

**CONFIRMED MINUTES**

**FOR THE**

**GREATER SHEPPARTON CITY COUNCIL**

**DEVELOPMENT HEARINGS PANEL**

**Meeting No. 1/2019**

**HELD ON**

**FRIDAY 8 FEBRUARY 2019**

**AT 10.00AM**

**IN THE COUNCIL BOARDROOM**

**90 WELSFORD STREET**

**CHAIR**

**Councillor Chris Hazelman**

## **COMMITTEE MEMBERS PRESENT**

Committee members present today are:

- Cr Chris Hazelman (Chair),
- Jonathan Griffin – Team Leader Development, Greater Shepparton City Council
- Joel Ingham – Planning Coordinator, Benalla Rural City Council
- Cameron Fraser – Principal Planner, Strathbogie Shire Council

## **ACKNOWLEDGEMENT**

Welcome everyone to Development Hearings Panel meeting number 1 for 2019

I would like to begin with an acknowledgement of the traditional owners of the land.

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors”.

## **RECORDING OF PROCEEDINGS**

I would like to advise all present today that:

- the proceeding is being minuted but not recorded and all minutes will be published on Council’s website.
- and that out of courtesy for all other attendees any recording devices should be turned off during the course of the hearing unless the chair has been formally advised that a party wishes to record proceedings.

## **OFFICERS AND OTHERS PRESENT**

The Planning Officers that will be in attendance for today’s hearing are:

- Braydon Aitken
- Andrew Dainton

I would also like to acknowledge all other parties present today. We will get you to introduce yourself when your turn comes to present.

## APOLOGIES

Nil

## CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- Minutes of DHP meeting No. 09/2018 held on Wednesday 23 November 2018. Minutes have been circulated.

***Moved** by Jonathan Griffin and **seconded** by Cameron Fraser that the minutes of the meeting held on 23 November 2018 be adopted.*

*Carried*

## DECLARATIONS OF CONFLICTS OF INTEREST

No conflicts of interest declared

## ORDER OF PROCEEDINGS

For those of you who are attending the DHP for the first time the process is as follows

- The DHP operates under Local Law No 2, with such modifications and adaptations as the DHP deems necessary for the orderly conduct of meetings.
- All DHP panel members have 1 vote at a meeting.
- Decisions of the DHP are by ordinary majority resolution. If a vote is tied the Chair of the DHP has the casting vote.
- The process for submitters to be heard by the Panel shall be:
  - The planning officer to present the planning report recommendation
  - Any objectors or representatives on behalf of the objectors present to make a submissions in support of their objection (should they wish to)
  - The applicant or representatives on behalf of the applicant to present in support of the application
- For the purpose of today's hearing the officer, objectors and applicant will be limited to a maximum of 6 minutes per person with no extensions.

## **MATTERS FOR CONSIDERATION**

There is one item listed for consideration in this session of the DHP:

1. Planning Permit application 2017-340 seeking permission for a 6 lot subdivision in the Low Density Residential Zone on the land at 279 Dhurringile Road, Tatura.
  2. Planning Permit application 2018-257 seeking permission for use and development for a rural store (grain storage bunkers) on the land at 4905 & 4965 Goulburn Valley Highway, Murchison East.
  3. Planning Permit application 2018-159 seeking permission for use and development of land for intensive animal husbandry (12,000 free range chickens for egg production) on the land at 265 Kyabram-Cooma Road, Kyabram.
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## **10. LATE REPORTS**

None

## **11. NEXT MEETING**

N/A

Meeting concluded at 12.30pm

## INDEX

<b><u>Application No.</u></b>	<b><u>Subject Address:</u></b>	<b><u>Proposal:</u></b>	<b><u>Page No.</u></b>
2017-340	279 Dhurringile Road, Tatura	Six lot subdivision in the Low Density Residential Zone	3
2018-159	265 Kyabram-Cooma Road, Kyabram	use and development of land for intensive animal husbandry (12,000 free range chickens for egg production)	27
2018-257	4905 & 4965 Goulburn Valley Highway, MURCHISON EAST VIC 3610	use and development for a rural store (grain storage bunkers) two lot subdivision and removal of native vegetation	61

## Application Details:

Responsible Officer:	Sarah Van Meurs (report prepared by Natalie Taggart)
Application Number:	2017-340
Applicants Name:	Planright Australasia Pty Ltd
Date Application Received:	1 Nov 2017
Statutory Days:	289
Land/Address:	279 Dhurringile Road TATURA VIC 3616
Zoning and Overlays:	Low Density Residential Zone Aboriginal Cultural Heritage Sensitivity
Why is a permit required (include Permit Triggers):	Clause 32.03-3 - Subdivide land into six lots in the Low Density Residential Zone
Are there any Restrictive Covenants on the title?	No

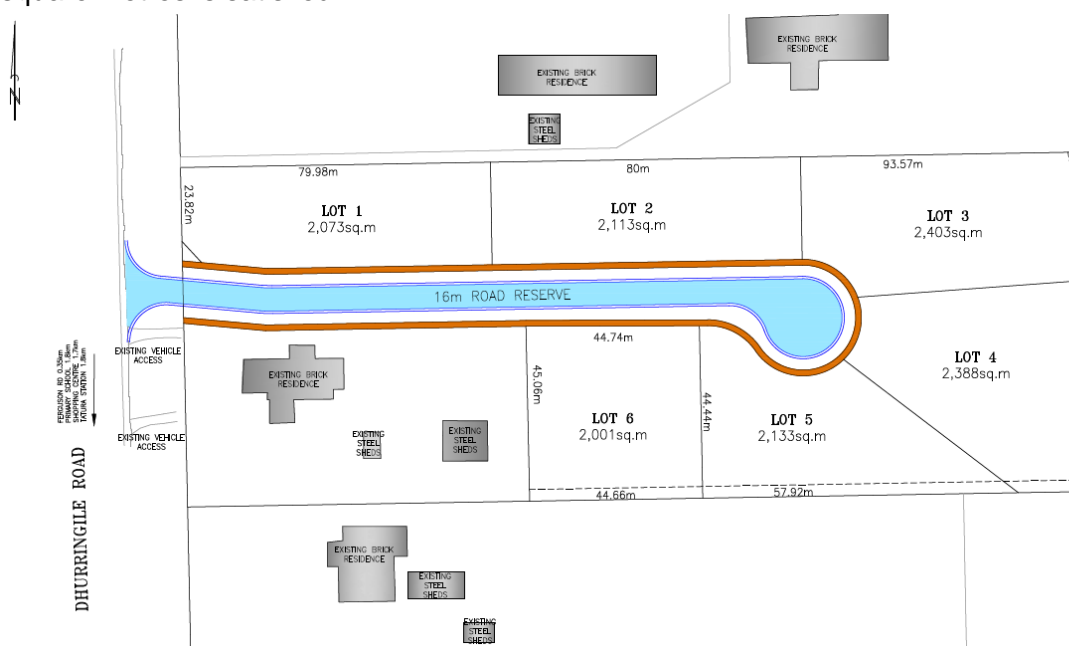
## Proposal

The application proposes to subdivide the land into 6 lots in the Low Density Residential Zone.

The application initially proposed to subdivide the land into 7 lots in November 2017, however in March 2018 the application was amended after notice was given and altered the proposed access from common property to a road, which required a larger access way and therefore reduced the land available for new lots. The proposed access way is to be constructed as a Road in accordance with the IDM standards i.e. a 6m wide sealed road with concrete edge strips.

Each of the lots is proposed to be accessed via the proposed road reserve off Dhurringile Road.

Utilities are available to the site including electricity, water and sewer. The lots will be required to be connected to sewer to ensure the zone requirements for lots less than 4,000 square metres is satisfied.



The land is partially affected by an area of Aboriginal Cultural Heritage Sensitivity. The applicant has submitted a Cultural Heritage Assessment Report prepared by Andrew Long and Associates. The assessment shows that the land has been previously used for an orchard. A statutory declaration has also been submitted stating the orchard was removed by a bulldozer and ripped to remove the tree roots in approximately 1998. The report concludes that the site has been subject to significant ground disturbance and no CHMP is required.

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## Summary of Key Issues

The application proposes a 6 lot subdivision at 279 Dhurringile Road, Tatura.

The site is located within an area zoned Low Density Residential Zone and identified within a "Minimal Change Area" in the GSHS.

The key considerations for this application are:

- Whether the proposal is consistent with the purposes of the Low Density Residential Zone.
- Whether the proposal meets the objectives of State and Local Planning Policies relating to settlement.
- Whether the proposal is consistent with the character of the area.
- Whether the proposal will achieve an appropriate planning outcome.

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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2017-340** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause **32.03-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **279 Dhurringile Road, Tatura** for **subdivision of land into 6 lots** in accordance with the Notice of Decision and the endorsed plans.

## **Moved by Jon Griffin**

## **Seconded by Joel Ingham**

That Council having caused notice of Planning Application No. **2017-340** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause **32.03-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **279 Dhurringile Road, Tatura** for **subdivision of land into 6 lots** in accordance with the Notice of Decision and the endorsed plans and the changes to Condition 2 as below:

### **Condition 1: Amended Plans**

- a) Plans to be updated to refer to a 2m high acoustic fence to the length of the northern boundary of 285 Dhurringile Road, Tatura.
- b) Relocation of road reserve to the North to provide a greater setback from the neighbouring crossover.

### **Condition 4: Detailed Construction Conditions**

- a) Landscape condition to be added

## **CARRIED**

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## **Subject Site & Locality**

An inspection of the site and the surrounding area has been undertaken.

Date: 9 October 2018

Time: 11.30 am

The site has a total area of approximately **1.623** hectares and is described as follows:

- The site is an irregular shaped site that is generally flat.
- The site has a frontage to Dhurringile Road of approximately 45 metres and a depth of approximately 230 metres.
- The site is currently vacant and contains cleared land with grass.

The main site/locality characteristics are:

- The site is located within the Low Density Residential Zone.



- Land to the north, east, and south is generally zoned LDRZ and comprises lot sizes ranging from approximately 1600 square metres to 4.6 hectares.
- Adjoining the site to the north are two allotments:
  - 275 Dhurringile Road has an area of approximately 7,700 square metres and is developed with a dwelling and outbuildings.
  - 8 Johnstone Road adjoins the rear half of the northern boundary of the application site. The land is approximately 1 hectare in size and is developed with a dwelling.
- Adjoining the site to the south are two allotments:
  - 285 Dhurringile Road is a rectangular shaped allotment adjoining the front area of the application site. The land has an area of approximately 3,900 square metres and is developed with a dwelling and outbuildings.
  - 289 Dhurringile Road the rear 2 thirds of the side of the application site. The land is approximately 2 hectares in size and is developed with a dwelling and outbuildings.
- Adjoining the rear of the site to the east are two allotments:
  - A 6,000 square metre lot is sited at 10 Johnstone Road and is developed with a dwelling and outbuildings.
  - A 1.7 hectare lot is sited at 14 Johnstone Road and is developed with a dwelling.
- Land to the north is predominantly developed with dwellings set amongst landscaped settings on lots of approximately 4,000 square metres in size.
- Some allotments to the east with areas of around 5,000 square metres to 1 hectare are developed with dwellings set amongst landscapes settings. Land further east is generally undeveloped land. Further east, land 65 Ferguson Road has been subdivided into approximately 2,000 square metre lots.
- South of the site, land is generally developed with dwellings on lots ranging in size between 1,600 square metres and 1.8 hectares.
- Land to the west of the site across Dhurringile Road is broadly zoned General Residential. Lot sizes range from approximately 250 square metres to 900 square metres. Land is generally developed with single storey dwellings.
- Dhurringile Road is a sealed, local (Category 2) road with single lane vehicle access in each direction. The road contains gravel shoulders.

The Photos below show the site:



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## Further Information

Further information was requested on 16 November 2017 and required a soil assessment demonstrating that the land is suitable for residential use. A preliminary soil evaluation prepared by *Geotechnical Testing Services* was received on 30 January 2018.

The CFA also requested further information relating to a subdivision plan on 5 June 2018. CFA then provided a referral response to the application for a 6 lot subdivision on 20 June 2018 and gave conditional consent to grant a permit.

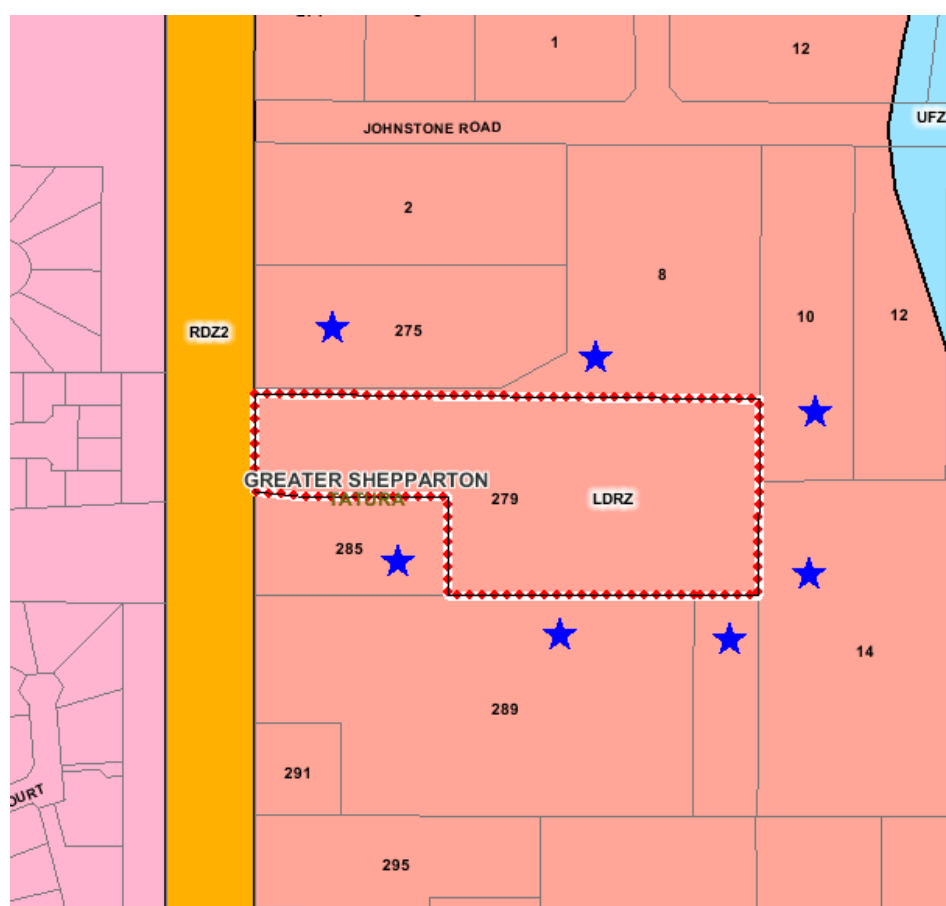
## Public Notification

The application was initially advertised for a 7 lot subdivision in the Low Density Residential Zone.

The application was later advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **six lot subdivision in the Low Density Residential Zone**, by sending notices to the owners and occupiers of adjoining land and placing a sign on the site.

Notices were sent to a total of 7 affected property owners / occupiers.

Following this process, two objections to the proposal were received.



## Objections

Two objections to the proposal were received. The reasons for objection are addressed and considered as follows.

Reason for objection	Planning Response
Concern with having to share future costs to develop or alter shared boundary fencing between the objectors site and the application site.	Officers recommend that permit conditions require the installation of boundary fencing before the SOC of the subdivision. Costs associated with this fencing should be paid entirely by the developer.
Noise and dust and drainage issues from the	The application proposes to construct a

<p>proposed road.</p>	<p>sealed road to Council standards and will not be constructed of loose gravel, therefore dust will no longer be an issue.</p> <p>Council's development engineers have advised that as the land is undeveloped, the Permitted Site Discharge should be limited to the predevelopment flowrate and retarded on site to ensure the existing table drain capacity is not exceeded. It is considered that drainage will be able to be appropriately managed and drainage discharge plans will be required as a condition of permit.</p>
<p>Loss of privacy due to future dwellings.</p>	<p>The application proposes to subdivide the land into lots with minimum lot sizes of 2000 square metres in accordance with the requirements of the Low Density Residential Zone. It is considered that the subdivision layout provides appropriate space for dwellings to be sited in a way that maintains privacy and the low density characteristics intended by the Zone. The Application Requirements of the Low Density Residential Zone state that building envelopes and driveways must be shown on plan for land that is able to be sewerred. A condition on permit will require a plan to be submitted showing building envelopes and driveways on each of the proposed lots.</p>
<p>Safety concerns over increased traffic near objectors driveway</p>	<p>Council's development engineers have considered the new road intersection and have required that detailed construction plans be submitted of the intersection in accordance with the IDM. It is considered that traffic will be of standard residential traffic within a residential area and should not impact negatively on road safety near the adjoining sites. Appropriate road design will ensure this.</p>
<p>Natural Environment</p>	<p>The application proposes to subdivide the land into 6 lots. The land is currently vacant land and is generally cleared of vegetation other than grasses. There are no waterways or flood paths nearby or traversing the site. Furthermore, nearby and surrounding land uses are generally for residential purposes, with several lots developed with dwellings.</p>

	It is considered that the subdivision of land into lots of no less than 2,000 square metres should not negatively impact on the natural environment.
Character of the area	The site is located within the Low Density Residential Zone, abutting land to the west within the General Residential Zone. Properties fronting Dhurringile Road in the immediate surrounding area are generally developed with dwellings on lot sizes ranging from 1,600 square metres to 2 hectares. The proposal for minimum 2000 square metre lots is considered to be generally consistent with the character of the area. The subdivision layout ensures only one lot exists along the Dhurringile Road frontage, with the other 5 lots being sited to the rear of the block. This further ensures that the rhythm of dwellings and characteristics from the streetscape are maintained.

