to maintain environmental flows and natural conditions within waterways. The siting, design and construction of dams should be undertaken to minimise any impacts to land, roads and waterways.

The proposal is considered to satisfy the objectives and policy basis of this clause as the sheds will be greater than 200m from a declared watercourse. It is considered that the development will be sustainable given the large roof area of the sheds, the above

average rainfall of the region, and the area of the catchment draining into the dam and tanks. In addition, the proposal incorporates substantial water saving measures as well as control and monitoring.

Southern Rural Water has reviewed the application and provided conditional consent, these conditions will be included in the permit.

Decision guidelines for use and development of the broiler farm:

Zoning:

The proposed site is located in the Farming Zone. The purpose of the zone is;

- 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 broiler Farm is a section 2 use that requires a permit. The proposal is considered to be consistent with the intent and purpose of the zone.

FZ decision guidelines (Clause 35.07-6)	
General issues	Response
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	Complies, as discussed above.
Any Regional Catchment Strategy and associated plan applying to the land.	The proposal will not give rise to contaminated run-off. Stormwater will be directed into the proposed retention dam. Spent litter from the farm will not be spread on the property. Therefore the proposal will not impact on the water quality in the catchment area. The proposal is consistent with the West Gippsland Regional Catchment Strategy 2013-2019.

<p>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</p>	<p>At 57.71ha (proposed Lot 1) the land is considered to be capable of accommodating the proposed use and development and capable of disposing of any effluent appropriately. The proposed sheds and infrastructure will not generate any wastewater, other than the shower/toilet facilities in the amenities building. South Gippsland Water and Council's Wastewater Department reviewed the application and are satisfied that effluent from the amenities building can be treated onsite.</p>
<p>How the use or development relates to sustainable land management.</p>	<p>The proposed sheds and infrastructures occupy a small portion of the land. The rest of the land could be used for other agricultural uses, such as grazing, dairying as well as supporting the proposed broiler operations while ensuring the quality of the environment according to the Environmental Management Plan (EMP).</p>
<p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</p>	<p>The proposal is considered to be a suitable use and development of the land and compatible with adjoining and nearby land uses that are primarily dairying, organic beef farming, grazing and quarrying.</p>
<p>How the use and development makes use of existing infrastructure and services.</p>	<p>The proposal will utilise the existing main road network. The regional power supply will be used in conjunction with solar panels, batteries and diesel generators.</p>
<p>Agricultural issues and the impacts from non-agricultural uses</p>	
<p>Whether the use or development will support and enhance agricultural production.</p>	<p>The proposal is considered to enhance and support agricultural production. The proposal is not considered to limit the current or future development potential of the land for agricultural purposes. The proposed</p>

	<p>subdivision is supported by the adjoining land owner, who seeks to gain more productive (flatter) agricultural land from the proponent of the broiler farm in exchange for the old quarry site that is not suitable for agriculture.</p>
<p>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</p>	<p>The proposal is for a form of intensive agricultural production that is neither reliant on, nor likely to affect soil quality surrounding it. It could be argued (as some objectors have) that the proposal removes land from agricultural production, equal to the size of the sheds. However, the area 'removed' by the sheds from other forms of less intensive agricultural production such as grazing, is replaced by an intensive form of production. Therefore, such statements are not entirely correct. As discussed above, the proposed subdivision has the resultant outcome that the adjoining farmer gains more productive land in exchange of the former quarry site, which has no agricultural value.</p> <p>The site of the proposed sheds is classified as Class 2 and 3 agricultural land, according to the <i>Assessment of Agriculture Quality of Land in Gippsland</i> (Swan & Volum). This assessment is broad so it cannot be relied upon for site specific analysis, however it does give a relatively accurate indication of land productivity if other site specific factors are also taken into account.</p> <p>According to Swan and Volum, this land is suitable for:</p> <p>Class 2 land is highly versatile but has a lower level of inherent productivity than Class 1. It is capable at the majority of agricultural uses but requires greater inputs than Class 1 land to achieve high production. The growing season is at least 11 months or 10 months</p>

