



GANNAWARRA

Shire Council

Wednesday, 20 March 2024

6:00 PM

Kerang Senior Citizen Community Rooms

Kerang

AGENDA

Additional Report

Urgent Item

Order Of Business

7 Business Reports for Decision 3
7.7 Planning Report Application P23089..... 3

Geoff Rollinson
CHIEF EXECUTIVE OFFICER

URGENT ITEM

7 BUSINESS REPORTS FOR DECISION

7.7 PLANNING REPORT APPLICATION P23089

Author:	Kellie Burmeister, Manager Planning and Regulatory Services
Authoriser:	Wade Williams, Director Infrastructure and Development
Applicant:	Scolexia Pty Ltd
Owner:	Novo (Vic) Pty Ltd
Proposal:	The use and development of land for a poultry farm (free range layer hen facility) and associated buildings and works in accordance with the endorsed plans.
Location:	Lots 1,2 and 3, TP173402. 8511 Murray Valley Highway, Kerang East.
Attachments:	Nil

RECOMMENDATION

That Council approve Planning Application P23089 for the use and development of land for a poultry farm (free range layer hen facility) and associated buildings and works in accordance with the endorsed plans subject to the following conditions:

Amended Plans

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A detailed, fully dimensioned plan of the site showing all proposed buildings, infrastructure and works;
 - b) Fully dimensioned elevation plans of all proposed buildings, infrastructure and works;
 - c) Landscaping Plan as required by Conditions 22 and 34;

Layout not to be Altered

2. Use and layout of the site and the size of the proposed development and works detailed in the specifications and as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority except where specifically varied by conditions of this permit.

Size of Establishment

3. The maximum number of pullets housed in the poultry rearing facility at any time must not exceed 200,000 birds.
4. The maximum number of birds housed in the free-range egg laying facility at any time must not exceed 400,000 birds.

Operation of Facility

5. The poultry farm must at all times operate to the satisfaction of the Responsible Authority.

Drainage

6. All stormwater and surface water discharging from the site, buildings and works must be retained on site to the satisfaction of the Responsible Authority.

Road Safety Audit

7. Prior to the commencement of use of Hebb Road, a Road Safety Audit must be undertaken in accordance with Austroads *Guide to Road Safety Part 6: Road Safety Audit*. The audit findings and the consultant's responses to the findings must be provided to the Council for review and approval.
8. The need for turn treatments must be considered and designed in accordance with Austroads *Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections*. Any mitigating works arising out of the audit must be designed and completed at no cost and to Council's satisfaction. Any works in the government road reserve require a Works Within the Road Reserve Permit from Council.

Road Upgrading

9. Prior to the commencement of use, the developer must upgrade Hebb Road from its intersection with Kerang-Macorna Road, to access major standard. This upgrade must begin from edge of the northbound lane of the Kerang-Macorna Road and incorporate earthworks, pavement, sealing, drainage, line-marking and signage, in accordance with plans and specifications approved by the responsible authority including:
 - a) Hebb Rd must be sealed to a point at least 50m from the edge of seal on Kerang-Macorna Road.
 - b) Installation of culvert under Hebb Road at the intersection with Kerang-Macorna Road.
 - c) High stress double/double seal or asphalt equivalent.
 - d) Intersection dimensions, works and turn treatments in accordance with Austroads Guide to Road Design and recommendations of the Road Safety Audit.Road construction details may only be varied in writing by the responsible authority at its sole discretion. All works to be at no cost to Council.
Any works in the government road reserve require a Works Within the Road Reserve Permit from Council.

Defects Liability

10. A 12 month defect liability period shall apply from the date of Responsible Authorities acceptance of practical completion of the road upgrade works. The developer shall arrange for a final inspection to be undertaken with Council representatives at least four (4) weeks prior to the expiration date of this defect liability period.

Vehicle Crossing

11. Any new or otherwise vehicular entrances to the subject land from the road shall be designed and constructed as per the Infrastructure Design Manual Standard Drawing 265. Consent for 'Works Within the Road Reserve' must be obtained from Council prior to carrying out any vehicle crossing works.