## Title Details

The land is known as 279 Dhurringile Road, Tatura.

Lot 2 on PS 436704F.

The title does not contain a Restrictive Covenant or Section 173 Agreement. The title contains an easement running along the southern boundary of the site benefiting the land at Lot 1 (285 Dhurringile Road) and across the north eastern corner of the site benefiting the State Rivers and Water Supply Commission.

## Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Goulburn Valley Water	66.01	Determining	In June 2018 GVW offered no objection to the granting of a planning permit application amendment subject to a number of water supply and sewerage conditions.
Powercor	66.01	Determining	In May 2018 Powercor offered no objection to the issue of a planning permit subject to conditions relating to referral of the application to Powercor at certification stage of the subdivision and requirements relating to electricity supply.
APA	66.01	Determining	APA consented to the application without requiring any conditions.

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
CFA	<p>In December 2017 CFA offered no objection to the grant of a permit for the 7 lot subdivision subject to conditions relating to provision and identification of hydrants and construction of roads to suitable standards.</p> <p>In June 2018 CFA offered no objection to the grant of a permit for the proposed subdivision subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Subdivision plan not to be altered</li> <li>2. Hydrants to be provided and identified</li> <li>3. Roads to be constructed to suitable standards.</li> </ol>
GMW	<p>In December 2017 GMW offered no objection subject to a number of conditions.</p> <p>In June 2018 GMW offered no objection to the proposed subdivision subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Referral of plan of subdivision at certification stage.</li> <li>2. Completion of works within the subdivision in accordance with EPA standards.</li> <li>3. Protection of GMW easements/reserves.</li> <li>4. Protection of water supply easements.</li> <li>5. Requirements prior to statement of compliance.</li> </ol>

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>In January 2018 Council's development engineers offered no objection to the proposal subject to a number of conditions.</p> <p>In September 2018 Council's development engineers offered no objection to the proposal subject to a number of conditions relating to:</p> <ul style="list-style-type: none"> <li>- Drainage</li> <li>- Road standard</li> <li>- Council's assets</li> <li>- Construction phase</li> <li>- Rural drainage plan</li> <li>- Drainage discharge plan</li> <li>- Road design</li> <li>- Detailed construction plan</li> <li>- Construction of works</li> <li>- Supervision fees</li> <li>- Plan checking fee</li> <li>- Subdivision development</li> <li>- Other matters</li> <li>- Street tree planting</li> </ul>

## Assessment

### The zoning of the land

The land falls within the **Low Density Residential Zone**.

### Low Density Residential Zone

The purposes of the zone include to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Clause 32.03-3 of the LDRZ identifies that a permit is required to subdivide land. Each lot must be at least 0.4 hectares where reticulated sewerage is not connected, or 0.2 hectares where connection to reticulated sewerage is possible.

The application requirements for Subdivision in the Low Density Residential Zone where reticulated sewerage is available are:

- Show for each lot a building envelope and driveway to the envelope, and any existing vegetation.
- Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
- If a staged subdivision, show how the balance of the land may be subdivided.

### Response

The subdivision plan submitted with the application shows proposed lot sizes and layout in relation to the adjoining dwellings. A condition on permit will be required for building envelopes and driveways to be shown on the subdivision plan. The site does not contain vegetation that would be required to be shown on plan and the subdivision is not proposed to be staged.

### **Decision Guidelines**

#### *General*

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

The relevant provisions of the Scheme are addressed later in this report. The proposal is considered to be generally consistent with the Municipal Planning Strategy and the Planning Policy Framework.

#### *Subdivision*

- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*

The site is generally cleared, containing grass. The land is residentially zoned land surrounded by allotments generally developed with dwellings. The natural environment and character of the area is not considered to be impacted upon from the proposed subdivision.

- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*

The site is able to be serviced and be connected to all utilities.

- *In the absence of reticulated sewerage the capability of the lots and the benefits of restricting size of lots with regards to wastewater and maintenance.*

Reticulated sewerage is available to the site.

### **Relevant overlay provisions**

There are no overlays affecting the land.

### **The Municipal Planning Strategy and the Planning Policy Framework, local planning policies and Structure Plans**

Clause 11.01-1S aims to promote the sustainable growth of Victoria. The major regional cities, including Shepparton, are to be the focus of investment and growth they are places of state significance.

Clause 11.01-1R aims to facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.

Clause 13.04-1S aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Clause 15.01-5S aims to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.02-1S aims to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Clause 15.03-2S seeks to protect and conserve places of Aboriginal cultural heritage significance.

Clause 19.03-2S aims to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

Clause 19.03-3S aims to sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

### **Response:**

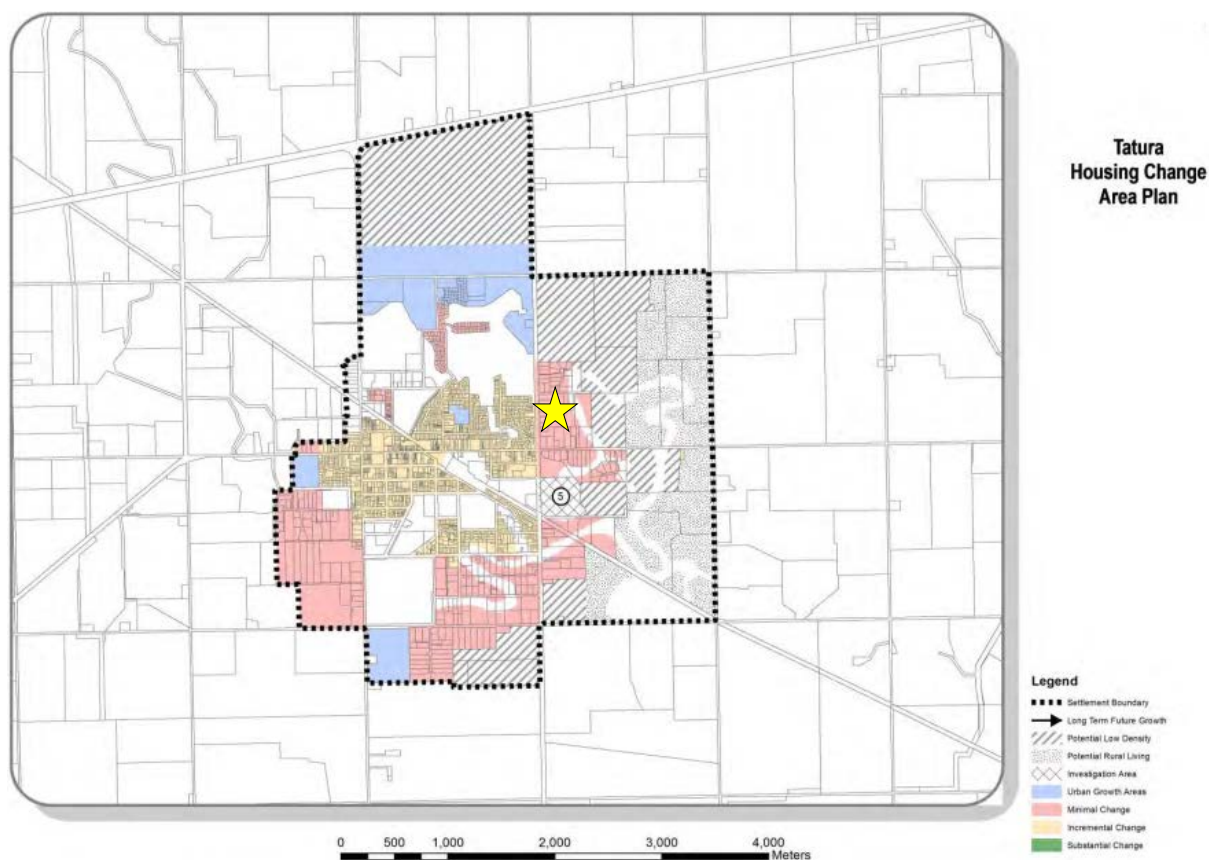
The proposal is generally consistent with the State Planning Policy objectives that encourage growth and development and whilst protecting neighbourhood character and conserving places of Aboriginal cultural heritage significance. The proposal allows for a residentially zoned area to be subdivided into the allowable lot size to provide future residential use to the community. The site is located within a suitable location within close proximity to the Tatura train station and the Tatura town centre services and amenities. The lot sizes are consistent with those in the LDRZ in the surrounding neighbourhood and maintain a low density characteristic. Furthermore, the subdivision plan sites one proposed lot at the front of the property, with the other 5 lots to the rear, ensuring the streetscape characteristic is maintained.

### **The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans**

Clause 21.04-1 – Urban Consolidation and Growth identifies that population forecasts predict that the population of the City will grow from 59,502 persons in 2006 to 71,509 by 2026. It is expected that to accommodate this additional population, there will need to be a



corresponding growth in the number of dwellings. The *Greater Shepparton Housing Strategy 2011* (GSHS) defines settlement boundaries for the extent of urban expansion to ensure the sustainability of the urban community and the wellbeing of productive agricultural land.



Clause 21.05-4 seeks to ensure continued conservation, protection and maintenance of places of cultural heritage significance important to the Council.

Clause 21.07-3 seeks to maintain and enhance stormwater quality throughout the municipality and ensure that new development complies with the Infrastructure Design Manual.

Clause 21.09 The Greater Shepparton Housing Strategy 2011 is a reference document relevant to the proposal and identifies objectives and strategies that aim to ensure an adequate supply of land for residential development, and the need to promote healthy and sustainable living environments.

**Response:** The *Greater Shepparton Housing Strategy 2011* (GSHS) outlines Council's approach to housing delivery and growth in the municipality. The site at Dhurringile Road, Tatura has been identified as within the settlement boundary, and within an area of minimal housing change, immediately opposite a precinct of "incremental change" (as shown on the map below). These areas of 'minimal change' are established residential areas that have a limited capacity to accommodate future residential development due to various factors, but

allow limited residential development consistent with character, scale, type and style of the area. These areas should ensure development respects existing scale and character.

The proposal is generally aligned with the strategies for 'minimal change areas'. The proposal creates lot sizes that are allowable under the LDRZ and that do not considerably impact on natural features, views or vistas. The land is a vacant allotment generally set amongst residentially developed properties, and does not contain any environmental constraints such as flood or bushfire risk, or native vegetation.

The proposal is consistent with the Local Planning Policy objectives to provide quality residential development.

### **Relevant Particular Provisions**

#### **65.01 Approval of an application or plan**

*Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

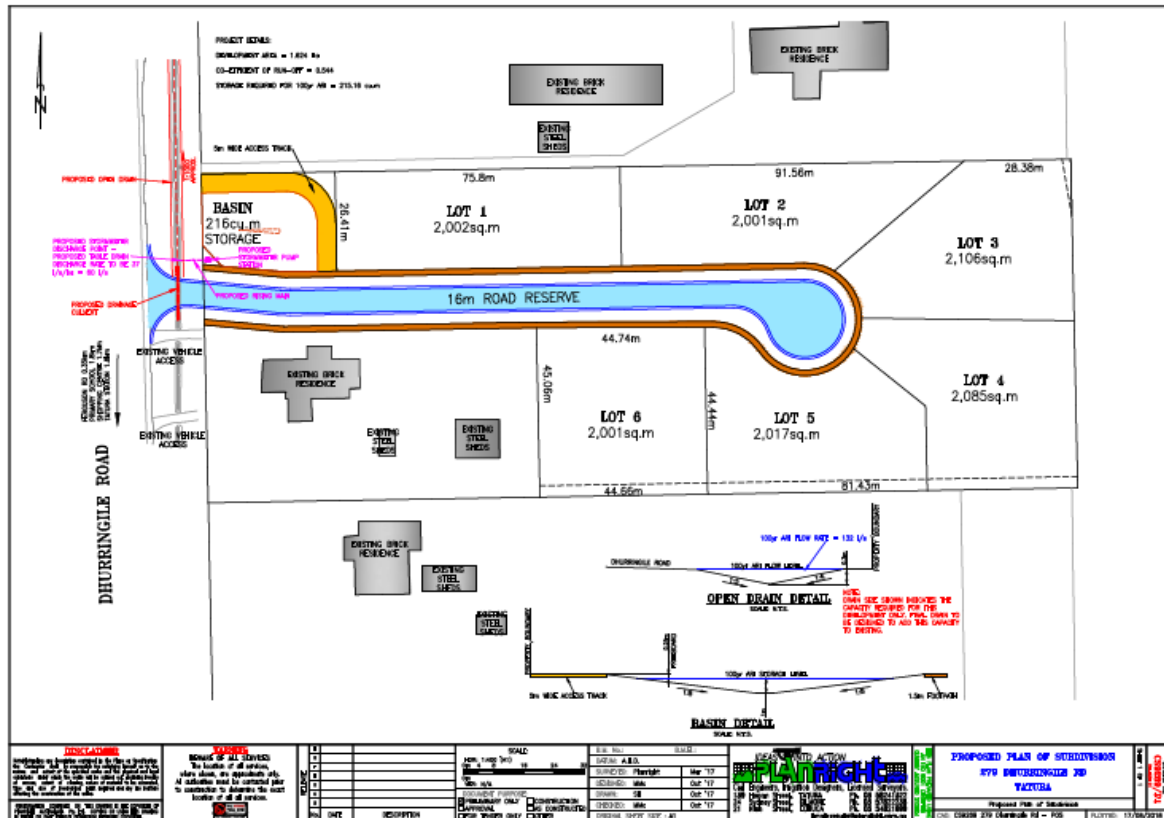
- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

### **Response**

As identified in this report, the proposal to subdivide the land into 6 lots is generally consistent with the objectives of the Low Density Residential Zone. The design of the lots is within the allowable size limit of the zone, and ensures that a low density characteristic is maintained.

There is no flood, erosion or fire hazard identified on the land. Road safety and traffic flow impacts should not be dramatically impacted on. Council's development engineers have recommended a number of conditions to ensure the proposed road is designed to suitable standards.

The applicant has proposed the construction of a small drainage basin at the entry to the land to provide for retention. The basin is then emptied by pumping to the table drain. The submitted documents indicate that the basin is to be vested to Council as reserve. The submitted drainage plan is below.



Officers have reviewed this drainage proposal and have decided that the use of a basin is not an acceptable drainage outcome for the following reasons:

- Overtime there is a likelihood of the basin becoming unmaintained. Should these occur the basin will not provide a sense of neighbourhood when entering the subdivision
- Council does not agree to take small basins such as this on as a Council asset as the maintenance responsibility of a basin and pump are too high for a six lot subdivision

Permit conditions will require that an alternative drainage solution be designed to provide the necessary level of retention.

**Relevant incorporated or reference documents**

The *Greater Shepparton Housing Strategy 2011* (GSHS) is a Reference Document in the Greater Shepparton Planning Scheme. As previously discussed, the GSHS identifies the site

is within a “Minimal Change Area” where there is a limited capacity to accommodate future residential development due to various factors, but there is scope to allow limited residential development consistent with the character of the area. The proposal is consistent with the GSHS.

**Other relevant adopted State policies or strategies policies**

There are no relevant adopted State or strategic policies that relate to this application for a planning permit.

**Relevant Planning Scheme amendments**

There are no relevant Planning Scheme Amendments that relate to this application for a planning permit.

**Are there any significant social & economic effects?**

There are no relevant significant social or economic effects that relate to this application for a planning permit.

**Discuss any other relevant Acts that relate to the application?**

Subdivision Act, 1988

**The Aboriginal Heritage Act 2006**

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The site is identified within an ‘Area of Cultural Heritage Sensitivity’ as shown on the map below.



The applicant has submitted a Cultural Heritage Assessment Report prepared by Andrew Long and Associates. The assessment shows that the land has been previously used for an orchard. A statutory declaration has also been submitted stating the orchard was removed by a bulldozer and ripped to remove the tree roots in approximately 1998. The report concludes that the site has been subject to significant ground disturbance and no CHMP is required.

### **Charter of Human Rights and Responsibilities**

The Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

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## **Conclusion**

It is considered that a Notice of Decision should issue on the basis that:

- The land is appropriately zoned for residential development of low density.
- The land is vacant, underutilised land within a well serviced area close to Tatura town centre and is located on a main road that provides convenient access to Shepparton.
- The land is identified in the GSHS as being within the settlement boundary of the Tatura Framework Plan.
- State and Local Planning Policies support well-designed residential development within settlement boundaries.
- The proposal will not result in any adverse amenity impacts to the adjoining properties as the lot sizes are each 2,000 square metres or greater in accordance with the zone requirements, and building envelopes will ensure development occurs within suitable areas with respect to adjoining properties. Appropriate fencing

treatment has been recommended as a condition of permit and will further ensure the proposal does not result in adverse amenity impacts.