	<p>with readily utilized underground water. Class 3 land generally is at limited versatility but is very good dairying and grazing land. It is sometimes suitable for orchards and extensive area cropping but not suitable for intensive uses such as vegetable growing. Sub-class 3a is suitable for more intensive uses providing particular care is taken to prevent soil erosion, or supplementary irrigation overcomes moisture limitations in the summer. The growing season is at least 10 months or 9 months with readily utilized underground water.</p> <p>As discussed above, this land is not being 'removed' from agricultural production, it is being modified to a different form of agricultural production.</p>
<p>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</p>	<p>The proposal complies with the separation distances specified in the Broiler Code (see Broiler Code Assessment Table). The proposed broiler farm use is compatible with other forms of agricultural use, whether that be dairying, organic beef production or horticultural activities. It is not considered to limit the operation or expansion of nearby agricultural uses.</p>
<p>The capacity of the site to sustain the agricultural use.</p>	<p>The proposed sheds and infrastructure occupy only a small part of the land (approx. 2.5ha). The rest of the land can be used for grazing, dairying or other agricultural uses. The site has the capacity to sustain the proposed use.</p>
<p>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</p>	<p>The quality of the land in terms of soil quality, access to water and access to rural infrastructure has been discussed above and below.</p>

Any integrated land management plan prepared for the site.	An Environmental Management Plan for the proposed broiler farm has been submitted. It is considered acceptable and it will be a condition of the permit that the operations are carried out in accordance with the plan.
Dwelling issues	N/A – there are two existing dwellings on the site. They are connected to the existing and proposed agricultural operations on the land. They will not affect any of the dwelling considerations.
Environmental issues	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	<p>The proposed development is not considered to have the potential for adverse impacts on soil or water quality in the area. Effluent from the amenities shed will be disposed of in accordance with a separate permit.</p> <p>Upon completion of bird pick up, the sheds are cleaned and sanitised in preparation for the subsequent batch of chickens. Equipment within the shed is raised to provide clear working space. Frontend loaders and / or skid steers remove the spent litter from the sheds and place it into trucks to be taken off-site by an external contractor. The floors are swept to remove any remaining litter from the sheds. The shed surfaces and equipment are then sanitised using high pressure / low volume sprays and the sheds are left to dry. No waste water is generated by this activity, so no water will leave the sheds.</p>
The impact of the use or development on the flora and fauna on the site and its surrounds.	<p>The proposal has been designed to minimise the removal of native vegetation. DELWP and Council's Biodiversity Officer have provided conditional consent. These conditions will be included in the permit.</p> <p>The proposed sheds are 230m away from the</p>

	<p>waterway. The proposal is not expected to have any significant impact on flora and fauna, within or external to the site. An area of 1.772ha of native vegetation (0.853ha of remnant vegetation and 13 scattered trees (0.923ha)) is proposed to be removed. However, this will be offset by native landscaping on the site, which will also act as a visual screen and an odour buffer.</p> <p>Third party offsets (within the West Gippsland Catchment area) may also be required depending on whether the applicant provides the required offsets on-site or not.</p>
<p>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.</p>	<p>The DELWP and Council conditions require protection and enhancement of biodiversity in the area due to the proposed removal of existing vegetation and in order to comply with the landscaping requirements of the Broiler code.</p> <p>The sheds will be mechanically ventilated and as such will be effectively sealed (except during access for maintenance and when loading chickens). As such, biosecurity risk is considered low and any subsequent spread of disease to native fauna is also considered low risk.</p>
<p>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</p>	<p>The on-site effluent disposal areas associated with the septic system (amenities building) have indicated on the plans and SGW have provided conditions regarding this system. The details of the system will be finalised through a Septic Permit issued under the Environment Protection Act 1970 and in accordance with SEPP (Waters of Victoria) and the EPA Code of Practice for on-site waste water management.</p>