No Vehicle Access

12. Once the use has commenced, no direct access is permitted to the development from the Murray Valley Highway.

No Mud on Roads

13. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

Surfacing

14. All driveways and vehicle movement areas, including car and truck parking areas associated with the poultry farm must be constructed, drained and surfaced with an all weather material and treated to prevent dust causing loss of amenity to the neighbourhood, or erosion, to the satisfaction of the Responsible Authority.

Environmental Health Office

15. All wastewater must be contained within the property boundaries to the satisfaction of Council's Environmental Health Officer.

Control Light Spill

16. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

External Appearance

17. The external walls of the buildings must be clad in colorbond steel or other non-reflective material to the satisfaction of the Responsible Authority.

Amenity

18. The use and development of the site must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
 - d) Presence of vermin.

Environmental Management Plan

19. The use must at all times operate in accordance with the submitted Environmental Management Plan dated September 2023, Version A, reference SCL23-05-EMP-01 to the satisfaction of the Responsible Authority.

Nutrient Risk Assessment

20. The use must at all times operate in accordance with the Nutrient Risk Assessment Report dated November 2023, reference SCL23-05-NAR-01 to the satisfaction of the Responsible Authority.

Compliance with Documents Approved Under the Permit

21. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the Responsible Authority.

Landscape Plan Required

22. Prior to the plans being endorsed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must include a 20 metre vegetation buffer around the perimeter of the site that will provide screening for all surrounding properties. The landscaping plan must consist of indigenous trees and shrubs and ensure an effective visual screen to the satisfaction of the Responsible Authority.

Completion of Landscaping

23. Before the use starts or by such later date as approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Landscaping Maintenance

24. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority. Any dead, diseased, or damaged plants are to be replaced within twelve months.

Access to Managers Residence

25. Access to the proposed managers residence must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles to the satisfaction of the Responsible Authority.

Water Supply

26. The proposed managers residence must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes to the satisfaction of the Responsible Authority.

Fire Fighting Facilities

27. The following fire fighting facilities must be provided to the proposed managers residence:
- a) At least 10,000 litres of water set aside for firefighting and located within 60 metres of the dwelling.
 - b) If stored in a tank, it must be equipped with CFA compatible fittings, as detailed below:
 - At least one 64mm, 3 thread / 25mm x 50mm nominal bore BSP, round male coupling to CFA specifications
 - All pipe work and valving between the water supply and the outlet must be no less than 50mm nominal bore, and
 - If less than 20 metres from the dwelling, each outlet must face away from the dwelling on the opposite side of the water supply.
 - c) An all-weather track to the dwelling and the water supply that will enable a fire truck to gain access.

Electricity Supply

28. The proposed managers residence must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the Responsible Authority.

Native Vegetation

29. No native vegetation is to be removed as a consequence of the works allowed by this permit, except in accordance with the provisions of the Gannawarra Planning Scheme.

Coliban Water

30. The owner is required to enter into Coliban Water's Agreement for Supply of Water as water will be made available to this development under the terms and conditions of this agreement.
31. Application through the Coliban Water Consent to Connect Process is required prior to any water supply service being amended and/or connected to Coliban Water assets. Any change of use of the current water service will also require an application from Coliban Water Consent to Connect Process.