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# Draft Notice Of Decision

**APPLICATION NO:** 2017-340

**PLANNING SCHEME:** GREATER SHEPPARTON PLANNING SCHEME

**RESPONSIBLE AUTHORITY:** GREATER SHEPPARTON CITY COUNCIL

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.**

**THE PERMIT HAS NOT BEEN ISSUED.**

**ADDRESS OF THE LAND:** 279 DHURRINGILE ROAD TATURA VIC 3616

**WHAT THE PERMIT WILL ALLOW:** SIX LOT SUBDIVISION IN THE LOW DENSITY  
RESIDENTIAL ZONE

## **WHAT WILL THE CONDITIONS OF THE PERMIT BE?**

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**1. Amended Plans Required**

Before the 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 and a minimum of three copies (or as specified) must be provided. Such plans must be generally in accordance with the advertised plan prepared by Planright Drawing No CS9289/P1 submitted with the application but modified to show:

- a) Boundary fencing consisting of a 1.95m high colourbond fence in accordance with the boundary fencing condition of this permit
- b) Location of building envelopes and position of driveway to each lot

**2. Layout Not Altered**

The subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

**3. Drainage Discharge Plan**

Before the certification of the plan of subdivision, a drainage plan with computations prepared by a suitably qualified person 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 and a minimum of two copies (or as specified) must be provided. The plans must be in accordance with Council's infrastructure Design Manual and include:

- a) how the land will be drained;
- b) drains conveying stormwater to the legal point of discharge, the table drain in Dhurringile Rd;
- c) upgrade of table drain in Dhurringile Rd to free outfall;
- d) incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- e) provision of an electronic copy of the MUSIC model (or equivalent) demonstrating achievement of the required reduction of pollutant removal;
- f) a maximum discharge rate from the site limited to the predevelopment discharge rate for the 1%AEP storm;
- g) details of how the runoff from the land is to be retarded;
- h) a point of discharge and independent drainage of each lot;
- i) property connections discharging to the table drain must do so to the side of the endwall (*driveway*) and not directly to the table drain.
- j) computations for the existing and proposed drainage as directed by the responsible authority;
- k) documentation demonstrating how drainage will be designed so neighbouring properties are not adversely affected by the development, including water flow to and from neighbouring properties.
- l) documentation demonstrating that all fencing abutting existing development is at a height that would protect amenity of residents and would not adversely affect the flow of water to and from neighbouring properties.

Before the issue of statement of compliance, the works as shown on the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

**4. Detailed Construction Plan**

Before any road, drainage or landscaping works associated with the development or subdivision start, detailed construction 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 include:



- a) sealed pavement with edge strip (min 6m carriageway width) and vehicular crossings
- b) footpaths
- c) design details of the intersection of the internal road and Dhurringile Rd including culvert and endwalls linking with existing adjacent vehicle crossing
- d) water sensitive urban design features
- e) street lighting of the internal road
- f) site grading from the rear to the frontage of each lot of at least 1:200 unless otherwise agreed to by the responsible authority
- g) silt and erosion control measures
- h) services and streetlights
- i) details of intersection lighting of the internal road and the Dhurringile Rd intersection
- j) vehicle crossing to each lot in accordance with the IDM Standard Drawing 255
- k) details of street tree plantings

All road, drainage and landscaping works must be constructed in accordance with the endorsed plans.

Before the issue of the statement of compliance all works as shown on the endorsed construction plans must be completed to the satisfaction of the responsible authority.

## 5. **Boundary Fencing**

Before the statement of compliance is issued side and rear boundary fencing (not frontage) must be constructed to a height of 1.95m (from finished ground level) consisting of a 1.8 m high colourbond fence with 150mm plinth. The fencing colour is to be mutually agreed by all parties. The cost of the fencing shall be borne by the developer.

## 6. **Subdivision Development**

### **Form 13**

Before a Statement of Compliance is issued under the *Subdivision Act 1988* by the Responsible Authority the owner must provide a completed Form 13.

### **Other Matters**

Before a Statement of Compliance is issued under the *Subdivision Act 1988* the owner must provide to the satisfaction of the Responsible Authority

- a) an assets statement for the street including a valuation for land within each road reserve
- b) footpaths as shown on the endorsed plans
- c) full set of 'as constructed' digitised construction plans in PDF and .dwg format for landscaping, roads and drainage (CD or other format as appropriate);
- d) an electronic copy on CD a Survey enhanced "as constructed" GIS data for the

- drainage information component of the subdivision, in accordance with the current version of D-SPEC;
- e) a certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments;
  - f) street name plates;
  - g) issue of a Preliminary Acceptance Certificate by Council's Development Engineers section for the acceptance of street construction, site grading, landscaping etc;
  - h) fire plugs in accordance with the Country Fire Authority requirements, at the subdivider's expense; and
  - i) a bond to the value of 5% of the cost of works for the maintenance of the street and drainage and a separate bond for the landscape construction to a value of 5% of the landscape shall be submitted to the Council to be held for the duration of the maintenance period.

#### Supervision Fees

Before the statement of compliance for each stage, the owner must make a payment comprising up to 2.5% of the value of the works, to the responsible authority being the costs of the Responsible Authority in supervising the works on the land.

#### Plan Checking Fee

Before the statement of compliance for each stage, the owner must make a payment comprising 0.75% of the value of the documented works to the responsible authority, for the checking of the engineering design of the works.

### **7. Payment in Lieu of Open Space**

Before the statement of compliance is issued under the *Subdivision Act 1988*, the owner must pay to the responsible authority a sum equivalent to 3 per cent of the site value of all land in the subdivision.

The owner must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

### **8. Telecommunications Referral Condition**

The owner of the land must enter into an agreement with:

- a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

- b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- c) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- d) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### **9. Goulburn Valley Region Water Corporation Requirements**

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- c) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- d) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);
- e) Payment of any outstanding contributions towards proposed sewerage scheme, such amount being determined by the Corporation at the time of payment; (this is for the new pump station under construction in the Tatura Waters Estate which will benefit the above property)
- f) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- g) Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is, any land not owned by the Developer through which a sewerage extension servicing the development is to

be located, easements shall be created in favour of the Corporation;

- h) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;
- i) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

#### 10. Goulburn Murray Water Requirements

- Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
- All G-MW existing easements/reserves pertaining to G-MW assets affected by the subdivision must remain and be shown on any Plan of Subdivision submitted for Certification.
- Any water supply easement(s) in favour of other lots affected by the subdivision must remain and be shown on any Plan of Subdivision submitted for Certification. Unless it can be demonstrated to Goulburn Murray Water's reasonable satisfaction the means by which no easement is required.
- Prior to Statement of Compliance, for urban development of property holding delivery shares the applicant must either:
  - a) make application to G-MW pursuant to sections 224 and 229 of the Water Act 1989 to: terminate the delivery shares in relation to the property; make a declaration that the property cease to be a serviced property (to effect excision from the district); and trade or transfer any Water Share in relation to the property; **or alternatively**
  - b) demonstrate to G-MW's reasonable satisfaction the means by which a G-MW water supply will be metered and delivered to the lots created by the subdivision, bearing in mind requirements for water use licences and annual use limits.
- The Plan of Subdivision must show either building envelopes or building exclusion zones to prevent future buildings from being located within 30 metres of any GMW channel 5/6/5.

## 11. Country Fire Authority Requirements

### Subdivision plan not to be altered

- a) The subdivision as shown on the endorsed plans must not be altered without the consent of CFA.

### Hydrants

- b) Prior to the issue of a statement of compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
  - c) Above or below ground operable hydrants must be provided. The maximum distance between these type of hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measures around lot boundaries.
  - d) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the CFA

Note – CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA website ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).

### Roads

- e) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- f) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- g) Curves must have a minimum inner radius of 10 metres.
- h) Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- i) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll over kerbs if they are provided) T or Y heads of dimensions specified by CFA may be used as alternatives.

**12. Powercor Requirements**

The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

The applicant shall:-

- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
- b) The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

**13. APA Group**

- a) Easements in favor of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.
- b) The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the *Subdivision Act 1988*.

**14. Time for Starting and Completing a Subdivision**

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

- a) the subdivision is not started (certification) within **two (2)** years of the date of this permit;
- b) the subdivision is not completed (statement of compliance) within **five (5)** years of the date of certification.

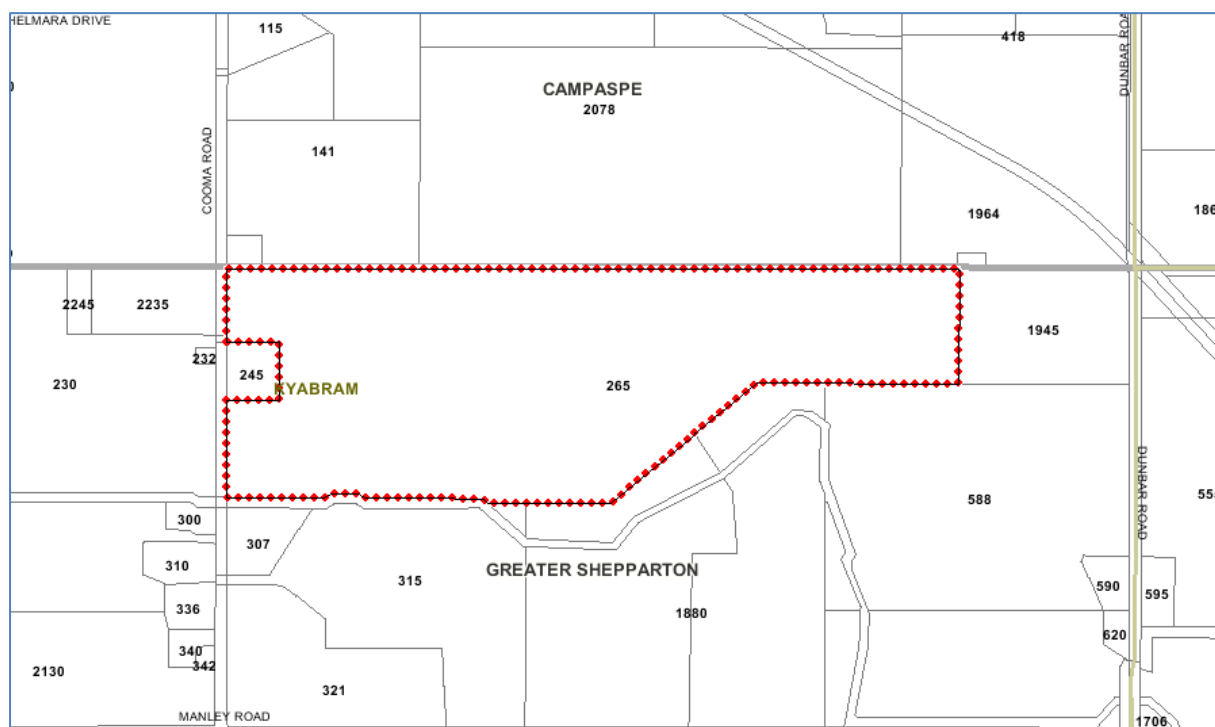
## Application Details:

Responsible Officer:	Andrew Dainton (report prepared by Alex Winfield)
Application Number:	2018-159
Applicants Name:	T Huberts Pty Ltd
Date Application Received:	15 June 2018
Statutory Days:	194
Land/Address:	265 Kyabram-Cooma Road KYABRAM VIC 3620
Zoning and Overlays:	Farming Zone Schedule 1 Floodway Overlay Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	Use of land for Animal production under Clause 35.07-1 of the Farming Zone Buildings and works in the Farming Zone under 35.07-4
Are there any Restrictive Covenants on the title?	No

## Proposal

The application seeks approval to use and develop the land at 265 Kyabram-Cooma Road, Kyabram for a Poultry farm (free range egg production).

The site is located on the eastern side of Kyabram-Cooma Road and is bound by Lilford Road to the north. The land is located within the municipality of Greater Shepparton. Lilford Road forms the Municipal boundary and the road and land to the north falls within Campaspe Shire.



The use is defined as a Poultry farm. The Planning Scheme definition for this use is “*Land used to keep or breed poultry*”. Poultry farm is included within the definition of Animal

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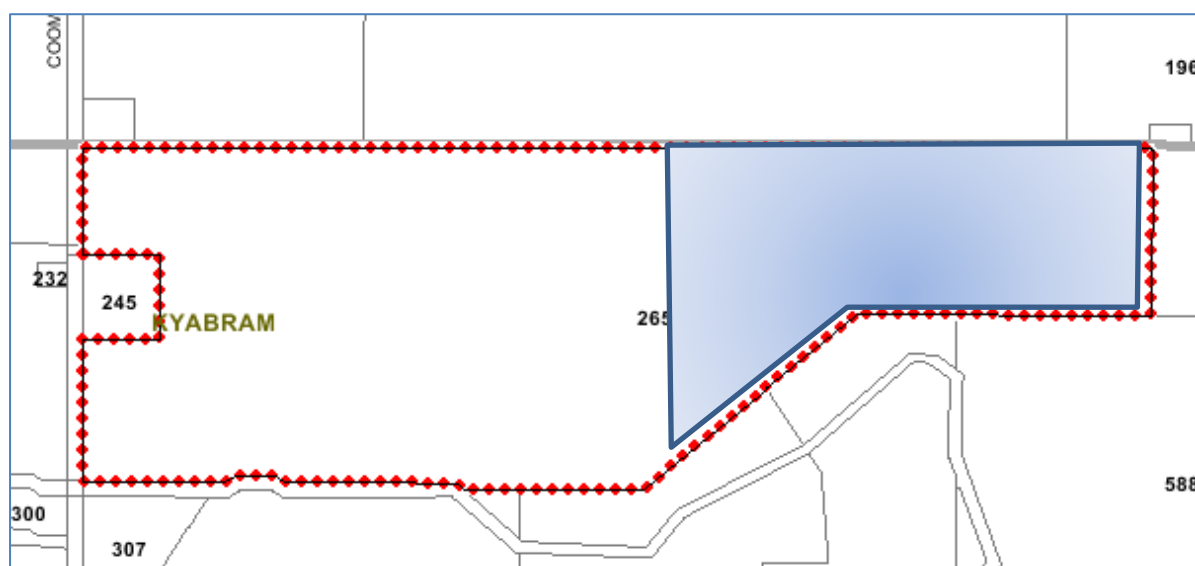
production, defined as “Land used to keep or breed farm animals for the production of livestock, eggs, fibre, meat, milk or other animal products”.

The land is within the Farming Zone Schedule 1 and is affected by the Floodway Overlay and the Land Subject to Inundation Overlay.

A Poultry farm is a Section 1 (Permit not required) use in the Farming Zone subject to the following conditions:

- *Must be no more than 100 poultry (not including emus or ostriches)*
- *Must be no more than 10 emus and ostriches*

The use will involve housing 12,000 hens over a 42 ha part of a 160 ha site. As a result, the use of land for a Poultry farm requires planning approval. The approximate part of the site to be used is shown below.



The proposal involves using mobile sheds (on wheels) to house the birds, at a stocking rate of 316 hens per hectare.

Mobile sheds are proposed to be moved every 3 days to provide a fresh area for the birds on a rotational basis. Additional feed will be provided in portable feeders, and shade provided via additional shade shelters adjoining each shed.

Fresh water will be supplied via underground pipelines with connection points every 50 metres to connected each shed to a water supply. Water will be sourced from a GMW approved and licenced bore.

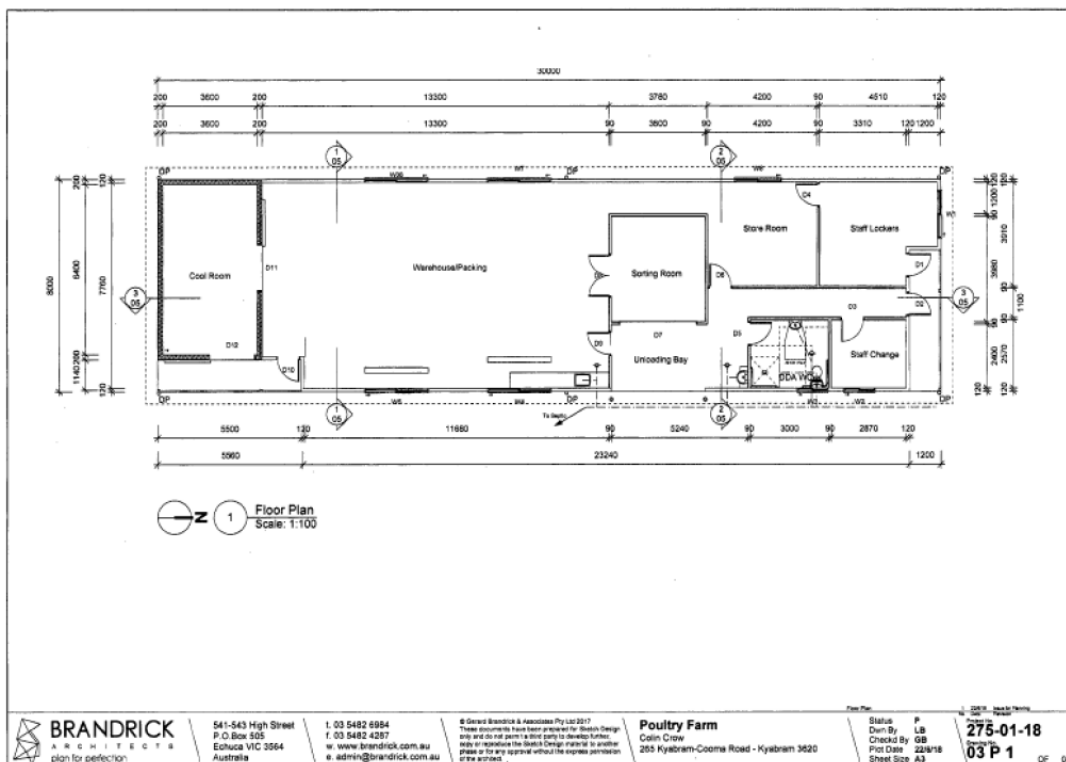
The application also proposes a small processing plant of approximately 185 square metres. Car parking associated with the building is also shown on the application plans.