	Council and SGW have assessed the ability of the land to treat and retain waste water within the boundaries of the lots in accordance with the above legislation and guidelines and are satisfied that the proposal will comply.
Design and siting issues	
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.	The proposed broiler sheds and associated infrastructure are located together and are well setback from property boundaries and roads. The proposal is considered to be compatible with adjoining and nearby land uses that are primarily dairy, organic beef farming and grazing. The area of disturbance is kept to a minimum in order to avoid the loss of productive agricultural land.
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.	The proposal is considered to be appropriately sited and designed with regard to setbacks, height, bulk, colours and materials. The proposal is not considered to have any adverse impact on the natural environment, major roads, vistas or water features even though the sheds will obviously be visible from parts of Leongatha – Yarragon Road during construction and before the landscaping is established. This has been discussed previously in the report with justification for why this is considered acceptable.
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.	The location of the proposed sheds and infrastructure is well set back from the main road. This setback, the colour of the sheds and the proposed landscaping mitigate any visual impacts. No features of significance exist in the immediate area and the site is not within a significant landscape overlay or like overlay, which specifically seeks to protect

	views and vistas or specific matters of scenic beauty or importance.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	Trucks/vehicles to and from the farm will utilise the Leongatha - Yarragon Road to access the Strzelecki Highway. This road is a main rural sealed road and can comfortably accommodate the traffic generated by the proposal. To facilitate access to the site, a right turn treatment will be provided at the entrance on the Leongatha - Yarragon Road. The site is not connected to reticulated gas, water or sewer.
Whether the use and development will require traffic management measures.	The use and development will require traffic management measures to be incorporated. These are incorporated through proposed conditions.

Overlays:**ESO2 decision guidelines:**

The likely impacts of the proposed development on water quality and quantity in the water supply catchment.	The hydrological and hydraulic assessment report prepared by Water Technology concludes that the proposal is likely to have negligible impacts on surface water flows (quantity) in the Tarwin River potable water supply catchment. It also states that stormwater runoff from the broiler farm will not contaminate nearby waterways or groundwater, or cause erosion (quality). South Gippsland Water, Southern Rural Water and West Gippsland Catchment Management Authority have reviewed the application and provided conditional consent. These conditions will be included in the permit.
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<p>The potential cumulative impact of development on the quality and quantity of water in the water supply catchment over extended periods of time.</p>	<p>As previously discussed.</p>
<p>Whether new development proposals will lead to an increase in the amount of nutrients, pathogens or other pollutants reaching streams, surface water bodies and groundwater.</p>	<p>As previously discussed.</p>
<p>Whether subdivision and intensive farming activities in water supply catchments, especially in the lower areas of water supply catchments near take off points are appropriate.</p>	<p>The proposed use and development is appropriate in the water supply catchment given that there will be no detrimental impacts on water quality or quantity. The proposal is at the “top” of the potable water supply catchment, not at the “lower” end near the take-off points.</p>
<p>Any relevant catchment management plan, policy, strategy or Ministerial Direction, including the Ministerial Guideline for Planning Permit Applications in Open Potable Water Supply Catchment Areas or any superseding document.</p>	<p>The proposal does not contradict any relevant catchment management plan, policy, strategy or Direction. This is demonstrated by the results of the hydrological and hydraulic assessment prepared by Water Technology report.</p> <p>The proposal is satisfactory having regard to the Minister’s <i>Guideline for Planning Permit Applications in Open Potable Water Supply Catchment Areas</i> (2012) for the following reasons:</p> <ul style="list-style-type: none"> • Guideline 1: Not relevant to broiler farm. However, partially relevant to the subdivision. The existing subdivision pattern allows for three dwellings on the land ‘as of right’. The proposed subdivision does not increase the number of dwellings allowed on the land. Each lot