Goulburn Murray Water

32. All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
33. The development must be undertaken in accordance with the requirements of the Victorian Code of Accepted Farming Practice for the Welfare of Poultry (Revision 2).
34. The poultry sheds must be located at least 50m from Goulburn Murray Water Torrumbarry channels 5/4/7/2 and 4/7/2 and Goulburn Murray Water Torrumbarry drain 1/4 with a buffer strip of vegetation established and maintained between the sheds and the channel or drain.
35. All construction and on-going activities on the site must follow sediment control principles as outlined in EPA Publication 275, *Construction Techniques for Sediment Pollution Control (EPA, 1991)*. All soil removed during construction of the dams must be reused, stabilized or vegetated on-site to ensure that no sediment can be transported off-site.
36. The floors of the sheds must be constructed with an impervious surface such as concrete or of clay compacted to achieve a design permeability of 1×10^{-9} m/sec. The shed must be designed to ensure that all litter can be retained within the shed until removal is required.
37. Stormwater and drainage from hard stand areas and the areas around the sheds must be directed to a retention dam which must be designed with a capacity and freeboard to enable the run-off from a 1 in 10 year storm to be retained. Any overflow from the dam must not cause erosion. Stormwater from catchment unrelated to the development area must not be directed to the retention dam.
38. Retention dams must be lined with an impervious liner and if clay is used it must be compacted to a seepage rate of not greater than 1×10^{-9} m/sec. The dam must be operated to a minimum level to ensure the liner does not dry out and crack. There must be no discharge of water from the dam to any Goulburn Murray Water channels or drains.
39. No contaminated run-off containing any waste material from the sheds must be allowed to enter the retention dam or any Goulburn Murray Water channels or drains or be discharged off-site.
40. Contaminated litter removed from the sheds must be transported off site by an approved contractor to an approved site.
41. There must be no spent litter from the sheds stockpiled on the site. Any temporary storage areas for wet litter must have an impermeable base and bunding to ensure contaminated run-off does not discharge from the temporary storage area.
42. All dead birds must be disposed of off-site or managed on-site to the satisfaction of the Environment Protection Authority.
43. All wastewater from the proposed manager's residence and amenities buildings must be treated and disposed of using EPA approved systems, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Conformity.
44. All wastewater disposal areas must be located at least 60m from any dams and Goulburn Murray Water channels or drains.
45. The wastewater disposal areas must be kept free of all infrastructure including buildings, driveways, tanks and service trenching and must be planted with appropriate vegetation to maximise their performance. Stormwater must be diverted away.
46. Any chemicals stored onsite must be kept in accordance with the EPA Publication 1698 *Liquid Storage and Handling Guidelines (June 2018)*.

Note:

The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan

(CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.

North Central Catchment Management Authority

47. No runoff from the site may be permitted to enter any designated waterway. Prior to the commencement of works, detailed engineering plans and computations must be supplied to the North Central CMA that demonstrates the following:
 - a) The internal drains and dam(s) must be designed to hold runoff from the site from storm events up to and including the 10% AEP storm event.
 - b) Banks surrounding the site must prevent flood water from entering the site.
48. The proposed sheds, feed silos and other buildings must be constructed on earthen fill pads with finished surface levels no lower than 600mm above the natural surface level at the centre of the northern site.
49. Prior to the commencement of works, design plans of the proposed all weather access track from Hebb Road to the northern sheds must be provided to the Responsible Authority and the North Central CMA for approval. The finished surface level of the track must be no lower than 78.0 metres AHD and must be designed to ensure any drainage paths are preserved.
50. Unless otherwise agreed in writing with the Responsible Authority and the North Central CMA, the proposed development must not reduce the available flood storage on the site. A cut and fill balance ratio of 1.3:1 must be achieved for land within the flood prone area of the site. That is, the volume of cut shall exceed fill by 30%. Any proposed cut must be self-draining. Prior to the commencement of works, detailed plans and computations demonstrating how this condition will be achieved must be provided to the North Central CMA for approval.

Note:

Flood levels for the 1% AEP probability (100-year ARI) have not been determined for this area under the Water Act 1989. However, information available at North Central CMA indicates that in the event of a 1% AEP flood event it is likely that the property may be subject to inundation from Calivil Creek.

Powercor Australia

51. The applicant shall provide an electricity supply to the development in accordance with the Distributor's requirements and standards.
Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
52. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).
Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
53. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
54. Any construction work must comply with the Energy Safe Victoria's "No Go Zone" rules.
***Notes: To apply for a permit to work go to our website:
<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator> and apply on line through the No Go Zone Assessment.***

Time for Starting and Completion

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

- The development and use is/are not started within two years of the date of this permit.
- The development is not completed within five years of the date of this permit.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note 1: A Building Permit must be obtained prior to commencing any building works.

Note 2: All building works must comply with the Victorian Building Regulations.