Predator resistant fencing is proposed around each part of the site proposed to run hens. Alpaca's are also proposed to be kept on the site to assist in deterring attacks by foxes.

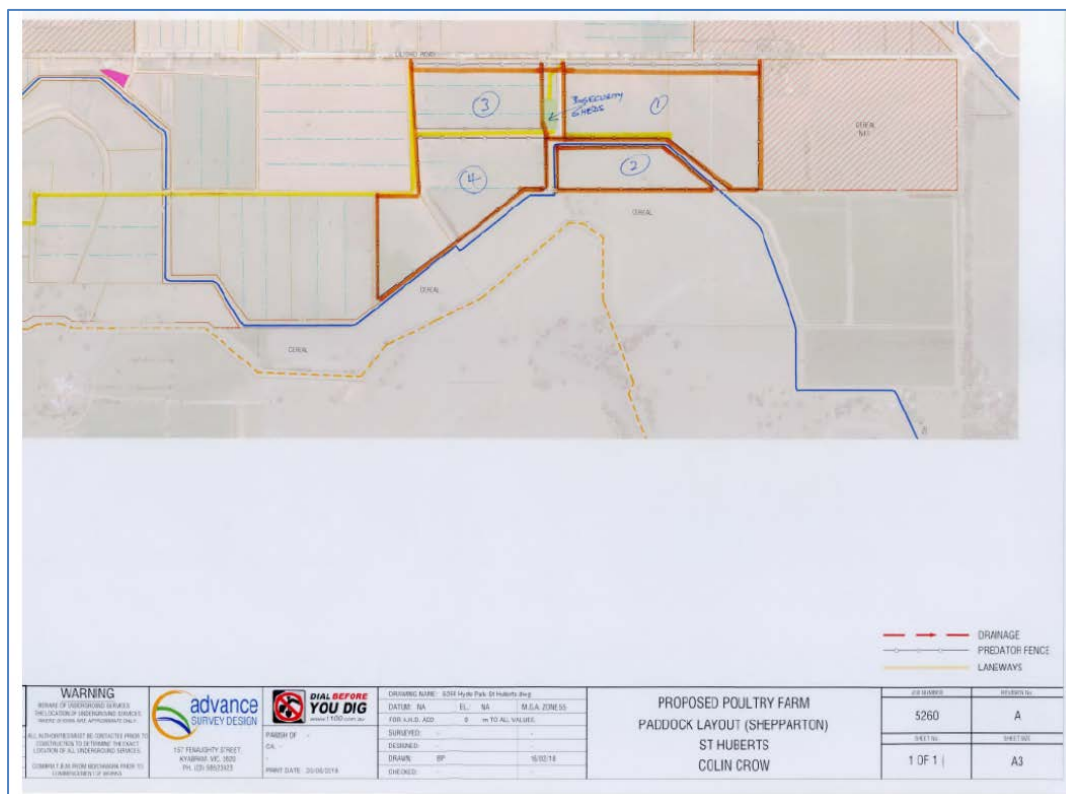
The application was accompanied by a written submission outlining the nature of the proposed use and included an Environmental Management Plan addressing matters relating to Poultry operation, Housing, Farm Operations, Manure and Nutrient Control and Community Amenity.

Plans of the proposed processing plant building are reproduced as follows:



Landscaping has been shown (nominally 15 metre wide strip) along the Lilford Road frontage, and from Lilford Road south along the eastern boundary of the site to screen the site from the adjoining dwelling to the east.

The overall site layout plan showing the parts of the site proposed to be used for the Poultry farm are shown as follows:



## Summary of Key Issues

The application seeks approval to use and develop the land at 265 Kyabram-Cooma Road, Kyabram for a Poultry farm (free range egg production).

The site is located within an area zoned for Farming (FZ1) and is affected by the Floodway Overlay and the Land Subject to Inundation Overlay.

The key considerations for this application are:

- Whether the proposal is consistent with the purposes of the Farming Zone.
- Whether the proposal is consistent with the relevant policies relating to agricultural land use and development.
- Whether the proposal represents sustainable land use.
- Whether the proposal will result in any offsite amenity impacts on adjoining or nearby properties.
- Whether the proposal is consistent with the provisions of the Land Subject to Inundation Overlay and Floodway Overlay.

## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2018-159** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **35.07-1 and 35.07-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **265 Kyabram-Cooma Road, Kyabram**, for the **use and development for a Poultry farm (12,000 free range chickens for egg production)** in accordance with the Notice of Decision and the endorsed plans.

#### Discuss key Conditions (including Referral Authorities):

- 1) Standard condition relating to modified plans to show:
  - All areas to be used for Poultry farming to be a minimum of 100 metres from a dwelling on another lot.
  - Fully dimensioned and scaled site plans showing the setback of all buildings and works from property boundaries, including details of all proposed access and car parking areas in accordance with Planning Scheme requirements.
  - Elevation and floor plans of all proposed buildings, including a schedule of materials, colours and finishes.
  - Detailed landscape plan providing details of all proposed landscape buffers and planting areas, including a planting and maintenance schedule.
- 2) The use and development as shown on the endorsed plans and described in the endorsed Environmental Management Plan must not be altered without the written consent of the responsible authority.
- 3) No more than 12,000 poultry may be kept on the site at any one time unless with the written consent of the responsible authority. All poultry must be kept within the defined area as shown on the endorsed plan.
- 4) The use and development must be managed in accordance with the approved plans so that the amenity of the area is not detrimentally affected, through the:
  - processes carried out on the land.
  - transportation of livestock, materials, good or commodities to or from the land.
  - the emission of odour, dust, noise, artificial light, waste water or waste products.
  - the presence of vermin.

If the responsible authority determines that the amenity of the nearby residents is adversely affected by the emission of an unreasonable level of odour, dust, or noise from the site, the operator must immediately and to the satisfaction of the responsible authority take action to prevent those emissions, which may include adjusting stocking density, greater separation distances between the poultry and residents, or any other actions reasonably required to rectify the unreasonable emissions.

- 5) The waste produced from the use must not discharge beyond the boundaries of the land or directly into waterways to the satisfaction of the responsible authority.

## Moved by Cameron Fraser

## Seconded by Jon Griffin

That Council having caused notice of Planning Application No. **2018-159** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **35.07-1 and 35.07-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **265 Kyabram-Cooma Road, Kyabram**, for the **use and development for a Poultry farm (12,000 free range chickens for egg production)** in accordance with the Notice of Decision and the endorsed plans.

### Condition 5: Road Maintenance

- b) Be moved to a Notation on the Notice of Decision

**CARRIED**

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## Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: 9 October 2018

Time: 1.30 pm

The site has a total area of approximately 160 hectares and is described as follows:

- The site is an irregular shaped property that runs generally east to west along its longest axis.
- The site has two frontages to Kyabram-Cooma Road, broken up by a parcel of land at 245 Kyabram-Cooma Road that runs north-south at the western end of the site. The

northern section of frontage to Kyabram-Cooma Road has a length of approximately 260 metres and the southern section a length of approximately 340 metres.

- The northern boundary of the site is denoted by Lilford Road, which is also the Municipal boundary separating Greater Shepparton from Campaspe Shire Council. The site frontage to Lilford Road is approximately 2,560 metres.
- A dwelling is located in the south west portion of the site, presenting to and accessed directly via Kyabram-Cooma Road.
- The site is currently used for Lucerne production and dairy farming.
- The bulk of the farmland is laser graded and irrigated (600 megalitres of high security and 500 megalitres of low security water owned by the applicant). Backbone channels are present across the site linking the property to the Goulburn Murray Water system.
- Fencing of the site is typically standard rural profile farm fencing.

The main site/locality characteristics are:

- Kyabram-Cooma Road is a sealed, local road providing for single lane vehicle traffic in each direction, with rural profile gravel shoulders.
- Lilford Road is an unsealed, rural profile road.
- The site is located at the Municipal boundary shared with Campaspe Shire Council (north of the site). Land in the area within both municipalities is broadly zoned Farming and used and developed accordingly, with typically large land holdings in the vicinity of the site.
- Some smaller (approximately 1.5 hectare – 6 hectare) lots, often containing dwellings are also located throughout the area, often fronting Kyabram-Cooma Road.
- Adjoining the site to the western end is a dwelling on a lot of approximately 3.7 hectares presenting to Kyabram-Cooma Road. The dwelling is sited in the south east portion of the site.
- Land opposite the site to the north (within Campaspe Shire) includes the land at 2078 Lilford Road Kyabram. This property has a total area of over 200 hectares, contains a dwelling and is used for agriculture. This property is also owned by the permit applicant, and has a current approval for the use and development of intensive animal husbandry (free range chickens for egg production).
- A number of properties are located south of the site. These properties are generally used for agriculture, some with dwellings associated with them. +

The Photos below show the existing site:





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## Permit/Site History

The history of the site includes:

- Planning permit 2013-278 was issued on 16 January 2014 and allowed a whole farm plan
- Land to the north in Campaspe Shire received planning permission for the use of land for intensive animal husbandry (free range chickens for egg production). The permit allowed 10,000 birds. The land is at 2078 Lilford Road, Kyabram and is owned by the permit applicant.

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## Further Information

Is further information required for the application? No

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## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **use and development for an intensive animal husbandry (12,000 free range chickens for egg production)**, by:

- Sending notices to the owners and occupiers of adjoining land as shown on the map below.
- Placing a sign on site
- Notice in the Newspaper (Kyabram newspaper)
- Notice to Campaspe Shire Council (as Lilford Road at the north of the site is the Municipal boundary).





	<p>land at Kyabram within the General Residential Zone. The part of the site to be used as a Poultry farm is approximately 2 kilometres from the residentially zoned land.</p> <p>The application was not exempt from notice and review due to the proximity of an adjoining dwelling to the east.</p> <p>The site does however satisfy the 400 metre minimum distance to land in a residential zone identified at Clause 53.09.</p>
<p>Road condition and maintenance.</p>	<p>The objection notes that the previous approval on land opposite the site in the Campaspe Shire had conditions attached to it with respect to the maintenance and management of Lilford Road.</p> <p>Lilford Road is managed by Campaspe Shire, not the Greater Shepparton Council.</p> <p>The Campaspe Shire permit for the operation on the land opposite the site included the following condition with respect to road maintenance / upgrading:</p> <p><i>“Road upgrading.  When the use has commenced and at a time deemed appropriate by the Responsible Authority the owner must contribute to the maintenance of a portion of Lilford Road being between Cooma Road and to the site entrance. This may include grading or re-gravelling of the road to the satisfaction of the Responsible Authority.”</i></p> <p>Council’s Development Engineers have recommended the same condition appear on any permit granted by Shepparton Council to ensure that Campaspe Shire as the road manager for Lilford Road can require a contribution to that road.</p>
<p>Estimated cost of development.</p>	<p>The applicant has identified an estimated cost of development of \$90,000 on the application form, and signed the declaration</p>

	<p>that all of the information provided in the application is accurate.</p> <p>The development cost has not been verified however it is not considered that the estimated development cost is relevant to the merit considerations of the proposal.</p>
<p>Biosecurity measures and food safety.</p>	<p>The Environmental Management Plan submitted with the application addresses issues relating to biosecurity and food safety.</p> <p>Odour and waste management is addressed in the EMP. An anticipated 18 kg of carcass weight is anticipated per week. Burial or composting at the operator's existing composting facility is proposed.</p> <p>The EMP addresses Manure and Nutrient control. A Soil testing regime forms part of the farm management to monitor nutrient levels and respond to them accordingly through rotation of birds and cropping phases.</p> <p>Bait stations are proposed for vermin control. Protocols to address Biosecurity form part of the farm management and are addressed within the EMP.</p> <p>It is recommended that the EMP be endorsed to form part of the permit.</p>
<p>Potential for odour – insufficient management just to move buildings</p>	<p>The <i>Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines</i> have been considered as part of the assessment of the application as a guide (noting that they apply to poultry farms with a maximum of 5,000 birds for egg production).</p> <p>Low density mobile outdoor poultry farms are a type of outdoor poultry production system which, when well-managed, presents a low environmental and amenity risk.</p> <p>Stocking densities are kept low and range areas are rested to allow ground cover to be</p>

	<p>maintained and to restrict the rate of manure nutrient additions to the soil. The housing, feeders and watering points are regularly and frequently moved to distribute manure nutrients more evenly</p> <p>Conditions of permit are recommended in line with the Guidelines that require the management of the use to prevent off site amenity impacts, including odour.</p>
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## Title Details

The land is known as 265 Kyabram-Cooma Road, Kyabram.

The Title description is Lot 1 on Plan of Subdivision 317957P.

The title contains two caveats – AK593212P and AM297491Q. The Caveats were imposed by Goulburn-Murray Rural Water Corporation and relate to:

- Forbidding the registration of any person as proprietor of and any instrument affecting the estate or interest.
- Forbidding the registration of any instrument affecting the estate or interest.

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## Consultation

A pre-application meeting was conducted between the permit applicant and Andrew Dainton where it was confirmed that a permit was required.

## Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Goulburn Broken Catchment Management Authority	44.03-6 – Floodway Overlay	Recommending	GBCMA offered no objections to the proposal. The CMA noted that the proposal does not require any new earthworks or pasture re-establishment and that all runoff water will be recycled. The CMA did not require any conditions to be imposed on the permit.
	44.04-7 – Land Subject to Inundation Overlay	Recommending	

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
Goulburn Murray Water	<p>GMW offered no objection to the grant of a permit. Approval is conditional on the following:</p> <ol style="list-style-type: none"> <li>1. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).</li> <li>2. The land areas to be used by the mobile poultry units must not be subject to any flooding as identified by the presence of a Floodway or Land Subject to Inundation Overlay. All areas must be located at least 100m from any waterway or Goulburn-Murray Water drain.</li> <li>3. The land areas to be used by the mobile poultry units must maintain at least 50% vegetation coverage immediately after the poultry has been removed from the area. Areas must be rotated and revegetated following use and there must be no sediment transport off-site during and following rainfall events.</li> <li>4. Manure must be removed from beneath the mobile units or free range land areas if it is concentrated over a small area. The manure must be transported to a manure stockpile which has an impermeable base and is bunded to ensure contaminated run-off does not discharge from the stockpile area.</li> <li>5. No land application of stockpiled manure is to occur within 100m of any waterways, Goulburn-Murray Water drains or on any land that is subject to inundation. Land application of manure must be undertaken at a rate appropriate for the soil type and the type of pasture/crop grown. The rate of application must ensure relevant N, P and K uptake such that there can be no discharge of excess nutrients to any waterways or drains.</li> <li>6. All dead birds must be disposed of off-site or managed on-site to the satisfaction of the Environment Protection Authority.</li> <li>7. All wastewater from the packing shed must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Conformity.</li> <li>8. The wastewater disposal area must be located at least 60m from any waterways, Goulburn-Murray Water channels or drains.</li> </ol>

	<ol style="list-style-type: none"> <li>9. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.</li> <li>10. Goulburn-Murray Water's CG12/8 Channel should be identified on the Proposed Poultry Farm Paddock Layout.</li> <li>11. The trapezoidal free range paddock South of the Goulburn-Murray Water Channel CG 12/8 lies partly within an active drainage flow path and must be relocated away from the flow path;</li> <li>12. Predatory fencing around poultry farm paddocks must be located at least a 10m offset from Goulburn-Murray Water channels and drains &amp; outside Goulburn-Murray Water boundary and should be indicated on the layout.</li> <li>13. The processing shed must be at least 30m from Goulburn-Murray Water's Channel 12/8 Northern boundary and at least 5m away from the existing GMW pipeline easement boundary on the Eastern side.</li> </ol>
<p>Environment Protection Authority</p>	<p>EPA consented to the application subject to five conditions being:</p> <ol style="list-style-type: none"> <li>1. Offensive odours must not be discharged beyond the boundaries of the premises.</li> <li>2. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.</li> <li>3. Stormwater contaminated with effluent must not be discharged beyond the boundary of the premises.</li> <li>4. Storage areas/pads for manure, spent litter or dead animal must be bunded and appropriately drained to onsite storages/tanks to prevent potentially contaminated water entering any surface water resources/channel infrastructure.</li> <li>5. Deposit of animal or organic wastes to land must not adversely affect the land.</li> </ol>

