

NOTICE OF AN APPLICATION FOR AN AMENDMENT TO A PLANNING PERMIT

The land affected by the application is located at:

**297 HODGINS ROAD TUERONG
LOT 1 TP 321221 VOL 8551 FOL 892**

The application is to amend permit number 8036A by:

Amending the plans endorsed under the permit generally involving:

- Increase in the footprint of Shed 1 and 2
- Alteration of the setback from the eastern title boundary
- Changed access arrangements.
- Inclusion of free range yards.

Amending the conditions of the permit by:

- Amending Condition 24 of the permit by allowing development to occur within 2 years of the date of last approved amendment to the permit.

The applicant is:

Nepean Planning Consultants

The application reference number and officer is:

**8036A.01
Ross Fullerton**

You may view the plans and documents that support the application free of charge at the office of the Responsible Authority below or online at:

www.mornpen.vic.gov.au > Building and Planning > Advertised Planning Applications

**Mornington Office – Queen Street, Mornington
Hastings Office – Marine Parade, Hastings**

Any person who may be affected by the granting of the permit may object in writing to the responsible authority. If you object, the Responsible Authority will notify you of its decision.

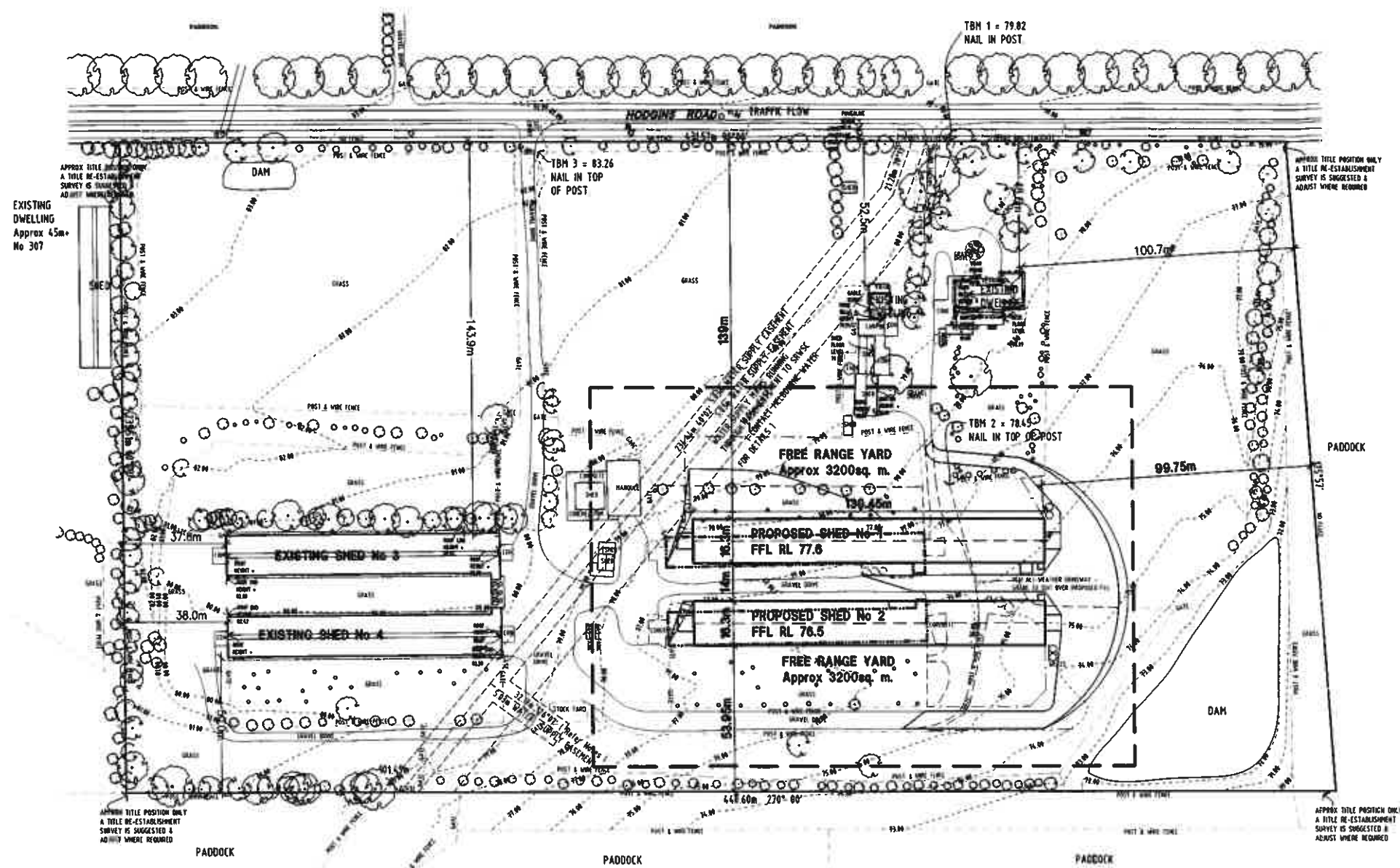
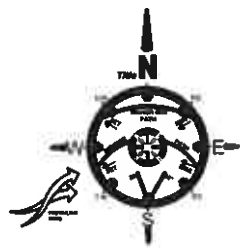
Your objection must:

- Specify the Application Number
- Include the reasons for the objection and state how the objector would be affected
- Include the objector's current Postal Address
- Be sent to the Responsible Authority:
**Statutory Planning Team, Mornington Peninsula Shire,
Private bag 1000, Rosebud 3939**
Or emailed to: planning.submission@mornpen.vic.gov.au

The Responsible Authority will not decide on the application before:

15 OCTOBER 2015

Privacy Notification: The personal information provided in an objection is collected for planning purposes in accordance with the *Planning & Environment Act 1987* (the Act). The public may view an objection in accordance with Section 57 of the Act whilst the planning application is current.



SITE PLAN
SCALE 1:1000

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05/05/15	PLANNING APP	A
DATE	AMENDMENT DESCRIPTION	ISSUE

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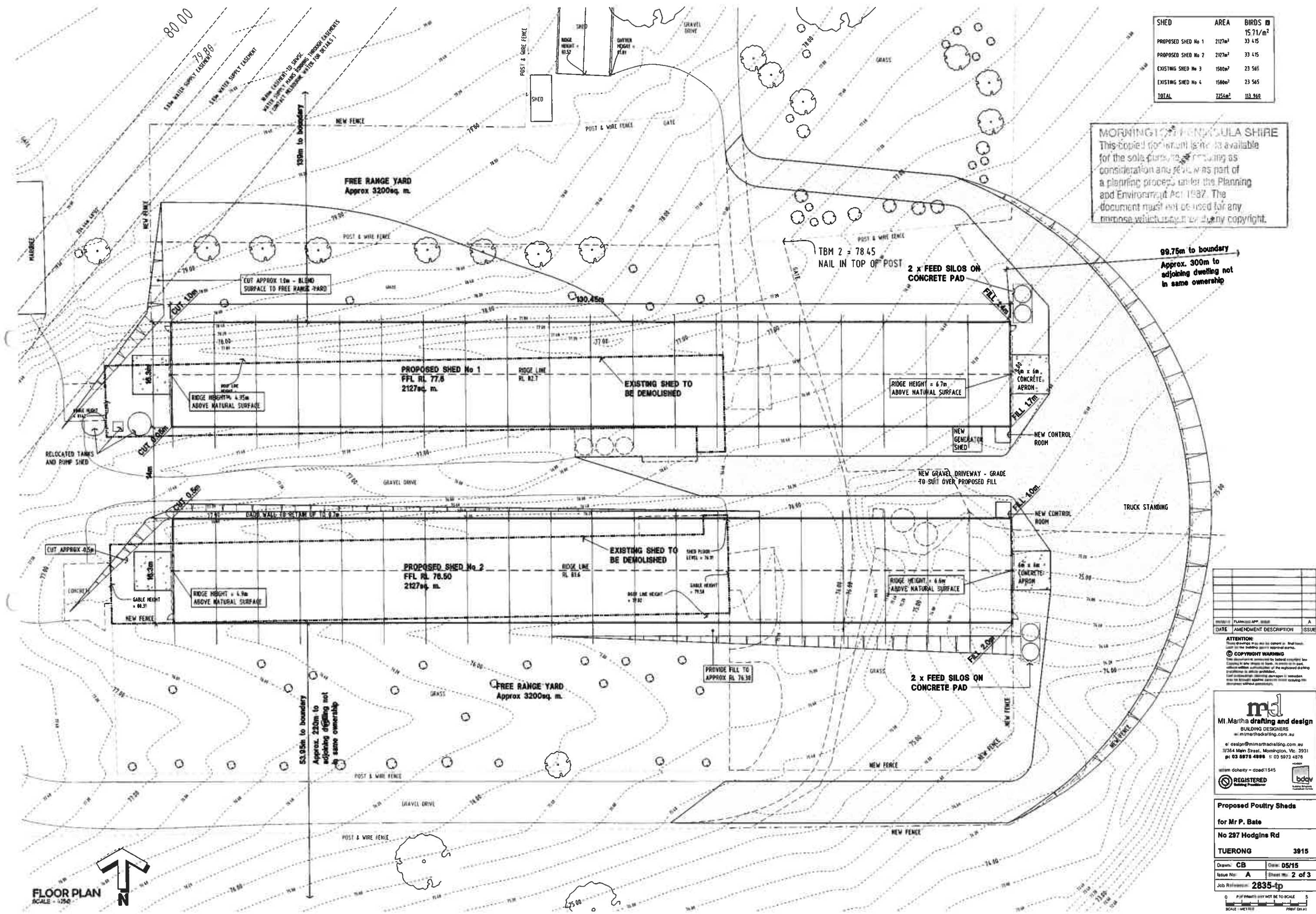
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Proposed Poultry Sheds
for Mr P. Bate
No 297 Hodgins Rd
TUERONG 3915
Drawn: **CB** Date: **05/15**
Issue No: **A** Sheet No: **3 of 1**
Job Reference: **2835-tp**