Note 3: Any new or otherwise vehicular entrances to the subject land from the road must be designed and constructed as per the Infrastructure Design Manual Standard Drawing 265. Consent for 'Works Within the Road Reserve' must be obtained from Council prior to carrying out any vehicle crossing works

Note 4: Gannawarra Shire Council has no plans to upgrade Nancarrow Road from its existing Access Minor standard

Note 5: The total display area of Business Identification signage to the premises must not exceed 3m².

Note 6: The Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.

Note 7: Aboriginal Cultural Heritage

Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria must be notified immediately of any such discovery at GPO Box 2392V, Melbourne 3001 or on (telephone) 1300 551 380.

If any suspected human remains are found, work in the area must cease and the Victoria Police and the State Coroner's Officer must be informed of the discovery without delay. The State Coroner's Office can be contacted at any time on Telephone (03) 9684 4444.

If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery should also be reported to Aboriginal Affairs Victoria on (telephone) 1300 888 544 or (03) 9208 3287 and the provisions of Division 2 of Part 2 of the Aboriginal Heritage Act 2006 will apply.

Officers of Aboriginal Affairs Victoria shall be permitted access to the site at any reasonable time, for the purpose of monitoring adherence to conditions above.

All Aboriginal Cultural Heritage, that is, Aboriginal places, Aboriginal objects and Aboriginal human remains, is protected under the State Aboriginal Heritage Act 2006. It is an offence to do an act that will harm Aboriginal Cultural Heritage or is likely to harm Aboriginal Cultural Heritage.

Please note that under the Aboriginal Heritage Act 2006 any works involving high impact activities located within 200 metres of a culturally sensitive area, will require the development of a Cultural Heritage Management Plan. For more

information regarding the kind of activities that trigger a Cultural Heritage Management Plan please refer to the Aboriginal Heritage Regulations 2007 or follow the web link to <http://www.aav.nrms.net.au/aavQuestion1.aspx>.

EXECUTIVE SUMMARY

This report is being presented to Council to determine a planning application for the use and development of land for a poultry farm (free range layer hen facility) and associated buildings and works in accordance with the endorsed plans at 8511 Murray Valley Highway, Kerang East.

The application was advertised in the Gannawarra Times newspaper and to surrounding property owners and occupiers and two written objections were received.

The proposal is considered to be appropriate for the site and consistent with the provisions of the Gannawarra Planning Scheme. The application has therefore been recommended for approval.

PURPOSE

To seek Council's decision on planning application P23089 for the use and development of land for a poultry farm (free range layer hen facility) and associated buildings and works.

DECLARATIONS OF CONFLICT OF INTEREST

The Officer preparing this report declares no Conflict of Interest in regard to this matter.

COUNCIL PLAN

Gannawarra Shire Council Plan 2021-2025:

- Continue to support existing agriculture and facilitate diversification to improve regional productivity through sustainable planning.

BACKGROUND INFORMATION

The property as a whole comprises of 4 parcels of land. The parcels of land relevant to this application are Lots 1, 2 and 3, TP173402X, 8511 Murray Valley Highway, Kerang East.

The proposal is to establish a poultry farm (free range layer hen facility) and associated buildings and works. It also includes the development of a new dwelling being a mangers residence.

The proposed development essentially comprises two components one being a Poultry Rearing Facility and a Free Range Egg Laying Facility. The proposed rearing facility comprises four rearing sheds which would house up to 50,000 birds (200,000 birds in total). These birds/chickens would be raised from a day old to 16 weeks of age where they would then be used to stock the free range egg laying facility. The proposed free range egg laying facility comprises four sheds which would house up to 100,000 birds each (400,000 birds in total). The birds would be free-ranged at a density of 1,500 birds per hectare with each shed having a segregated ranging paddock.

The proposal also includes the development of a new dwelling being a mangers residence, amenities buildings, pump shed, laundry room, container shelter and bio reclamation facility. Additionally, the following works are proposed to be undertaken construction of a bio-sanitation pad, truck sanitation booth, storage dam, two borrow pits, detention basins, concrete hardstand areas, feed silos, earthen bunding (as shown on the plans), internal fencing and formation of the internal road network.