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
<p>Environmental Health Department</p>	<p>Council's Environmental Health Department offered no objections, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• <i>Prior to the commencement of works for the proposed egg processing shed the owner must lodge with the Council an application to Install a Septic Tank System in accordance with the Code of Practice – Onsite Wastewater Management, Publication 891.3, February 2013.</i></li> </ul> <p><i>The application to Install a Septic Tank System must include:</i></p> <ol style="list-style-type: none"> <li>1) <i>The application form provided by the Council completed, signed and dated by the owner.</i></li> <li>2) <i>A floor plan of the proposed egg processing shed.</i></li> <li>3) <i>A site plan indicating the location of the effluent disposal area / reserve area.</i></li> <li>4) <i>The design of the effluent disposal system including instructions for installation and working drawings.</i></li> <li>5) <i>The current application fee.</i></li> </ol> <ul style="list-style-type: none"> <li>• <i>Producers with 50 or more egg producing birds must hold all necessary approvals from the department of Economic Development, Jobs, Transport and Resources</i></li> </ul>

	<p><i>(DEDJTR) including compliance and approval under the Food Act 1984 and the Food Standards Code.</i></p> <ul style="list-style-type: none"> <li><i>If the applicant proposes to sell the eggs directly to the public, off the farm or at a market or event, they must obtain registration with Council's Health Department and comply in full with the Food Act 1984 and the Food Standards Code.</i></li> <li><i>Implement appropriate controls to manage potential noise and odour issues in accordance with the Environment Protection Authority requirements.</i></li> </ul>
<p>Development Engineers</p>	<p>One of the considerations of the proposal is the management and maintenance of Lilford Road, which will be the primary access for the proposal. The Campaspe Shire Council application opposite the site included the following condition:</p> <p><i>"When the use has commenced and at a time deemed appropriate by the RA the owner must contribute to the maintenance of a portion of Lilford Rd being between Cooma Rd and to the site entrance. This may include grading or re-gravelling of the road to the satisfaction of the RA".</i></p> <p>To ensure that a level of control over the maintenance of Lilford Road, the Development Engineers recommend that the same condition be imposed on any permit granted for this proposal so that Campaspe Shire Council will continue to have the scope to require a contribution to road maintenance / upgrade if traffic resulting from the proposal increases significantly.</p> <p>Other conditions recommended are as follows.</p> <p><b><u>CONDITIONS</u></b></p> <p><b><u>Rural Drainage Plan</u></b>        Before the use begins and/or the buildings are occupied all stormwater and surface water drainage from the land, buildings and works must be retained on-site and/or connected to the legal point of discharge to the satisfaction of the Responsible Authority/Goulburn Murray Water. Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.</p> <p><b><u>Rural Vehicle Crossing</u></b>        Before the occupation of the buildings a vehicle crossing providing access to the land must be constructed/upgraded to a standard to the satisfaction of the responsible authority (Refer IDM Standard Drawing SD255). Vehicle crossings must be constructed at the owner's expense.</p>

## Assessment

### The zoning of the land

The land falls within the **Farming Zone, Schedule 1**.

The purposes of the zone include to implement the Municipal Planning Strategy and Planning Policy Framework; 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; and to provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The use of land for Animal Production is defined as “*Land used to keep or breed farm animals for the production of livestock, eggs, fibre, meat, milk or other animal products.*”

Clause 35.07-1 identifies that a permit is required to use land for Animal production (Section 2 – permit required).

A permit is required for each of these considerations.

The Zone identifies a number of Decision Guidelines, identified and responded to as follows:

*General*

- *The Municipal Planning Strategy and the Planning Policy Framework.*

The relevant provisions of the Scheme are addressed later in this report. The proposed land use and development is considered to be generally consistent with the Municipal Planning Strategy and the Planning Policy Framework.

- *Any Regional Catchment Strategy and associated plan applying to the land.*

The Goulburn Broken Regional Catchment Strategy applies to the Catchment. The CMA has consented to the application on the basis that the proposal does not require any new earthworks or pasture re-establishment, and that all water runoff will be recycled.

- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*

The Environmental Management Plan prepared in support of the application addresses manure and nutrient control for the proposal. Manure from chickens will be directly to land, which will act as a soil fertiliser.

The new egg processing building will include toilet and shower facilities. A permit to install a septic system will be required prior to any works associated with this building commencing. Council’s Environmental Health Unit has offered no objection to the proposal with respect to the capability of the site to treat and dispose of effluent on site.

- *How the use or development relates to sustainable land management.*

The proposal is part of the applicant’s intention to become a certified organic food production. The proposal is part of the proponents plan to diversify their production base.

The Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (June 2018) do not apply to this proposal as they apply to farms that satisfy certain criteria, including a maximum of 5,000 birds for egg production.

Practice Note 63 (Applying for a planning permit to farm chickens) does not apply to egg production.

Clause 53.09 – Poultry Farm also applies to the development (also discussed in more detail later in this report).

“Free range” egg production recommends a preferred rate of 1,500 birds per hectare (CSIRO) (also the maximum stocking rate for the as of right use for poultry farms) with a maximum rate of 10,000 birds per hectare (Australian Consumer Law for free-range egg

production). The proposed stocking rate of 316 birds per hectare is well below the maximum level recommended by ACL to be classified as free range egg production, and is also lower than the RSPCA density of 2,500 hens per hectare on a rotational basis.

The Environmental Management Plan identifies how the site will be managed and provides strategies for manure management and soil testing to ensure that the site is operated in a sustainable manner.

- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*

The land is currently used for agriculture (Lucerne production and dairy farming). The proposal will maintain the use of land for agricultural purposes in accordance with the zoning of the land.

There are some dwellings located in the area, some of which are also associated with existing farm operations.

The site has a total area of 160 hectares. The area proposed to be used for the hens comprises approximately 42 hectares of the site, where the mobile buildings will be sited and shifted on a rotational basis. The land is considered to be of sufficient size and allow appropriate rotations to ensure the use can be appropriately sustained without unreasonable impacts on adjoining land.

Clause 53.09 identifies requirements for Poultry farm proposals to satisfy in order to be exempt from notice and review. One of these requirements includes for proposals to keep more than 1,000 chickens to be a minimum of 100 metres from a building used for a sensitive use (accommodation, child care centre, education centre and hospital).

The nearest dwelling not in the same ownership is approximately 70 metres to the east (the adjoining land at 1945 Lilford Road, Kyabram) from land proposed to be used for the hens.

A landscape strip (15 metres wide) is proposed along the boundary adjacent the dwelling. Details of the landscaping strip are recommended to be required as a condition of permit.

No objections to the proposal were received from this property. It is recommended that a condition of permit require the activity area to be setback a minimum of 100 metres from this adjoining dwelling. This may involve revised fencing and / or increasing the width of the landscape strip in the appropriate location.

It is also noted that the subject site is not located within an area designated for future residential development and is setback from land zoned for residential development

The Environmental Management Plan prepared in support of the application addresses many of the potential risks associated with the proposed use, including manure management, noise, dust, odour and waste management. The approval of the Environmental Management Plan along with permit conditions relating to the ongoing management of the site will provide for the management of the site in a manner that minimises the risk of land use conflicts.

- *How the use and development makes use of existing infrastructure and services.*



The proposal seeks to utilise the existing rural infrastructure to support the proposed use, such as the existing bore and supply from the Goulburn Murray Water Irrigation supply system.

*Agricultural issues and the impacts from non-agricultural uses*

- *Whether the use or development will support and enhance agricultural production.*

The proposal seeks to diversify the existing farm enterprise.

- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*

The proposal seeks to diversify the existing farming enterprise on land within the Farming Zone. The land would continue to be used for farming purposes.

Soil quality will be managed as part of the proposed use. Soil tests identifying the existing soil quality have been taken to determine the existing nutrient levels. The EMP identifies ongoing management requirements to monitor soil nutrient levels and respond to these through rotation of hens and alternative uses (pasture).

- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*

The land opposite the site to the north (within the Campaspe Shire) has been granted planning approval for egg production also (this adjoining land is owned and operated by the applicant for this permit).

Other sites in the vicinity of the site are used for irrigated agricultural pursuits.

The proposal is not anticipated to limit the operation or expansion of any established agricultural use in the vicinity of the site.

- *The capacity of the site to sustain the agricultural use*

The site is located within an area designated as Shepparton Fine Sandy Loam which has good drainage and nutrient retention properties.

Soil tests showing the existing nutrient levels have been undertaken by the proponent. On-going monitoring of the soil conditions will form part of the management of the facility.

The proposed stocking rate of 360 hens / ha is well within the identified guidelines for the proposed use, being 2,500 hens / ha.

- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*

The land is identified in the Greater Shepparton Planning Scheme as having good soil quality and is identified as productive agricultural land. The property also has access to irrigation infrastructure and water supply.

- *Any integrated land management plan prepared for the site.*

A Whole Farm Plan has previously been approved for the site.

The application is supported by an Environmental Management Plan.

#### Dwelling issues

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

The dwelling issues considerations are not relevant to this application as no dwelling is proposed under the application.

#### Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*

The site is located within an area designated as Shepparton Fine Sandy Loam which has good drainage and nutrient retention properties.

Soil tests showing the existing nutrient levels have been undertaken by the proponent. On-going monitoring of the soil conditions will form part of the management of the facility. Strategies for managing nutrient levels are identified in the Environmental Management Plan.

- *The impact of the use or development on the flora and fauna on the site and its surrounds.*

The land is cleared agricultural land. The application does not seek approval for the removal of any native vegetation and the proposal should not have an impact on the flora and fauna of the site and its surrounds.

- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*

The proposal would not require any removal of vegetation.

- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Council's Environmental Health Unit have consented subject to conditions. The installation of a septic system for bathroom facilities included in the proposed egg packing facility will be subject to further approval from the Environmental Health Unit.

*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.*

Permanent buildings and car parking areas are required to support the proposed use. These buildings and associated infrastructure occupy proportionally a very small part of the site and will not result in the loss of agricultural land, but support the proposed agricultural use.

- *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 egg packing building location is indicated on the sketch plans included in the application. The building is substantially setback from Lilford Road (approximately 160 metres). Landscaping is also proposed (15 metre wide shelter trees).

Conditions of permit are recommended requiring detailed site, elevation and floor plans of the site layout and all proposed buildings, including a schedule of materials, colours and finishes. A condition of permit is also recommended requiring a detailed landscape plan including a planting and maintenance schedule.

- *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 subject site is within the farming zone and is typically characterised by agricultural landscapes with associated agricultural buildings and detached single storey dwellings. The proposed buildings will be substantially setback from the Lilford Road boundary and are consistent with the rural landscape of the site and its setting.

- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*

Existing road network will be utilised. Internal access will be to Council's satisfaction. Wastewater disposal will be on site to Council satisfaction.

- *Whether the use and development will require traffic management measures.*

The proposal may require traffic management requirements.

This matter was addressed in the previous approval issued by Campaspe Shire for a similar proposal (same use at a similar intensity) on the land on the opposite side of Lilford Road. A condition of the Campaspe Permit required the proponent to contribute to the maintenance of a portion of Lilford Road between Cooma Road and the site entrance. This may include grading or re-gravelling of the road to the satisfaction of the Responsible Authority.

## **Relevant overlay provisions**

### **Floodway Overlay**

The land falls within the **Floodway Overlay**. The purposes of the Overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made
- To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The development is sited outside of the area affected by the Floodway Overlay, therefore a permit is not required under this overlay.

### **Land Subject to Inundation Overlay**

The land falls within the Land Subject to Inundation Overlay. The purposes of the Overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The development is sited outside of the area affected by the Land Subject to Inundation Overlay, therefore a permit is not required under this overlay.

### **The Planning Policy Framework (PPF)**

Clause 11.01-1S aims to promote the sustainable growth of Victoria. The major regional areas, including Shepparton, are to be the focus of investment and growth as it is a place of State significance.

Clause 11.01-1R Settlement (Hume) - aims to facilitate growth and development specifically in the regional cities including Shepparton.

Clause 13.03-1S aims to assist the protection of human life and properties / infrastructure from flood hazard, whilst protecting the capacity and functioning of waterways.

Clause 13.07-1S aims to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 14.01-1S aims to protect agriculture by preserving farmland that has productive capacity.

Clause 14.01-2S seeks to encourage sustainable agricultural land use.

14.01-2R aims to support clustering of intensive rural industries and agricultural production and to take advantage of locational opportunities, including separation from sensitive land uses and access to transport, power, water and communications infrastructure.

Clause 14.02-1S aims to protect and restore catchments, water bodies, groundwater and the marine environment.

Clause 14.02-2S aims to protect water quality.

Clause 17 (Economic Development) identifies that planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

Clause 17-01-1R aims to encourage appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.

### Response

The proposal to use part of the land for a Poultry farm (free range egg production) is consistent with the State planning framework that seeks to support the adaptation and

diversification of the agricultural sector, and ensure that agricultural and productive rural land use activities are managed to achieve long term sustainable use and development.

The application will achieve the identified objectives by assisting a genuine farming enterprise to embrace opportunities to diversify farm production, and adjust to market changes.

The proposal also responds appropriately to objectives relating to flood and water quality protection by siting to development outside of flood affected land.

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

Clause 21.02 identifies key influences and issues including that while land use strategies should provide for growth, the quality of agricultural land should be protected, particularly as agriculture within the municipality underpins the local economy. Rural areas within the municipality are also considered to be productive agricultural land due to the soil types, subdivision patterns and climate, as well as the provision of irrigation infrastructure, and should therefore be protected.

Clause 21.05-1 identifies floodplains and wetland systems as a key biodiversity issue in Greater Shepparton and indicates that floodplains and flood events are required to flush waterways and enhance water quality.

Clause 21.05-2 aims to recognise the constraints of the floodplain on the use and development of land.

Clause 21.05-3 recognises the need to provide efficient drainage of land without causing other environmental impacts, and recognises the threat posed to surface water and groundwater quality by non-reticulated domestic wastewater systems.

Clause 21.06-1 (Agriculture) identifies the following objectives:

- To ensure that agriculture is and remains the major economic driver in the region
- To facilitate the growth of existing farm businesses
- To facilitate growth of new agricultural investment
- To provide for small scale, specialised agriculture

Clause 21.07-2 aims to ensure that wastewater management facilities are protected from the encroachment of unsuitable development, to ensure a continued supply of high quality water for urban and rural use and to protect irrigation infrastructure from urban development.

## Response

The proposal is consistent with the local policy objectives that relate to protection of productive agricultural land.

The proposal is consistent with the objectives to ensure that agriculture is and remains the major economic driver for the region and facilitate the growth of an existing farm business by providing for the diversification of an existing farming enterprise in an area accordingly zoned.

Environmental risks have been appropriately addressed through the appropriate siting of new buildings associated with the new enterprise.

### **Relevant Particular Provisions**

#### Clause 52.06 - Car Parking

The new building is proposed to have an area of approximately 185 square metres. The building is best described as a "Rural industry" for the purposes of the car parking provisions.

"Industry requires 2.9 spaces per 100 square metres of floor area. This equates to 5.36 spaces, which rounds down to 5 spaces.

The development plans show 8 parking spaces, exceeding the parking requirements of the Scheme.

A condition of permit is recommended requiring detailed site layout plans confirming the layout and design of all car parking and accessways in accordance with Planning Scheme requirements.

#### Clause 53.09 – Poultry Farm

The Clause aims 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.

The clause applies to a permit application to use land or construct a building or construct or carry out works for a poultry farm, including to increase the farm capacity of an existing poultry farm.

The Clause:

- Identifies at 53.09-2 that no permit is required for an outdoor range area of an existing broiler farm. This Clause is not applicable as the application does not involve an existing Broiler farm.
- Identifies at 53.09-3 – Requirement – Broiler farm – that an application for (use or development of) a broiler farm must comply with the *Victorian Code for Broiler Farms 2009 (plus 2018 amendments)* unless specifically exempt. The Clause is not applicable as the proposal is not for a Broiler farm.

- Identifies at 53.09-4 exemptions from notice and review for applications for poultry farms, including a poultry farm for egg production. The exemption from notice and review does not apply to this application as the number of chickens for egg production exceeds 5,000. The nearest dwelling is also within 100 metres of the site. Notice of the application was given, and an objection received and considered.
- Identifies at 53.09-5 notice requirements. These notice requirements do not apply to the proposal as the application is not for a Broiler farm.
- Identifies Decision guidelines at Clause 53.09-6. These are identified and responded to below.

▪ *The purpose of the relevant zone.*

The land falls within the Farming Zone. The proposed use is appropriate for the zone and consistent with the purposes of the zone.

▪ *The design, height, setback and appearance of the proposed buildings and works.*

The egg packing building location is indicated on the sketch plans included in the application. The building is substantially setback from Lilford Road (approximately 160 metres). Landscaping is also proposed (15 metre wide shelter trees).