	<p>has a minimum area of 40ha and the dwelling density across the three lots would not exceed the 1 dwelling per 40ha requirement. The proposal complies.</p> <ul style="list-style-type: none"> • Guideline 2: The proposal has demonstrated that it will comply with all applicable laws and guidelines, including the need to obtain a Council permit under the Environment Protection Act 1970 for the installation of an onsite wastewater management system and associated systems. • Guideline 3: The proposed sheds will be approximately 200m from the closest waterway to the east. Whilst the applicant has not proposed a 30m vegetative buffer along the waterway, there is proposed landscaping between the broiler sheds and the waterway which will act as a sufficient buffer. Furthermore, the proposed stormwater earthworks will redirect the runoff from around the sheds into a dam before being treated and discharged into that creek further downstream. • Guidelines 4: the buildings and works are significantly set back from the closest waterway, well in excess of the minimum 30m. Appropriate measures are proposed to be used to restrict sediment discharges from the construction site in accordance with <i>Construction Techniques for Sediment Pollution Control</i>, Environment Protection Authority, 1991 and <i>Environmental Guidelines for Major Construction Sites</i>, Environment Protection Authority, 1995. • Guideline 5: Stocking rates are not a relevant matter in this instance because the animals will be contained within sheds and will not have access to, or
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	<p>contribute to any nutrient or sediment loads in the waterway/catchment. Chemicals and fuels will be stored in appropriate containers in bunded areas. The application has been considered by the Rural Water Corporation and their conditions are included in the permit.</p>
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ES05 decision guidelines	
<p>The purpose of the overlay.</p>	<p>The purpose of the overlay is to:</p> <ul style="list-style-type: none"> • To protect areas prone to erosion by minimising land disturbance and vegetation loss. • To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of watercourses <p>The proposal has been designed to minimise the depth of excavation and the amount of land disturbance by utilising shorter (smaller) shed sizes compared to typical broiler sheds. The access into the site does require disturbance of land, however, it too has been sited primarily over an area that is already highly disturbed (old quarry) and that will be rehabilitated by this development. The site chosen for the sheds requires minimal vegetation removal even though the access road cannot avoid loss of some vegetation.</p> <p>Appropriate stormwater management practices will be employed in the design and operation of the drainage system. Including grassed drainage swales, sedimentation ponds and retention dam. This will minimise the concentration of water, erosion and siltation.</p>

<p>The following publications:</p> <ul style="list-style-type: none"> • Environment Guidelines for Major Construction Sites, Environment Protection Authority, February 1996. • Construction Techniques for Sediment Pollution Control, Environment Protection Authority, May 1991 • Control of Erosion on Construction sites, Soil Conservation Authority. • Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources. 	<p>The proposal employs the principles and techniques outlined in the publications in order to minimise soil erosion, sedimentation of waterways and limit risk. A condition of the permit will require all works to comply with the relevant guidelines.</p>
<p>Any proposed measures to minimise the extent of soil disturbance and runoff.</p>	<p>Council's Engineering Department has reviewed the Geotechnical Report and accompanying plans and are satisfied with the proposed measures.</p>
<p>The need to stabilise disturbed areas by engineering works or vegetation.</p>	<p>The stabilisation of disturbed areas will be undertaken in accordance with the recommendations contained within the Geotechnical Report.</p>
<p>Whether the land is capable of providing a building envelope, which is not subject to high or severe erosion problem.</p>	<p>The Geotechnical Report did not identify areas of high or severe erosion problems. It did identify areas of minor surface erosion. The land is capable of providing suitable sites for the sheds and infrastructure providing good site conditions are maintained.</p>
<p>Whether the proposed buildings or works are likely to cause erosion or landslip.</p>	<p>The Geotechnical Report identified that under adverse conditions, the site is susceptible to earth slides/slips. Consequently, good hillside construction practices and risk management measures</p>

	are deemed necessary to keep the levels of risks within tolerable limits. These measures will be focussed on good hillside construction, slope management and maintenance. Providing the risk management measures recommended are implemented, the report states the risks of land slippage will be maintained within tolerable limits.
Whether the proposed access and servicing of the site or the building envelope is likely to result in erosion or landslip.	As previously discussed.
Any Land Capability Report Guidelines prepared by the Department of Natural Resources and Environment, Centre for Land Protection Resource.	The Geotechnical Investigation presented in Appendix 9 is specific to the subject land.
<p>The views of the Department of Natural Resources and Environment in respect to:</p> <ul style="list-style-type: none"> • Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects. • Applications which immediately abut Crown Land. • Applications, which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land. 	DELWP has reviewed the application and provided conditional consent, these conditions will form part of the permit.