It is stated on Page 28 of the submitted report that a business identification sign measuring no more than 2m x 1.5m will be located at the Hebb Road entrance displaying the following information:

- Kinross Farm with Company Logo
- Site Address and
- Site Contact Details

The total display area of the proposed sign equals 3m². No additional signage may be permitted to be put up for display.

A copy of the application can be viewed [here](#).

CONSULTATION

The application was not required to be referred to any authority pursuant to Section 55 of the *Planning and Environment Act 1989*.

Notice of the application was given externally to Coliban Water, EPA Victoria, Powercor, Goulburn Murray Water, North Central Catchment Management Authority and Agriculture Victoria under Section 52 of the *Planning and Environment Act 1989*. None of the authorities offered any objection to the granting of a planning permit subject to conditions.

The application was referred internally to the Council's Engineering, Environmental Health and Building departments, who offered no objection subject to the inclusion of conditions.

Notice of the application was given to adjoining property owners and occupiers on 5 January 2024 and a notice was placed in the Gannawarra Times newspaper on Tuesday 9 January 2024.

Following a request for further information from NCCMA, the applicant was required to redesign the layer hen sheds. This required further notice of the application to the authorities and public.

Notice of this amendment was then given to adjoining property owners and occupiers on 9 February 2024. Following this further notification, two written objections were received.

The key issues raised in the objections were:

- Road safety concerns.
- The proposal fails to detail the impact the development would have on the passageway of floodwater and the effects on the river health values, including wetlands and drainage water.
- Nutrient management during flood events.
- Biosecurity concerns due to the proximity to the existing piggery.

The first objection was received by Council on 23 February 2024 and was in relation to road safety. A consultation meeting was held with Council officers, the applicant, proponent, and the objector on Tuesday 12 March 2024. The objector was able to articulate their concerns about the road safety and following discussions and further considerations and conditions to be included on any approval, the objector verbally advised that they were willing to withdraw their objection. At the time of writing this report, an official withdrawal had not been received.

Another objection to the application has now been received by Council, however, this was after the consultation meeting had already occurred.

ASSESSMENT

The subject land is situated within a Farming Zone (FZ) pursuant to the Gannawarra Planning Scheme. Some of the purposes of the FZ are to provide for the use of land for agriculture; to encourage the retention of productive agricultural land; to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision; and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

A planning permit is required pursuant to Clause 35.07-1 of the planning scheme for use of land as a Poultry Farm as more than 100 chickens are proposed to be kept on the subject land. The Planning Scheme defines Poultry Farm as 'Land used to keep or breed poultry.' Poultry Farm which is defined separately under the Planning Scheme is nested under the land use term Animal Production, this is nested under Animal Husbandry which in turn is nested under Agriculture. It is important to note that the proposal is for a Poultry Farm and not a Broiler Farm.

A planning permit is required pursuant to Clause 35.07-4 as all the buildings associated with the project (sheds, amenities buildings, pump sheds, laundry room, managers residence etc.) and works i.e. dam, borrow pits, bio-sanitation pad are associated with a use in Section 2 of Clause 35.07-1.

A planning permit is also triggered pursuant to Clause 35.07-4 as some of the buildings are located less than 100m from a waterway i.e. GMW Drain 1/4 and GMW Channel 4/7/2.

A portion of the northern part of Lot 1 is covered by the Land Subject to Inundation Overlay (LSIO) as is the northern/north eastern portion of Lot 2. The remainder of these Lots is covered mainly by the Environmental Significance Overlay Schedule 4 (ESO4). However, two small parts of Lot 1 are covered by the Rural Floodway Overlay (RFO), these are located towards the south western corner of the allotment, and a fraction of the north eastern corner of Lot 2 is covered by RFO also. In regards to Lot 3 it is covered mostly by the ESO4, however, the western portion of the site is covered by the RFO. All three lots are covered by the Specific Controls Overlay Schedule 2.