A condition of permit is recommended requiring detailed site, elevation and floor plans of all proposed buildings, including a schedule or materials, colours and finishes.

▪ *The proposed landscaping.*

Landscaping has been shown (nominally 15 metre wide strip) along the Lilford Road frontage, and from Lilford Road south along the eastern boundary of the site to screen the site from the adjoining dwelling to the east.

A condition of permit is recommended requiring detailed landscaping plans, including a planting and maintenance schedule, to be provided prior to the commencement of the use.

▪ *The need to protect the amenity of existing uses on adjoining land.*

The nearest dwelling is located within 100 metres of the eastern boundary of the site. A landscape buffer is proposed along this boundary adjacent this dwelling. A condition of permit is recommended to ensure that the activity does not occur within 100 meters of this dwelling.

The ongoing management of the site, as detailed in the Environmental Management Plan and coupled with the recommended permit conditions relating to site layout, site management and amenity considerations will provide for adequate management of the site to appropriately manage amenity risks.

▪ *The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust or waste products.*



The Environmental Management Plan and coupled with the recommended permit conditions relating to management and amenity considerations will ensure that potential impacts of the proposal in terms of offsite amenity impacts is appropriately managed.

- *The impact of the proposal on any wetlands, waterways or water bodies.*

No wetlands or waterways are located on the site.

Goulburn Murray Water have recommended appropriate conditions relating to flood risk and site management requirements to mitigate any risks associated with water bodies.

- *The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.*

The Environmental Management Plan identifies the management principles associated with the proposed use. Nutrient monitoring is proposed.

- *Whether the development will support and enhance agricultural production.*

The proposal will support the agricultural productivity of the site, and will provide for the diversification of the existing farm practices on the land.

- *The requirements of the Victorian Low Density Mobile Outdoor Poultry Farm planning Permit Guidelines (June 2018).*

The guidelines apply to farms with a maximum of 5,000 birds for egg production. As a result the Guidelines do not apply to this development.

Appendix B of the Guidelines includes Model Permit conditions relating to the use, amenity and waste management. The conditions are considered appropriate for the proposal and are recommended.

#### **The decision guidelines of Clause 65**

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

#### **65.01 Approval of an application or plan**

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.

- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

**Response:** The proposal is considered to be generally consistent with the Municipal Planning Strategy and the Planning Policy Framework, and the purposes of the Farming Zone. Flood risk is appropriately addressed through the design response. The proposal represents the orderly planning of the land through being appropriately zoned and sited for agricultural purposes and able to be appropriately managed in accordance with an Environmental Management Plan prepared for the site and through appropriate permit conditions relating the management of the site.

#### **Relevant incorporated or reference documents**

The Greater Shepparton Floodplain Development Plan has been referenced.

#### **Other relevant adopted State policies or strategies policies**

The relevant adopted State or strategic policies that relate to this application for a planning permit have been addressed in this report.

#### **Relevant Planning Scheme amendments**

There are no Planning Scheme amendments applicable to this application.

#### **Are there any significant social & economic effects?**

The proposal has the potential to have positive economic effects by diversifying the productivity of agricultural land which underpins the local economy of Greater Shepparton.

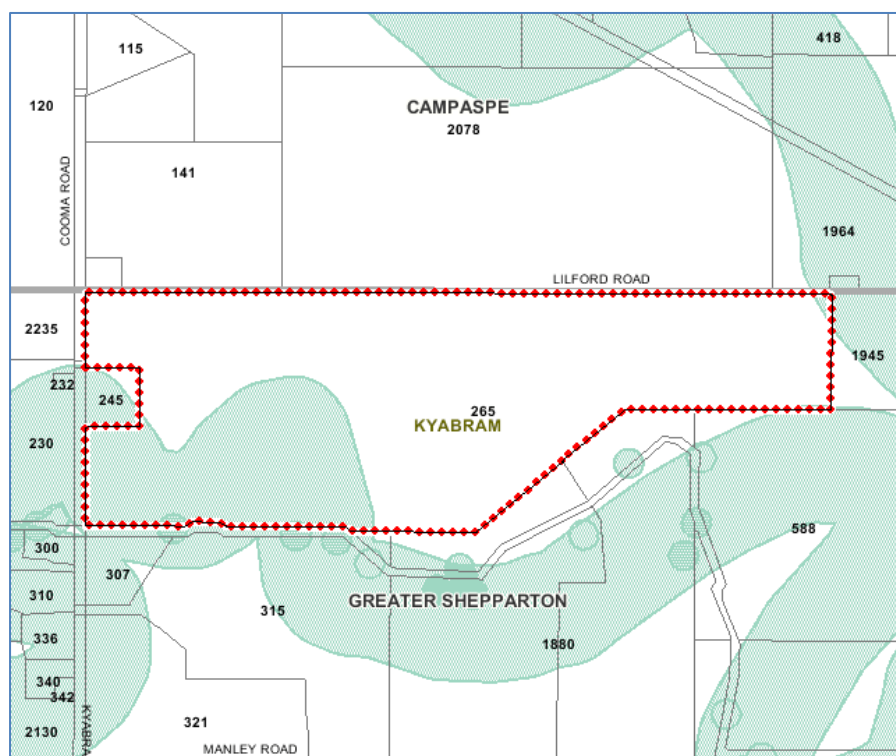
#### **Discuss any other relevant Acts that relate to the application?**

There are no other relevant Acts that relate to this application for a planning permit.

#### **The Aboriginal Heritage Act 2006**

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.



The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the part of the land within which the new activity is proposed as a mapped sensitive area. The site also has a Whole Farm Plan approved identifying earthworks across the site, indicating that the site has been subject to previous ground disturbance.

### **Charter of Human Rights and Responsibilities**

The Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

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## **Conclusion**

The site is located within the Farming Zone, and is affected by the Land Subject to Inundation Overlay and the Floodway Overlay. The proposal requires planning approval for the use and development of a Poultry Farm (free range egg production) in the Farming Zone.

Greater Shepparton Planning Scheme generally aims to protect agricultural land and protect waterways and water quality, while also protecting human life from flood hazards.

It is considered that:

- The proposed use and development is in keeping with the purposes of the Farming Zone.
- The proposal is in keeping with planning policies relating to supporting the diversification and development of agricultural pursuits within the Farming Zone.

- The proposal appropriately responds to site risks relating to the Floodway Overlay and Land Subject to Inundation Overlay applying to parts of the site by siting new development outside of the affected areas.
- The proposal appropriately addresses the requirements and decision guidelines of Clause 53.09 (Poultry farm) of the Greater Shepparton Planning Scheme.
- Potential for offsite amenity impacts are able to be appropriately addressed through appropriate management strategies identified in the Environmental Management Plan prepared in support of the application and through appropriate planning permit conditions.

# Draft Notice Of Decision

**APPLICATION NO:** 2018-159

**PLANNING SCHEME:** GREATER SHEPPARTON PLANNING SCHEME

**RESPONSIBLE AUTHORITY:** GREATER SHEPPARTON CITY COUNCIL

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.**

**THE PERMIT HAS NOT BEEN ISSUED.**

**ADDRESS OF THE LAND:** 265 KYABRAM-COOMA ROAD KYABRAM VIC  
3620

**WHAT THE PERMIT WILL ALLOW:** USE AND DEVELOPMENT OF LAND FOR  
INTENSIVE ANIMAL HUSBANDRY (12,000 FREE  
RANGE CHICKENS FOR EGG PRODUCTION)

## **WHAT WILL THE CONDITIONS OF THE PERMIT BE?**

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**1. Amended Plans Required**

Before the 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 and a minimum of three copies (or as specified) must be provided. Such plans must be generally in accordance with the plan submitted with the application but modified to show:

- a. All areas to be used for poultry farming to be a minimum of 100 metres from a dwelling on another lot

- b. The free range paddock south of the GMW channel CG12/8 is within an active drainage flow path and must be relocated away from the active flow path
- c. Identify the location of GMW CG12/8 on the plans
- d. Fully dimensioned and scaled site plans showing the setback of all buildings and works from property boundaries, including details of all proposed access and car parking areas in accordance with Planning Scheme requirements.
- e. Elevation and floor plans of all proposed buildings, including a schedule of materials, colours and finishes
- f. Detailed landscape plan providing details of all proposed landscape buffers and planting areas, including a planting and maintenance schedule

**2. Layout Not Altered**

The use and development as shown on the endorsed plans and described in the endorsed Environmental Management Plan must not be altered without the written consent of the responsible authority.

The endorsed environmental management plan must be implemented to the satisfaction of the responsible authority.

No more than 12,000 poultry may be kept on the site at any one time unless with the written consent of the responsible authority. All poultry must be kept within the defined area as shown on the endorsed plan.

**3. General Amenity**

The use and development must be managed in accordance with the approved plans so that the amenity of the area is not detrimentally affected, through the:

- a. processes carried out on the land.
- b. transportation of livestock, materials, goods or commodities to or from the land.
- c. the emission of odour, dust, noise, artificial light, waste water or waste products.
- d. the presence of vermin.

If the responsible authority determines that the amenity of the nearby residents is adversely affected by the emission of an unreasonable level of odour, dust, or noise from the site, the operator must immediately and to the satisfaction of the responsible

authority take action to prevent those emissions, which may include adjusting stocking density, greater separation distances between the poultry and residents, or any other actions reasonably required to rectify the unreasonable emissions.

The waste produced from the use must not discharge beyond the boundaries of the land or directly into waterways to the satisfaction of the responsible authority.

**4. Rural Drainage**

Before the use commences all storm water and surface water drainage from the land, buildings and works must be retained on-site to the satisfaction of the Responsible Authority.

**5. Road Maintenance**

When the use has commenced and at a time deemed appropriate by the responsible authority the owner must contribute to the maintenance of a portion of Lilford Road being between Cooma Road and to the site entrance. This may include grading or re-gravelling of the road to the satisfaction of the responsible authority.

**6. Health Requirements**

a) Prior to the commencement of works for the proposed egg processing shed the owner must lodge with the Council an application to Install a Septic Tank System in accordance with the Code of Practice – Onsite Wastewater Management, Publication 891.3, February 2013.

The application to Install a Septic Tank System must include:

- 1) The application form provided by the Council completed, signed and dated by the owner.
- 2) A floor plan of the proposed egg processing shed.
- 3) A site plan indicating the location of the effluent disposal area / reserve area.
- 4) The design of the effluent disposal system including instructions for installation and working drawings.
- 5) The current application fee.

b) Producers with 50 or more egg producing birds must hold all necessary approvals from the department of Economic Development, Jobs, Transport and Resources (DEDJTR) including compliance and approval under the Food Act 1984 and the Food Standards Code.

c) If the applicant proposes to sell the eggs directly to the public, off the farm or at a market or event, they must obtain registration with Council's Health

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Department and comply in full with the Food Act 1984 and the Food Standards Code.

**7. Environment Protection Authority**

- a) Offensive odours must not be discharged beyond the boundaries of the premises.
- b) Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
- c) Stormwater contaminated with effluent must not be discharged beyond the boundary of the premises.
- d) Storage areas / pads for manure, spend litter or dead animals must be bunded and appropriately drained to onsite storage/tanks to prevent potentially contaminated water entering any surface water resources / channel infrastructure
- e) Deposit of animal or organic wastes to land must not adversely affect the land.

**8. Goulburn Murray Water Requirements**

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) The land areas to be used by the mobile poultry units must not be subject to any flooding as identified by the presence of a Floodway or Land Subject to Inundation Overlay. All areas must be located at least 100m from any waterway or Goulburn-Murray Water drain.
- c) The land areas to be used by the mobile poultry units must maintain at least 50% vegetation coverage immediately after the poultry has been removed from the area. Areas must be rotated and revegetated following use and there must be no sediment transport off-site during and following rainfall events.
- d) Manure must be removed from beneath the mobile units or free range land areas if it is concentrated over a small area. The manure must be transported to a manure stockpile which has an impermeable base and is bunded to ensure contaminated run-off does not discharge from the stockpile area.
- e) No land application of stockpiled manure is to occur within 100m of any waterways, Goulburn-Murray Water drains or on any land that is subject to inundation. Land application of manure must be undertaken at a rate appropriate for the soil type and the type of pasture/crop grown. The rate of application must ensure relevant N, P and K uptake such that there can be no discharge of excess nutrients to any waterways or drains.
- f) All dead birds must be disposed of off-site or managed on-site to the satisfaction of the Environment Protection Authority.
- g) All wastewater from the packing shed must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Conformity.



- h) The wastewater disposal area must be located at least 60m from any waterways, Goulburn-Murray Water channels or drains.
- i) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
- j) Goulburn-Murray Water's CG12/8 Channel should be identified on the Proposed Poultry Farm Paddock Layout.
- k) The trapezoidal free range paddock South of the Goulburn-Murray Water Channel CG 12/8 lies partly within an active drainage flow path and must be relocated away from the flow path;
- l) Predatory fencing around poultry farm paddocks must be located at least a 10m offset from Goulburn-Murray Water channels and drains & outside Goulburn-Murray Water boundary and should be indicated on the layout.
- m) The processing shed must be at least 30m from Goulburn-Murray Water's Channel 12/8 Northern boundary and at least 5m away from the existing GMW pipeline easement boundary on the Eastern side.

**9. Time for Starting and Completion**

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

- a) the development and use are has started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

## Application Details:

Responsible Officer:	Andrew Dainton – report written by Braydon Aitken
Application Number:	2018-257
Applicants Name:	Graincorp Operations Ltd
Date Application Received:	18 September 2018
Statutory Days:	120 as of 29/1/19
Land/Address:	4905 & 4965 Goulburn Valley Highway Murchison East
Zoning and Overlays:	Farming Zone – Schedule 1 Abuts Public Use Zone 4 (Transport) and Road Zone Category 1 (Murchison-Violet Town Road/GV Highway) No overlays covering area of proposed buildings and works. Part of the land to be subdivided is covered by the Land Subject to Inundation Overlay.
Why is a permit required (include Permit Triggers):	Use of land in the FZ for a rural store under 35.07-1 Subdivision in the FZ under 35.07-3 Buildings and works in the FZ under 35.07-4 Subdivision in the LSIO under 44.04-3 Removal of native vegetation under 52.17-1
Are there any Restrictive Covenants on the title?	No

## Proposal

The application requires planning permission for:

- Use of 4965 Goulburn Valley Highway for a rural store and associated works at 4965 and 4905 Goulburn Valley Highway (see plans below)
- A 2 lot subdivision of land (see plans below)
- Removal of native vegetation including 3 large trees (see photos below).

The application has been made on behalf of GrainCorp to facilitate additional grain storage bunkers at their Murchison East site located at 4905 Goulburn Valley Highway. The site currently receives wheat and canola by road throughout the harvest period. These commodities are then stored in the existing silos and bunkers and then out-loaded for various end users. The existing land use is considered to be a rural store.

Essentially the application is seeking approval for:

- Earthworks for the construction of 4 additional bunker pads and internal service tracks to enable GrainCorp to expand their grain bunker storage facilities at Murchison. The new bunkers will be 34 metres in width and approximately 8 metres in height. This is slightly larger than the existing bunkers on site (30 and 32 metres in width and 7 and 7.5 metres in height respectively).
- The earthworks will also include the construction of an internal drainage system, including the construction of two storage dams to ensure no additional stormwater drainage runoff will result from the proposal. These works will result in two topsoil

stockpiles that will be landscaped to ultimately screen the proposal from land to the east and the south.

- To facilitate the additional grain storage bunkers additional land is required. A two lot re-subdivision is proposed that would see GrainCorp purchase approximately 10ha of the land to the east at 4965 Goulburn Valley Highway.
- The application also proposes the removal of 14 Grey Box trees to facilitate the storage bunker expansion. This includes 4 scattered trees and two patches. Three of the trees are classified as large trees. The proposal has been designed to avoid the removal of a number of other grey box trees on the land.