Particular and general provisions:

52.17 Native Vegetation	
Decision Guidelines	Response
For all applications	
<p>The contribution that native vegetation to be removed makes to Victoria's biodiversity. This is determined by:</p> <ul style="list-style-type: none"> • The extent and condition of the native vegetation. • The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species. 	<p>The applicant proposes to remove a total combined area of 1.772ha (0.853ha of remnant vegetation and 13 scattered trees (0.923ha)).</p> <p>The condition of this vegetation has a Biodiversity Equivalence of 0.387units. Its Strategic Biodiversity Score is 0.301.</p> <p>It is considered that while there could be habitat for rare or threatened species, none were observed and it is unlikely that some would be in the locality due their range, habits, preferred habitat, etc. Both DELWP and Council's Biodiversity Officer are satisfied with the assessment provided by the applicant.</p>
<p>Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly.</p>	<p>The proposal falls within the high risk-based pathway.</p>
High Risk Pathway	
<p>Whether reasonable steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity.</p>	<p>It is considered that reasonable steps were taken to avoid and minimise impacts of vegetation removal on biodiversity. The proponent has sought to provide an access through a previously disturbed and degraded part of the site in order to facilitate access to the broiler site.</p>

<p>Whether the native vegetation to be removed makes a significant contribution to Victoria's biodiversity.</p>	<p>Overall, the vegetation to be removed is not considered to make a significant contribution to Victoria's biodiversity because of its degraded state.</p>
<p>That an offset that meets the offset requirements for the native vegetation that is to be removed as defined in the <i>Permitted clearing of native vegetation – Biodiversity assessment guidelines</i> (Department of Environment and Primary Industries, September 2013) has been identified.</p>	<p>The site itself contains significantly more valuable and better condition vegetation that would be ideal for an offset. Council's Biodiversity Officer has recommended that these areas be protected as part of the conditions of the permit. The applicant may also need to secure third part offsets offsite in order to satisfy the DELWP conditions.</p>
<p>Other matters</p>	
<p>The role of native vegetation in:</p> <ul style="list-style-type: none"> • Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway and in special water supply catchment areas listed in the <i>Catchment and Land Protection Act 1994</i>. • Preventing land degradation, including soil erosion, salination, acidity, instability, and water logging, particularly: <ul style="list-style-type: none"> ○ Where ground slopes are more than 20 per cent. ○ On land which is subject to soil erosion or slippage. ○ In harsh environments, such as coastal or alpine area. • Preventing adverse effects on groundwater quality on land: <ul style="list-style-type: none"> ○ Where groundwater recharge to saline waterbodies occurs. ○ That is in proximity to a discharge area. 	<p>The vegetation proposed to be removed does not play a direct role in protecting water quality or riparian ecosystems because it is not located along or near a waterway.</p> <p>Some of the vegetation proposed to be removed would play a role in preventing soil erosion and instability on land that has steep slopes and subject to soil erosion or slippage. However, where the vegetation removal is predominantly proposed is the site of a former quarry, which is degraded requires some rehabilitation. The proposed access way will require stabilisation and revegetation of these areas to ensure erosion and risk of land slip is minimised. This can be controlled through appropriate conditions to prevent further land degradation and actually improve on the current scenario.</p>

<ul style="list-style-type: none"> ○ Which is a known recharge area. 	<p>The vegetation is extremely unlikely to play a role in preventing adverse effects on groundwater quality in this instance because it is not groundwater that recharges saline water bodies, or in proximity to a discharge area or which is a known recharge area.</p>
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52.31 Broiler Farm

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

52.31-1 - Scope

This clause applies to permit applications to use or develop land to establish a new broiler farm or to increase the farm capacity of an existing broiler farm

52.31-2 - Requirement

A permit application to use or develop land to establish a new broiler farm, must comply with the Victorian Code for Broiler Farms 2009.

Incorporated documents

Victorian Code for Broiler Farms 2009

"The Code provides a basis for the planning, design, assessment, approval, construction, operation and management of broiler farms in Victoria. It presents an appropriate balance between the operational needs of the broiler farm industry and the protection of the environment, particularly the air environment for people who live near broiler farms.

The Code acknowledges existing land use rights, but places rigorous conditions on the development of all new broiler farms and the expansion of existing farms.

Compliance with this Code is mandatory for the establishment of all new broiler farms and expansions in Victoria."

The purpose of the Victorian Code for Broiler Farms is to:

1. Deliver sound environmental performance in the planning, design, construction, operation and management of broiler farms
2. Protect local amenity from adverse impacts, including offensive odours, dust, noise and visual impacts
3. Protect the surrounding environment from adverse impacts
4. Permit an economically viable, competitive and sustainable broiler farm industry
5. To achieve these outcomes, this Code sets requirements for the:

6. Siting and size of broiler farms
7. Application of best practice in the design, construction, operation and management of broiler farms to satisfy relevant environmental standards
8. Preparation, assessment and determination of broiler farm development proposals through the Planning Permit system
9. Ongoing monitoring of broiler farm operations through routine audits.