The revised drawings supplied by the permit applicant on 8 February 2024 (which show the sheds for the free range egg laying facility located outside the 2011 flood area) indicate that the sheds for the free range egg laying facility, amenities buildings provided to each shed, silos for each building and hardstand area are located wholly within the ESO4. As is the dam and proposed pump shed. One of the purposes of the ESO4 is 'To identify areas where the development of land may be affected by environmental constraints.' One of the Environmental Objectives to be achieved the ESO4 is 'To ensure that any development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and with local drainage conditions and will not cause any significant rise in flood levels or flow velocity.' Clause 42.01-2 states that 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. As the floor area of each shed well exceeds 200m² (the floor area for each building is 6,624m²) and the amenities buildings are not exempt under the ESO4 provisions a planning permit is triggered for this component of the project pursuant to Clause 42.01-2. It is noted that the free range paddock area where the birds will be able to wander is covered predominantly by the ESO4, however, some parts of the free range areas are located within the LSIO and RFO. It is understood that the works to occur within the free range areas are the construction of fencing and provision of an internal road to access each building from the south i.e. Lot 3.

Any fencing located within the RFO requires planning approval pursuant Clause 44.03-2 as the fencing to be used is not open style it is mesh style fencing. Furthermore any fencing located

within the LSIO requires planning approval pursuant to Clause 44.04-2 as the fencing is not regarded as open style.

In respect of the buildings and works proposed to be undertaken on Lot 3, it is noted that all works are to be located within the ESO4. As the sheds comprising part of the rearing facility exceed 200m² (the floor area of each building is 2,898m²) a planning permit is triggered pursuant to Clause 42.01-2. In addition as it is considered that the two amenities buildings and laundry room are not exempt from the following provision under the ESO4 (a single-non-habitable building with a floor area less than 200m² is applicable) therefore a planning permit is also required to undertake these works pursuant to Clause 42.01-2. As the proposed container shelter is below 200m² (72m² in size) and is to be used to store farm equipment and shelter farm machinery it is deemed exempt from the need for planning approval pursuant to Clause 42.01-2. The elevation plans indicate that the finished floor level of the proposed managers residence is above 450mm (the finished floor level is at 570mm). As the dwelling is to be constructed above the 450mm minimum requirement within the ESO4 provisions a planning permit is not required to construct the proposed dwelling specifically pursuant to the provisions of Clause 42.01-2.

The Planning Policy Framework (PPF)

- Clause 12.01-1L (Flora and fauna protection): The objective is 'To protect and enhance remnant native vegetation and native flora and fauna habitat.'
- Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs): The objective is 'To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.'
- Clause 13.02-1S (Bushfire planning): The objective is 'To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.'
- Clause 13.03-1S (Floodplain management): One of the objectives is 'To assist the protection of life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.'
- Clause 13.05-1S (Noise management): The objective is 'To assist the management of noise effects on sensitive land uses.'
- Clause 13.06-1S (Air quality management): The objective is 'To assist the protection and improvement of air quality.'
- Clause 14.01-2S (Sustainable agricultural land use): The objective is 'To encourage sustainable agricultural land use.'
- Clause 14.01-2R (Agricultural productivity - Loddon Mallee North): One of the strategies listed is 'Support emerging agribusinesses and location clusters, including intensive animal industries.'
- Clause 14.01-2L (Sustainable farming): One of the strategies is 'Encourage on-farm drainage and sustainable agricultural industries that are based on efficient use and re-use of water.'
- Clause 14.02-1S (Catchment planning and management): The objective is 'To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.'
- Clause 14.02-2S (Water quality): The objective is 'To protect water quality.'
- Clause 14.02-3S (Protection of declared irrigation districts): The objective is 'To plan and manage for sustainable change within irrigation districts declared under Part 6A of the Water Act 1989.'

- Clause 15.01-2L (Building siting - Gannawarra): The preferred setback distance for buildings fronting the TRZ2 or Other Roads is 100m and 20m respectively in the FZ the preferred setback distance where buildings are not fronting a road zoned TRZ2 or other roads is the same as above. There is no preferred setback distance from other boundaries is 5m.
- Clause 15.01-6S (Design for rural areas): The objective is 'To ensure development respects valued areas of rural character.'
- Clause 15.03-2S (Aboriginal cultural heritage): The objective is 'To ensure the protection and conservation of places of Aboriginal cultural heritage significance.'
- Clause 17.01-1S (Diversified economy): The objective is 'To strengthen and diversify the economy.'
- Clause 18.02-4S (Roads): The objective is 'To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.'
- Clause 18.02-4L (Roads - Gannawarra): One of the strategies listed is 'Encourage protection of road infrastructure in agricultural areas.'