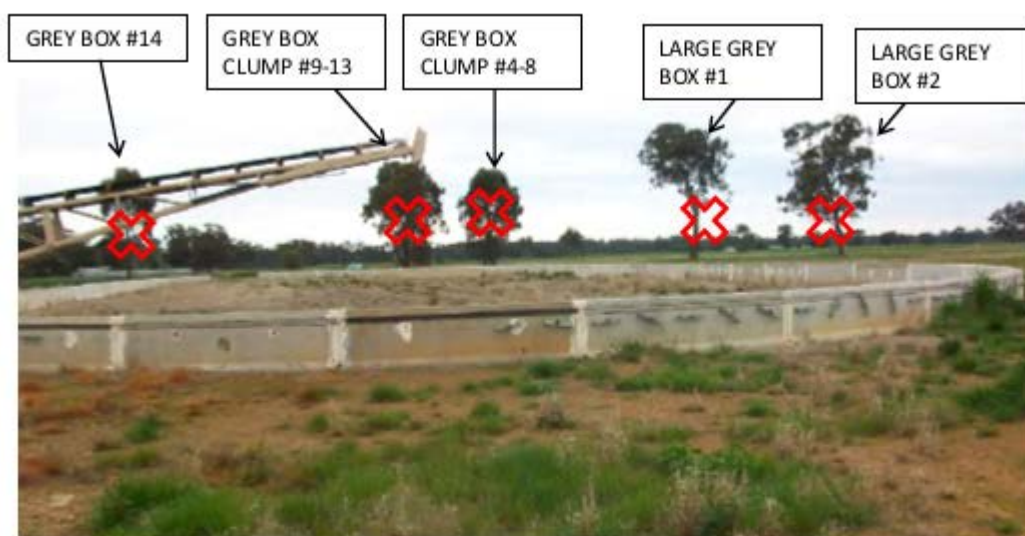


Figure 9 – Trees to be removed

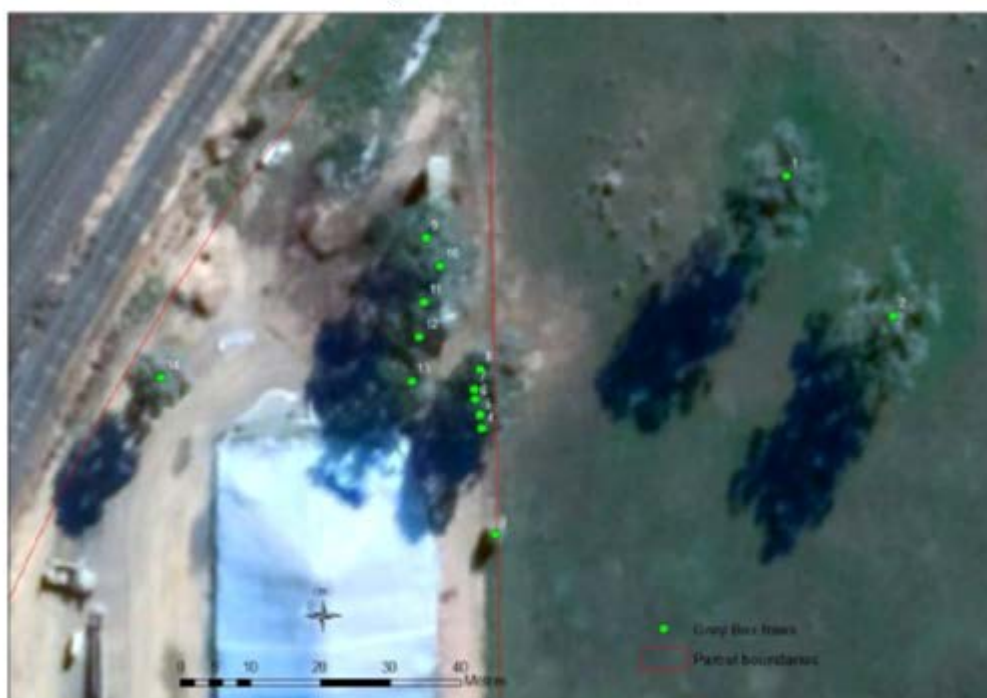
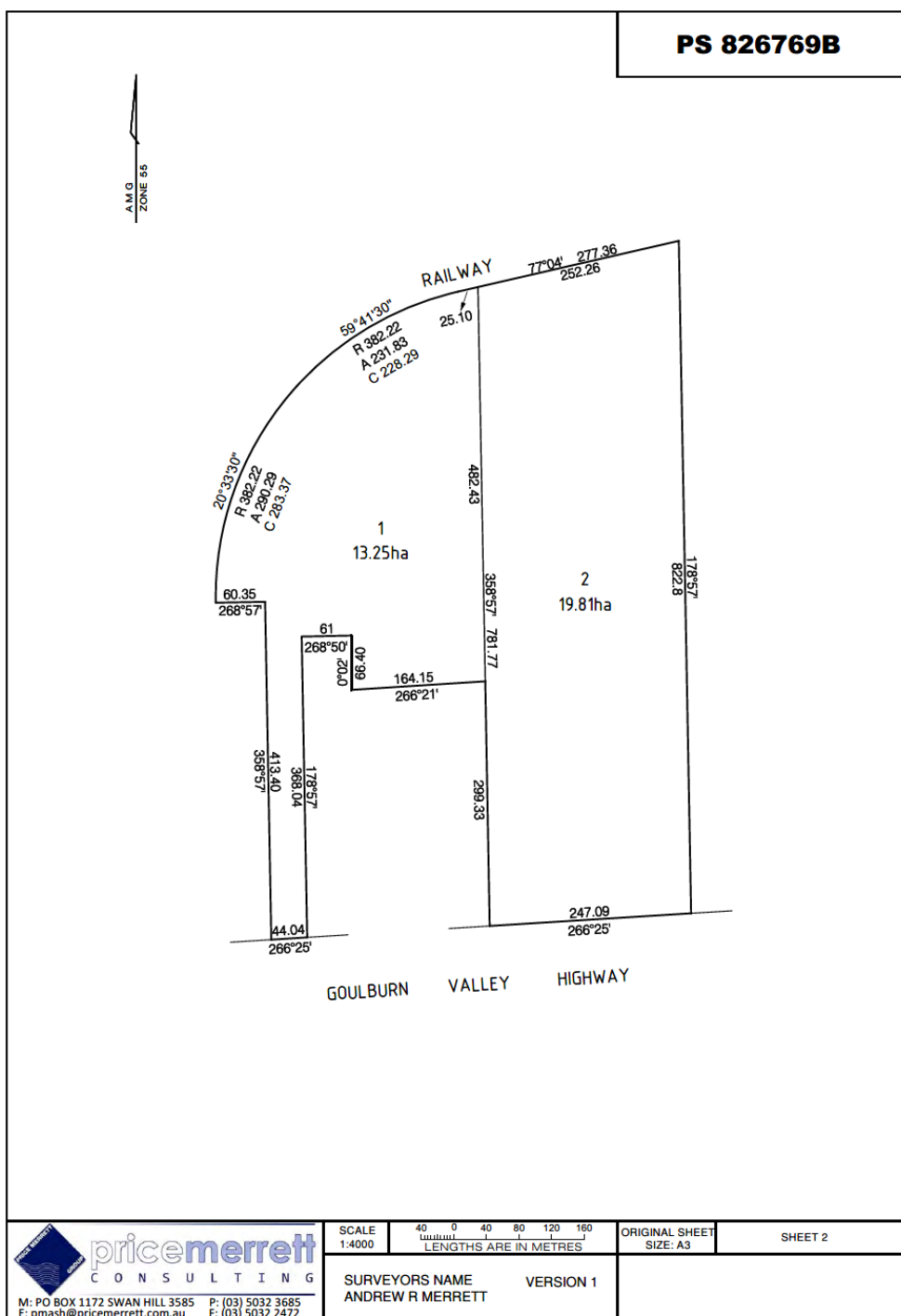


Figure 10 – Plan view of trees to be removed

The proposal does not seek to change the location of the existing vehicle ingress and egress points. Further details of the proposal are shown on the plans below.





## Summary of Key Issues

The key considerations for this application are:

- Whether the proposal is consistent with the purposes of Farming Zone
- Whether the proposal meets the purpose of Clause 52.17 Native Vegetation.
- Whether the proposal meets the relevant objectives of State and Local Planning Policies.

- Whether the proposal will result in any unacceptable offsite amenity impacts on adjoining or nearby properties such as dust, noise and odour.
  - Whether the proposal will achieve an acceptable planning outcome.
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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2018-257** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clauses 35.07-1, 35.07-3, 35.07-4, 44.04-3 and 52.17-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as **4905 & 4965 Goulburn Valley Highway Murchison East**, for **use and development for a rural store (grain storage bunkers), two lot subdivision and removal of native vegetation** in accordance with the Notice of Decision and the endorsed plans.

### Moved by Joel Ingham

### Seconded by Cameron Fraser

That Council having caused notice of Planning Application No. **2018-257** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clauses 35.07-1, 35.07-3, 35.07-4, 44.04-3 and 52.17-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as **4905 & 4965 Goulburn Valley Highway Murchison East**, for **use and development for a rural store (grain storage bunkers), two lot subdivision and removal of native vegetation** in accordance with the Notice of Decision and the endorsed plans.

**CARRIED**

## Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: **11/12/18**

Time: **12 noon**

The existing Murchison Grain Facility at 4905 Goulburn Valley Highway consists of two titles:

- Lot 1 LP 200286E – Existing Bunker Site (approx. 3.7ha)
- Allotment 172E on TP76991 – Existing Silo Site (approx. 2.6ha)

No works are proposed on the existing silo site and this allotment does not form part of the planning permit application

The land at 4965 Goulburn Valley Highway is approximately 30ha in size and is currently used for grazing.

Surrounding Land includes:

- The Murchison East Caravan Park directly to the east of the existing GrainCorp facility
- The Shepparton to Melbourne railway line which borders the existing facility to the west
- The Murchison East Hotel to the south of the land across the Goulburn Valley Highway.
- Surrounding land within the Farming Zone with a mixture of cropping and grazing properties, rural lifestyle lots and dwellings on old small allotments.

The Photos below show the existing site:



Above photo shows entrance to the land and existing storage bunker



Photos shows view towards Murchison East Caravan Park with existing landscape screen.



Above photo shows vehicle exit point.





Above photo shows internal access way



Photo above shows view of railway line and existing storage bunkers from Cassidys Road



Above photo shows view of trees to be removed in foreground and large number of trees to be retained in background.

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## Permit/Site History

The history of the site includes:

- Planning permit 2004-20 for an additional grain bunker.

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## Further Information

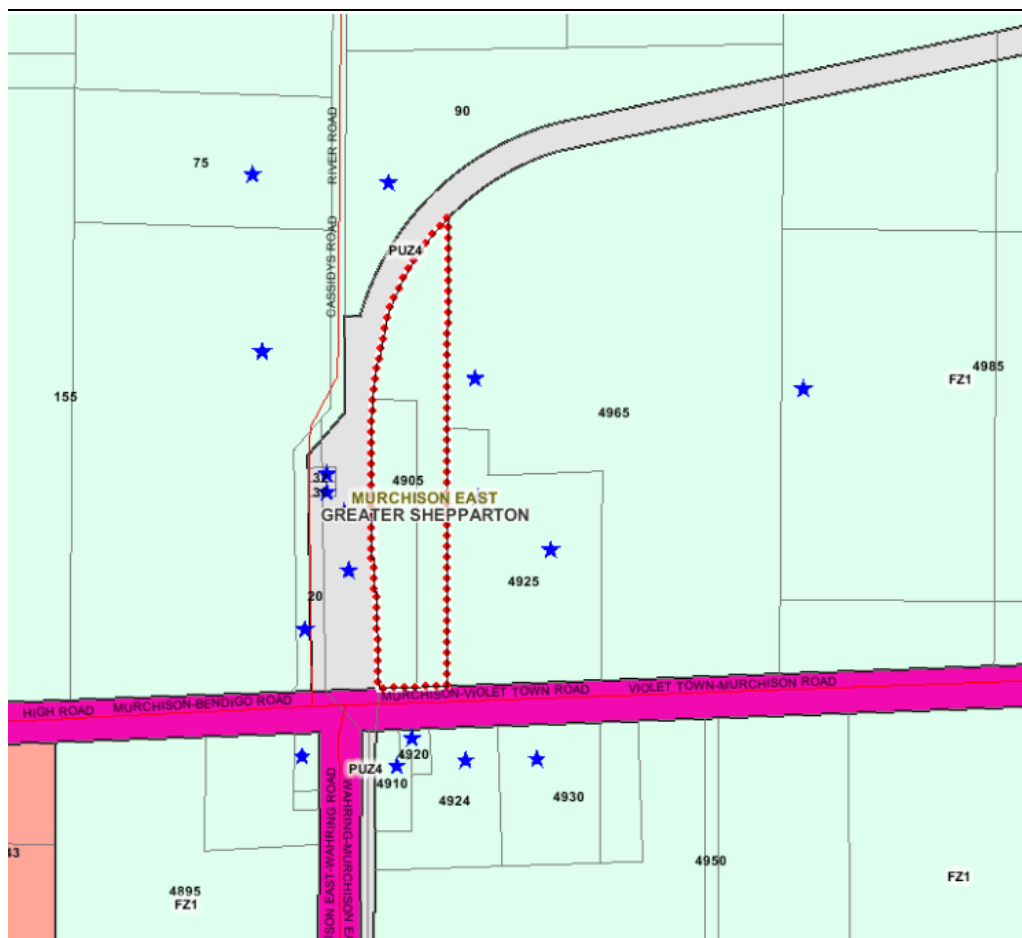
Was further information requested for this application? **No**

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## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description use and development for a rural store (grain storage bunkers), two lot subdivision of the land and removal of native vegetation, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.
- Notice in Newspaper.



The subdivision component of the application was exempt from being advertised in accordance with Clause 44.04-6 of the planning scheme.

## Objections

The Council has received **4** objections to date.

The ground of objection are summarised and considered in the following table.

Reason for objection	Planning Response
Dust caused by vehicles utilising internal access ways within the site	Based on advice from the EPA and site observations, officers believe that dust management can be undertaken on site to acceptable levels. It is recommended that any planning permit that issues contain a condition requiring the submission of a dust management plan to be endorsed by the Responsible Authority, prior to the commencement of the proposed

	development. GrainCorp have confirmed that objectors can contact them directly should they have any concerns about dust levels on the site.
Noise	Based on advice from the EPA and information provided with the application officers believe that noise from the site can be controlled to acceptable levels, through a combination of: <ul style="list-style-type: none"> <li>• Noise limiting equipment on vehicles and machinery</li> <li>• Existing and additional landscaping</li> <li>• Distance from the proposed bunkers to sensitive land uses</li> <li>• The requirement for a noise management plan and compliance with the relevant noise guidelines</li> <li>• An undertaking from Graincorp that objectors can contact them directly with any noise concerns.</li> </ul>
Birds and rodents attacking the grain bunkers	As discussed in the consultation section of this report, the issue of birds and rodents attacking the grain bunkers and creating noise and odour is difficult to control. Bird netting will be used on the new grain bunkers and GrainCorp has advised that the objectors should contact them directly if there are any odours present from their pest treatment program so the matter can be addressed immediately.
Removal of native vegetation	The applicant has taken an avoid, minimise and offset approach to the removal of native vegetation which satisfies the objectives of Clause 52.17

The application has also received an e-mail of support from the East Murchison Silo Committee. The committee's grounds of support are as follows:

*"The Silo Committee has been encouraging Graincorp for many years now to expand the site as it's current capacity is far too small to effectively service the surrounding grain growers.*

*What this means is that many growers miss out on delivering some, or all, of their grain into the site some years. At other times certain segregation's fill up in a matter of days leaving growers forced to take a volunteer down grade, with the associated price penalty, to get their grain into the site and*

*keep their headers going. It's not uncommon now for many growers to either cart a large proportion of their crop over to the grain receival points at Elmore or elsewhere or store grain on farm, at quite substantial additional costs.*

*Graincorp has attempted to address these issues by out loading grain during harvest both by rail and road in recent times with limited success. This does create more space temporarily, but unless it's only required towards the end of harvest the extra capacity is soon filled again.*

*Enlarging the site capacity at East Murchison would lead to substantial efficiencies gains for local farmers and drive economic development for the shire so we are very hopeful the council will support the planning application in its current form."*

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## **Title Details**

The title does not contain a Restrictive Covenant or Section 173 Agreement

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## **Consultation**

Consultation was undertaken. A consultation meeting between the applicant, objectors and a Council planning officer was held near the entry to the land on 11 December 2018.

The meeting provided an opportunity for the applicant to give an overview of the application and for the objectors to discuss their concerns in relation to the proposal.

The key grounds of objection, as discussed in the Objections section of this report, were discussed in detail.

The generation of noise and dust from the proposal appeared to be the two main concerns of the objectors.

Noise is area of concern for the objectors, particularly during peak operating or harvest times in January and February. The applicant advised that vehicle numbers were unlikely to greatly increase as a result of the proposal, during peak harvest times and would remain at similar to existing levels outside of peak harvest time. The applicant also advised that the additional bunkers would allow for more efficient movement of vehicles throughout the site.

The applicant advised that the current and proposed hours of operation for the facility are generally limited to:

- Monday to Sunday 6.00 am – 8.00 pm
- Monday to Sunday (Grain Harvest Season) 6.00 am – 11.00pm.

It was noted that upon exception, hours of operation may extend to 24hrs a day during peak harvest season. The applicant also advised that GrainCorp use grain handling equipment

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and generators which incorporate sound muffling techniques and that they objectors could contact GrainCorp directly at any time if they had any noise concerns.

During the on-site meeting it was observed that vehicles utilising the site were generating a significant amount of dust. It was agreed by all parties that dust management techniques would need to be implemented to address this into the future. It was agreed that there were a number of options to control dust emissions to a suitable level, such as additional use of water carts or sealing internal access ways. It was agreed that the applicant would prepare a dust management plan to address this issue.

It was agreed by all parties that rodents and birds targeting the storage bunkers was a difficult issue to control. The applicant asked the objectors to contact them directly into the future if odour from any pest control program (fumigation) became an issue. The applicant advised that netting would be used in an attempt to minimise bird attack.