All Planning Permit applications for a broiler farm must be assessed against each best practice element. The elements are;

Element 1 (E1) Location, siting and size

Element 2 (E2) Farm design, layout and construction

Element 3 (E3) Traffic, site access, on farm roads and parking

Element 4 (E4) Landscaping

Element 5 (E5) Waste Management

Element 6 (E6) Farm operation and management (EMP)

The assessment table has been attached to this report. The proposal is considered to meet, or be capable of meeting the objectives, standards and approved measures of the Broiler Code.

Clause 65.01 Approval of an application or plan	
Decision Guidelines	Response
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies	The proposal is considered to be acceptable and appropriate having regard to the SPPF and LPPF as discussed above.
The purpose of the zone, overlay or other provision.	As discussed above.
Any matter required to be considered in the zone, overlay or other provision.	As discussed above.
The orderly planning of the area.	The proposal is considered to contribute to the orderly planning of the area. The proposed use and development is in an area surrounded by other agricultural uses with reasonable access to a road network and processing facilities for the agricultural produce.
The effect on the amenity of the area.	As previously discussed, it is considered

	that the proposed use and development will not have any unreasonable adverse amenity impacts on the area if carried out in accordance with the proposed conditions of the permit. This is because the proposal complies with the Broiler Code and all other relevant matters for consideration within the Planning Scheme.
The proximity of the land to any public land.	The land is bordered to the east by a large area of public land (approximately 535ha in size.)
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	As previously discussed, the proposal could cause land degradation if appropriate measures are not put in place. However, it is considered appropriate and possible to deal with such issues through appropriate design and through conditions on the permit. The proposal is also not likely to reduce water quality as previously discussed.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	As previously discussed, the proposal is designed to maintain or improve water quality within the site and downstream, through appropriate treatment of water.
The extent and character of native vegetation and the likelihood of its destruction.	The land contains two large remnant patches of Warm Temperate Rainforest and Damp Forest of approximately 38 ha and 21 ha, which is outside the area proposed to be removed or modified. This vegetation is considered to be high quality and of much better condition than the area proposed to be removed. Council's Biodiversity Officer seeks to protect these large patches through a

	Section 173 Agreement as an offset for the removal of 1.772ha of native vegetation (0.853ha of remnant vegetation and 13 scattered trees (0.923ha)). This is considered to be a positive outcome.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	As previously discussed, vegetation will be protected and replanted as part of the application.
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.	<p>The site is not subject to a flood overlay of any kind and is only likely to experience localised flooding along the waterway during high rainfall periods, which will not affect the proposed site of the broiler farm or the access.</p> <p>The degree of erosion and fire hazard have been previously discussed in detail or addressed below.</p>

Decision guidelines for subdivision:

Farming Zone decision guidelines:

The proposed subdivision is essentially a realignment of the boundaries among three existing lots to facilitate access to the broiler farm from Leongatha-Yarragon Road. The neighbouring farmer will gain productive agricultural land by realigning the boundaries. Approximately 11.52Ha of productive agricultural land will be added to L3 PS329996L (proposed lot 2).

Existing lots	Proposed lots
CA 95B Parish of Allambee = 66.98ha	Lot 1 = 57.71ha
CA 95C Parish of Allambee = 67.38ha	Lot 2 = 76.10ha
L3 PS329996L = 64.58ha	Lot 3 = 64.98ha

Proposed lots 1 and 2 contain a dwelling each, proposed Lot 3 contains substantial native vegetation to the north, west and east. Each of the lots has sufficient area to dispose of on-site effluent. The proposed re-subdivision does not significantly change the existing land use and development potential of the land. The proposal is considered compatible with surrounding rural living and agricultural activities.

Access to proposed Lot 1 will be upgraded for the broiler farm. Trucks/vehicles to and from the farm will utilise the Leongatha-Yarragon Road to access the Strzelecki Highway. This road is a main rural sealed road and can accommodate the traffic generated by the proposal.