Particular Provision

- Clause 52.05 (Signs): In the Farming Zone sign requirements are listed as a Category 4 within Clause 52.05-14. Business Identification is listed within Section 2 meaning a planning permit is required to put up for display a Business Identification Sign. A business identification sign is a sign that provides business identification information about a business or industry on land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information. In the Farming Zone a Business Identification must not exceed 3m² in total display area to the premises.
- Clause 52.06 (Car Parking): Clause 52.06 applies to a new use. Before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. The table to Clause 52.06-5 states that for a dwelling with three or more bedrooms 2 car parks must be provided. As there is no car parking requirements specifically required for the use of land for a poultry farm car parking must be provided on the land to councils satisfaction.
- Clause 52.17 (Native Vegetation): It is stated on Page 23 of the submitted report that 'There is no requirement for the removal or lopping of native trees or other vegetation.'
- Clause 52.29 (Land adjacent to the principal road network): It is important to note that no new access to the site is proposed to be created directly off the Murray Valley Highway. It is stipulated within the submitted planning report that there are two existing driveway entries, one located off the Murray Valley Highway and the other off Nancarrow Road. It is clearly stipulated within the application that the entrance off the Murray Valley Highway will be used solely to access the existing house located on Lot 2 (it is noted on Pages 11 and page 23 that the existing dwelling is to be retained and utilized as a farm managers residence). It is stated within the submitted planning report that a new access entry is proposed to be located along Hebb Road. It is clearly indicated that this new entrance will be used as the main entry point for deliveries and the operation of the farm complex. It is stated that vehicles will travel to the site entrance via Kerang Macorna Road then along Hebb Road.
- As no new access is proposed to be created off the Murray Valley Highway and as there is no increase in the amount of traffic accessing the existing site entry along the Murray Valley Highway (traffic associated with the operation of the proposed farm complex is to

enter the subject site via Hebb Road) the application is not required to be referred to DoT per Clause 52.29-2.

- It should be noted that all buildings associated with the proposed development i.e. poultry sheds, amenities buildings, rearing sheds, pump shed etc. are setback more than 100m from the Murray Valley Highway as such Section 52 notice of the application was not required to be sent to DoT.
- Clause 53.09 (Poultry farm): The purpose of this Clause is 'To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment.'
- Clause 53.10 (Uses and activities with potential adverse impacts): This Clause does not apply in this specific instance.
- Clause 53.18 (Stormwater Management in Urban Development) is not relevant to the assessment of this application.

The decision guidelines of Clause 65

The proposal generally complies with the provisions of Clause 65.01 and Clause 65.02.

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

- Any floodplain management manual or guideline of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority.
- Any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority.
- Victorian Floodplain Management Strategy
- Aboriginal Heritage Act 2006.

Relevant incorporated or reference documents

Nil.

Relevant Planning Scheme amendments

Nil.

OPTION ANALYSIS

Council has two options in relation to this report:

1. To approve Planning Application P23089 and issue a Notice of Decision to grant a planning permit subject to appropriate conditions. The objectors have the opportunity to appeal Council's decision at VCAT.
2. To refuse Planning Application P23089 and issue a Notice of Refusal stating the grounds of refusal. The permit applicant has the opportunity to appeal Council's decision at VCAT.

RISK IMPLICATIONS

There are no risk implications to council

FINANCIAL IMPLICATIONS

Nil.

CONCLUSION

The proposed use and development are considered to be appropriate for this site.

The application was advertised to surrounding property owners and occupiers as well as notice in the Gannawarra Times newspaper and two written objections were received.

It is considered that the proposal is consistent with the Gannawarra Planning Scheme, in particular the Planning Policy Framework and the purpose of the Farming Zone.

Given the above, it is recommended that the application be approved subject to conditions as outlined earlier in this report (see recommendation).

URGENT ITEM