The applicant explained to all parties how they had designed the location of the new storage bunkers to minimise the removal of native vegetation on site. They also advised that they would be providing additional landscaping on the topsoil stockpiles to assist with screening the use and improving the appearance of the site.

No objections were withdrawn as a result of the meeting.

Following the consultation meeting the planning officer met with the applicant and representatives of East Murchison Silo Committee to ensure all parties who had made a submission to the application were afforded any opportunity to discuss the proposal.

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## Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
GBCMA (Section 55) - Recommending	No objections to the proposal and no conditions required.
DELWP (Section 55) – Recommending	No objections to the proposal and no conditions required.
EPA (Section 52)	No objections subject to inclusion of amenity conditions in relation to dust and noise.
VicRoads (Section 52)	No objections to the proposal subject to standard vehicle access condition
VicTrack (Section 52)	No objections to the proposal subject to the inclusion of standard conditions.
GMW (Section 52)	No objections to the proposal subject to the inclusion of standard conditions.

Internal Council Notices	Advice/Response/Conditions
Development Engineers	No objections subject to the inclusion of standard conditions in relation to stormwater drainage and civil construction works.
Environmental Health Officers	No objections to the proposal and no conditions required.

## **Assessment**

### **The zoning of the land**

#### Farming Zone

The use of the land for a Rural Store falls under a Section 2 (permit required) Use in the Farming Zone as the Section 1 conditions for the use are not met. The land will not be used in conjunction with an existing agricultural use. Also the use will not be conducted within a building.

### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Decision guidelines are at 35.07-6.

### **General issues**

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

### **Agricultural issues and the impacts from non-agricultural uses**

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

### **Environmental issues**

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.

- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

**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 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 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 and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.



Response:

While the proposed use is not defined within the Greater Shepparton Planning Scheme as an agricultural use, its purpose as a rural store for agricultural produce is closely associated with agriculture. The use is suitably located within the Farming Zone in close proximity to the township of Murchison, with good access to rail and the road transport network but with suitable separation from residential zoned land. As the proposed use is agricultural in nature it will not impact on surrounding agricultural uses. The proposal will assist the sustainability of a local business within the Murchison Community and provide opportunities for additional employment.

The proposed storage bunkers will be located further away from the most sensitive abutting land use, the Murchison East Caravan than the existing storage bunkers and will ultimately be screened by landscaping. With suitable management practises in relation to dust and noise management the proposed use will not have an unacceptable impact on the amenity of adjoining and nearby land uses.

The appearance of grain storage bunkers and internal access ways is not an uncommon site in an agricultural area. The vehicle ingress and egress to the land will need to be maintained to ensure it does not impact on the operational efficiency of the Goulburn Valley Highway by dragging gravel onto the road pavement. A condition included on any planning permit issued will address this concern.

The proposed subdivision is permissible in the Farming Zone as it proposes the re-subdivision of existing lots and the number of lots is not increased.

**Relevant overlay provisions**

**Land Subject to Inundation Overlay**

**Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the *Water Act, 1989* where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Decision guidelines are at 44.04-8.

Response

Only a small section of the land to be subdivided falls within the LSIO, none of the proposed buildings and works fall within this overlay. The application was referred to the relevant Floodplain Manager (GBCMA) who has no objections to the proposal.

### **Planning Policy Framework**

**Clause 12.01-2S – Native Vegetation Management** aims to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The applicant will be required to offset in the removal of native vegetation in accordance with the relevant offset requirements.

**Clause 13.05-1S - Noise abatement** aims to assist the control of noise effects on sensitive land uses. The proposal meets the setback requirements for sensitive land uses (see Clause 53.10 assessment below). The requirement for a noise management plan will ensure the impacts of noise on nearby and adjoining land uses are kept to an acceptable level.

**Clause 13.05-1S – Land Use Capability** aims to safeguard community amenity while facilitating appropriate commercial uses with potential off-site side effects. As outlined previously in this report the location of the proposal and appropriate planning permit conditions to control amenity will ensure this is managed appropriately.

### **The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans**

**Clause 21.05 – Environment** recognises the importance of retaining native vegetation. The proposal has been designed to avoid the removal of a significant path of grey box trees within a wetland depression on the land.

**Clause 21.06-1 Agriculture** notes that the regions workforce is heavily dependent on agricultural sector, as outlined previously in this report the proposed use supports the local agricultural sector and is appropriately located within the Farming Zone.

**Clause 21.06-2 Subdivision in Rural Areas** – the proposal meets the objectives of this policy as it will lead to the consolidation of a rural landholding that will help to promote the viability of agriculture within the Municipality. The proposed subdivision will not lead to the creation of a small dwelling allotment.

### **Relevant Particular Provisions**

#### **52.17 – Native Vegetation**

##### **Purpose**

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the *Guidelines*):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

## Offset requirements if a permit is granted

Any approval granted will include a condition to obtain an offset that meets the following requirements:

<b>General offset amount<sup>1</sup></b>	0.066 general habitat units
Vicinity	Goulburn Broken Catchment Management Authority (CMA) or Greater Shepparton City Council
Minimum strategic biodiversity value score <sup>2</sup>	0.563
Large trees	3 large trees

## Decision guidelines

Number	Decision guidelines to be considered
1	<p>Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation, and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:</p> <ul style="list-style-type: none"><li>• the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation</li><li>• the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation</li><li>• feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.</li></ul>

Number	Decision guidelines to be considered
2	The role of native vegetation to be removed in: <ul style="list-style-type: none"> <li>Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the <i>Catchment and Land Protection Act 1994</i>.</li> <li>Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly:                             <ul style="list-style-type: none"> <li>where ground slopes are more than 20 per cent</li> <li>on land which is subject to soil erosion or slippage</li> <li>in harsh environments, such as coastal or alpine areas.</li> </ul> </li> <li>Preventing adverse effects on groundwater quality, particularly on land:                             <ul style="list-style-type: none"> <li>where groundwater recharge to saline water tables occurs</li> <li>that is in proximity to a discharge area</li> <li>that is a known recharge area.</li> </ul> </li> </ul>
3	The need to manage native vegetation to preserve identified landscape values.
4	Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the <i>Aboriginal Heritage Act 2006</i> .
5	The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.
6	Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site.
7	Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
9	For applications in both the <b>Intermediate and Detailed Assessment Pathway only</b> – consider the impacts on biodiversity based on the following values of the native vegetation to be removed: <ul style="list-style-type: none"> <li>The extent.</li> <li>The condition score.</li> <li>The strategic biodiversity value score.</li> <li>The number and circumference of any large trees.</li> <li>Whether it includes an endangered Ecological Vegetation Class.</li> <li>Whether it includes sensitive wetlands or coastal areas.</li> </ul>

## Response

The applicant has followed the three step approach as outlined below. Importantly the proposal has been designed to avoid a significant patch of existing grey box trees and only seeks to remove the minimum amount of native vegetation required to facilitate the construction of the additional storage bunkers.

The applicant has identified the offset requirements for the removal of the native vegetation and will be required to secure the offset by conditions of any planning permit issued.

### **53.10 Uses with adverse amenity potential**

#### **Purpose**

To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.

#### **Threshold Distance**

The threshold distance referred to in the table to this clause is the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an

education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

The provision includes the following activity 'grain elevator' which has a threshold distance of 300m.

The nearest residential zone is setback 475 metres from the proposed land.

While there are dwellings located in close proximity to the proposed use, including occupants of the Murchison East Caravan Park, residents of these dwellings cannot expect the same level of amenity as people living in a residential zone. The proposed use is located in a rural zone, which is industrial in nature and the proposal represents an extension of an existing use that has operated in this location for many years. Despite this planning officers need to ensure that any potential amenity impacts on these residents are managed to an acceptable level. As discussed in previous sections of this report the conditions attached to the Draft Notice of Decision will ensure the proposal will not result in any unacceptable amenity impacts, through the management of potential noise and dust sources.

### **The decision guidelines of Clause 65**

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

#### **65.01 Approval of an application or plan**

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

#### **65.02 Approval of an application to subdivide land**

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.

- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- 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.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

### Response

The relevant zone, policy, native vegetation and amenity considerations have been discussed previously in this report. There is adequate room for the parking of employee vehicles within the existing silo site. The Grain storage bunkers have been designed to allow for all loading and unloading to occur on site.

Vehicle ingress and egress to the site is adequate but must be maintained to the satisfaction of the road authority to ensure no impact on the efficiency of the Goulburn Valley Highway.

A stormwater management plan will be required to be provided by the applicant to ensure that there is no increase in stormwater discharge from the site and that the quality of water discharged from the site meets current standards.

Landscaping will be required to help improve the appearance of the site and to help screen the proposed use from adjoining land uses to the south and the east.

The relevant subdivision considerations have been discussed in the Farming Zone and Local Policy Sections of this report.

### **Relevant incorporated or reference documents**

There are no relevant incorporated or reference documents that relate to this application for a planning permit.

### **Other relevant adopted State policies or strategies policies**

There are no relevant adopted State or strategic policies that relate to this application for a planning permit.

### **Relevant Planning Scheme amendments**

There are no relevant Planning Scheme Amendments that relate to this application for a planning permit.

### **Are there any significant social & economic effects?**

There are no relevant significant social or economic effects that relate to this application for a planning permit.

### **Discuss any other relevant Acts that relate to the application?**

Subdivision Act, 1988

### **The Aboriginal Heritage Act 2006**

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

### **Charter of Human Rights and Responsibilities**

The Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

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## **Conclusion**

It is considered that a Notice of Decision should issue on the basis that:

- The land is appropriately zoned for the use of the land for a rural store
- The proposal is consistent with the purposes of the Farming Zone
- The proposal is consistent with the relevant Native Vegetation requirements at Clause 52.17.
- The proposal meets the relevant objectives of State and Local Planning Policies.
- The proposal will not result in any unacceptable offsite amenity impacts on adjoining or nearby properties. This can be ensured through the issue of a planning permit with the conditions on the attached Draft Notice of Decision
- Based on the above the proposal will achieve an appropriate planning outcome.

# Draft Notice Of Decision

**APPLICATION NO:** 2018-257

**PLANNING SCHEME:** GREATER SHEPPARTON PLANNING SCHEME

**RESPONSIBLE AUTHORITY:** GREATER SHEPPARTON CITY COUNCIL

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.**

**THE PERMIT HAS NOT BEEN ISSUED.**

**ADDRESS OF THE LAND:** 4905 & 4965 GOULBURN VALLEY HIGHWAY  
MURCHISON EAST VIC 3610

**WHAT THE PERMIT WILL ALLOW:** USE AND DEVELOPMENT FOR A RURAL STORE  
(GRAIN STORAGE BUNKERS) TWO LOT  
SUBDIVISION AND REMOVAL OF NATIVE  
VEGETATION

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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**1. Layout Not Altered**

The use and development (including subdivision) as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Prior to the use of the new storage bunkers all works shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

**2. Amenity Management Plan**

Prior to the commencement of works, the operator must submit for approval an amenity management plan to the satisfaction of the responsible authority. When approved, the plan will form part of the permit. The management plan must include but is not necessarily limited to the following:

- Noise control measures for vehicles and other equipment to ensure compliance with Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011)
- Dust control measures to effectively manage on site dust generation to avoid impact on the amenity of nearby and adjoining land.



**3. General Amenity**

The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) processes carried out on the land.
- b) transportation of good or commodities to or from the land.
- c) the emission of odour, dust, noise, artificial light, waste water or waste products.
- d) the presence of vermin.

If the responsible authority determines that the amenity of the nearby residents is adversely affected by the emission of an unreasonable level of odour, dust, or noise from the site, the operator must immediately and to the satisfaction of the responsible authority take action to prevent those emissions.

**4. Landscape Plan**

Before the development starts a landscape plan prepared by a suitably qualified landscape designer 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 and must be generally in accordance with Council's Landscape Plan Guide 2017. The plan must show the following:

- a) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- b) a permanent screen of trees and shrubs with a minimum of two rows using a mixture of local trees and understory species along the proposed topsoil stockpiles.

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

All trees planted as part of the landscape works must be a minimum height of 2 metres at the time of planting.

Before the use commences or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

The landscaping works must be maintained to the satisfaction of the responsible authority.

## **5. Drainage Discharge Plan**

Prior to the commencement of works, or certification of the plan of subdivision, a drainage plan with computations prepared by a suitably qualified person or organisation, 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 and submitted in an electronic format. The plans must be in accordance with council's Infrastructure Design Manual and include:

- a) independent drainage to a point of discharge for each lot;
- b) Existing contours or levels to demonstrate direction of stormwater runoff;
- c) How the discharge from the new properties has no detrimental effect on the upstream or downstream properties;
- d) How the land will be drained and runoff retarded on-site;
- e) Maximum discharge rate shall not be more than the pre-development flow
- f) Drains conveying stormwater to the legal point of discharge, the table drain on Murchison-Violet Town Road;
- g) Property connections discharging to the table drain must do so to the side of the endwall (*driveway*) and not directly to the table drain.

to the satisfaction of the Responsible Authority.

Before the use commences or the issue of the Statement of Compliance all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority.

## **6. Civil Construction Requirements**

Before any of the development starts, detailed plans with computations (by a suitably qualified person or organisation) 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 information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual. Information to include:

- a) The existing vehicle access and ingress to be re-sealed (re-paired)
- b) Turning movements for vehicles loading and unloading
- c) All areas associated with parking, loading/unloading and access shall be surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust,
- d) Parking spaces and access lanes to be delineated
- e) Provision of traffic control signage installed including signage directing drivers to the areas set aside for carparking and loading/unloading;
- f) The site shall be properly illuminated with lighting designed, baffled and

located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;

- g) The design of the access and circulation lanes shall prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
- h) The access, landscape and parking areas must be constructed and drained to ensure compliance with the approved/endorsed drainage plans to the satisfaction of the Responsible Authority.

All parking spaces and loading areas must be designed to allow all vehicles to drive forwards both when entering and leaving the property. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit.

The areas must be constructed and drained to prevent diversion of flood or drainage waters and maintained in a continuously useable condition to the satisfaction of the Responsible Authority. Parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Prior to the commencement of the use begins all works constructed or carried out must be in accordance with these plans to the satisfaction of the Responsible Authority.

## 7. Construction Phase

During the construction of buildings and/or works approved by this permit, measures must be employed to minimise mud, crushed rock or other debris being carried onto public roads and/or footpaths from the land, to the satisfaction of the responsible authority.

Dust suppression must be undertaken to ensure that dust caused on the land does not cause a nuisance to neighbouring land to the satisfaction of the responsible authority.

## 8. Native Vegetation Offsets

Native vegetation offsets are required to offset the removal of native vegetation (**3 large trees**) approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with *The Guidelines for the removal, destruction or lopping of native vegetation 2017* (Department of Environment, Land, Water and Planning):

The offset must:

- a) contribute gain of at least **0.066 general habitat units**;
- b) be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district; and
- c) have a **strategic biodiversity value** of at least **0.563**.

**9. Native vegetation offset evidence**

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *The Guidelines for the removal, destruction or lopping of native vegetation 2017* (Department of Environment and Primary Industries).

Offset evidence can be either:

- a) An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
- b) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority.

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

The Offset Management Plan must be in accordance with *The Guidelines for the removal, destruction or lopping of native vegetation 2017* (Department of Environment and Primary Industries) and include:

- a) The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions.
- b) Location of where offsets are to be provided and size of area (to be drawn to scale).
- c) Type of offsets to be provided.
- d) If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density.
- e) Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses.
- f) Management actions that will be undertaken to ensure long term sustainability of offset(s) such as permanent fencing, weed control, revegetation maintenance, retention of timber/branches and other habitat management actions.
- g) Method of permanent protection for offset(s) such as a formal agreement.
- h) Person(s) responsible for implementing and monitoring the Offset Management Plan.
- i) Time frame for implementing the Offset Management Plan.
- j) Other actions (to be specified).

**10. Environment Protection Authority**

- a) Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises.
- b) Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

**11. VicRoads Requirements**

The existing accesses must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto Goulburn Valley Highway).

**12. VicTrack Requirements**

1. The permit holder must not, at any time:
  - a) allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
  - b) store or deposit any waste, soil or other materials on the railway land.
2. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the railway land.
3. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.
4. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.

**13. Goulburn Murray Water Requirements**

All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

**Planning Notes:**

Application must be made to Goulburn Murray Water prior to construction of any dams on the subject land. A licence must be obtained where surface or groundwater supplies are taken and used for commercial irrigation purposes or if a dam is to be constructed on a waterway as defined under the *Water Act* 1989. Applications can be made by contacting Goulburn Murray Water on 1800 013 357 or by following the link the <http://www.g-mwater.com.au/customer-services/forms>

**14. Form 13**

Before a Statement of Compliance is issued under the *Subdivision Act 1988* by the Responsible Authority the owner must provide a completed Form 13.

**15. Referral Authority Requirements**

- a) The owner of the land must enter into agreements with the relevant authorities for

the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

- b) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easements or site is to be created.
- c) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

**16. Time for Starting and Completion**

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

- a) the development and use are not started (which include the certification of the plan of subdivision) within **two (2) years** of the date of this permit;
- b) the development is not completed (which include the issue of the Statement of Compliance) within **five (5) years** of the date of this permit.