To facilitate access to the site, a right turn treatment will be provided at the entrance on the Leongatha - Yarragon Road.

ESO2 and ESO5 decision guidelines:

Strips of native vegetation will need to be removed for fencing along the boundaries, which will be required to be offset. The subdivision itself does not require any physical works such as roads, drainage or infrastructure. The subdivision is to facilitate the establishment of a legal and physical access to the broiler farm and its construction on proposed lot 1. The proposed subdivision does not create any additional rights for dwellings on the land. Concerns related to erosion and the catchment have been addressed above in the use and development decision guidelines section.

Clause 44.06 BMO decision guidelines:

The proposed subdivision is not expected to have any adverse impact on bushfire risk. Each resultant lot creates sufficient defendable space around the existing dwellings on the lot. The other vacant lot has multiple potential dwelling sites with sufficient areas for suitable access and defendable space. No conditions are considered necessary for a future building envelope because any future application for a dwelling can address and resolve the issues of access, defendable space, construction standards and water supply. The CFA (recommending authority) have no objection to the proposal or any conditions for the granting of a permit.

Clause 22.06 Rural Subdivision Policy

Clause 22.06 is not specifically relevant to the assessment of this application even though it is applicable. This is because its purpose and objectives were primarily intended to limit fragmentation of rural land by subdivision, limit the effects of house lot excisions, ensure house lot excision were undertaken for legitimate reasons related to agriculture and assess such applications consistently.

The purpose of the proposed subdivision is to facilitate an appropriate access to the proposed broiler farm from Leongatha – Yarragon Road. In exchange the current land owner of the proposed access area receives 11.51ha of highly productive land from the applicant that they can better utilise in their existing operations. There will be no loss of productive agricultural land as a result of proposed subdivision and the subdivision is being undertaken for legitimate agricultural reasons.

Clause 65.02 Subdivision	
Decision Guidelines	Response
The suitability of the land for subdivision.	The land is considered suitable for the proposed subdivision having regard to the zone, overlays and other relevant planning policies as discussed above.
The existing use and possible future development of the land and nearby land.	As discussed above, the existing and proposed use of the land will continue to be for agriculture, albeit for a more intensive kind. The possible future development of nearby land is likely to be for purposes such as agriculture, quarries, timber production, etc. This proposal will not prejudice such uses.
The availability of subdivided land in the locality, and the need for the creation of further lots.	N/A – no further lots are being created.
The effect of development on the use or development of other land which has a common means of drainage.	The subdivision will not affect the waterway running through the property.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The proposed subdivision will facilitate a more appropriate physical access to the farm and the subdivision logically relates to the physical characteristics of the land.
The density of the proposed development.	The density of the subdivision does not increase.
The area and dimensions of each lot in the subdivision.	As previously discussed.
The layout of roads having regard to their function and relationship to existing roads.	The proposal does not affect the existing layout of roads, nor does it propose and new roads.

The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	Part of this is not specifically relevant regarding pedestrians. The proposal facilitates better physical access to all lots.
The provision and location of reserves for public open space and other community facilities.	N/A – none proposed or relevant.
The staging of the subdivision.	N/A
The design and siting of buildings having regard to safety and the risk of spread of fire.	All buildings are sited to provide adequate separation to boundaries to allow for maintenance of defensible space, which will lower the risk of spread of fire.
The provision of off-street parking.	Sufficient parking and manoeuvring area is provided on-site.
The provision and location of common property.	N/A
The functions of any body corporate.	N/A
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	As previously discussed.
If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.	As previously discussed.
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	As previously discussed.

Conclusion and Recommendation:

The application has been considered under Section 60 of the Planning & Environment Act 1987. It considers that the proposed use and development is appropriate having regard to the relevant matters and can be managed through appropriate conditions.

It is recommended that a report be written to Council recommending the issue of a notice of decision for the Use and development of a 400,000 bird broiler farm (including site office/amenities building, silos, tanks, dam and access track) removal of native vegetation and three lot subdivision, in accordance with the endorsed plans and subject to appropriate conditions.

Signed.

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Planning Officer
Date: 14/08/2017

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Planning Co-ordinator
Date: 14/08/2017