SHEED	AREA	BIRDS
PROPOSED SHED No 1	2127m ²	33 415
PROPOSED SHED No 2	2127m ²	33 415
EXISTING SHED No 3	1500m ²	23 565
EXISTING SHED No 4	1500m ²	23 565
TOTAL	7254m ²	113 960

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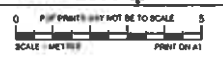


DATE	AMENDMENT DESCRIPTION	ISSUE
15/05/2015	PLANNING APP SUBMIT	A

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Proposed Poultry Sheds
for Mr P. Bate
No 297 Hodgline Rd
TUERONG 3915
Drawn: CB Date: 05/15
Issue No: A Sheet No: 2 of 3
Job Reference: 2835-tp



FLOOR PLAN
SCALE = 1:500

RIDGE HEIGHT = 4.95m
ABOVE NATURAL SURFACE

RIDGE HEIGHT = 6.7m
ABOVE NATURAL SURFACE

RL 77.6

SHED 1 - SOUTH ELEVATION
SCALE -1:200

RIDGE HEIGHT = 4.9m
ABOVE NATURAL SURFACE

RIDGE HEIGHT = 6.6m
ABOVE NATURAL SURFACE

RL 76.50

SHED 2 - SOUTH ELEVATION
SCALE -1:200

RIDGE HEIGHT = 6.7m
ABOVE NATURAL SURFACE

RIDGE HEIGHT = 4.95m
ABOVE NATURAL SURFACE

RL 77.6

SHED 1 - NORTH ELEVATION
SCALE -1:200

RIDGE HEIGHT = 6.6m
ABOVE NATURAL SURFACE

RIDGE HEIGHT = 4.9m
ABOVE NATURAL SURFACE

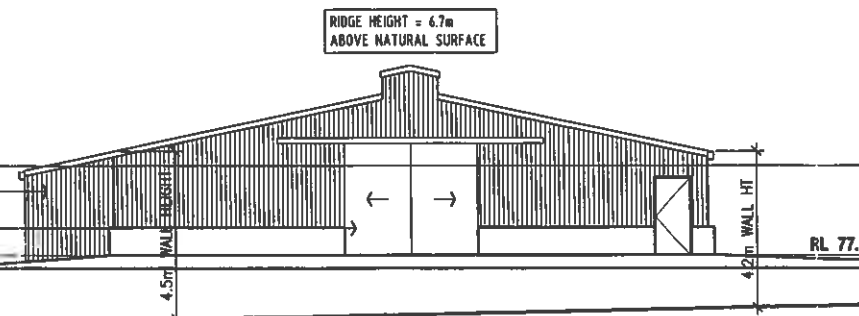
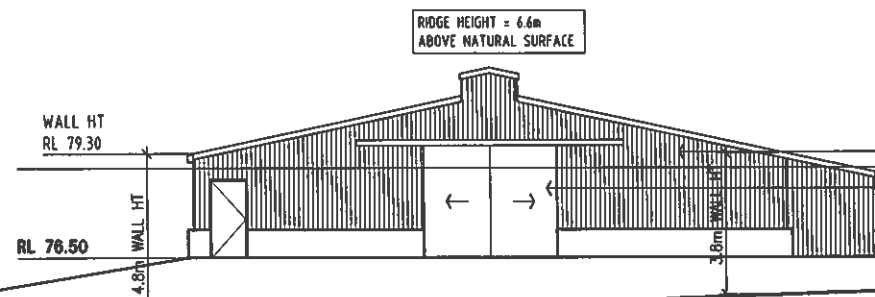
RL 76.50

SHED 2 - NORTH ELEVATION
SCALE -1:200

COLORBOND ROOFING, GUTTER AND TRIMS
- COLOUR TO MATCH EXISTING SHEDS

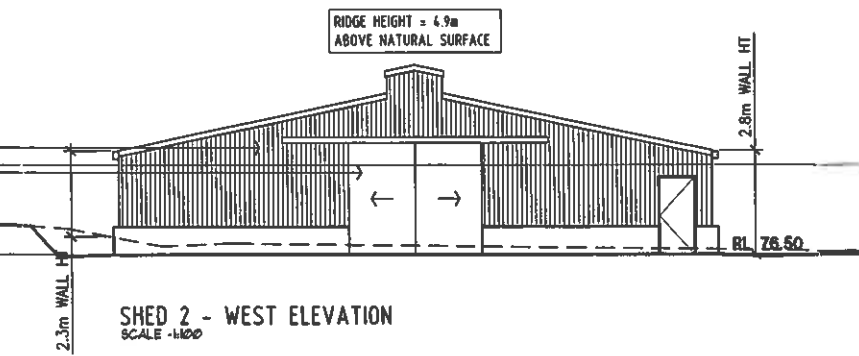
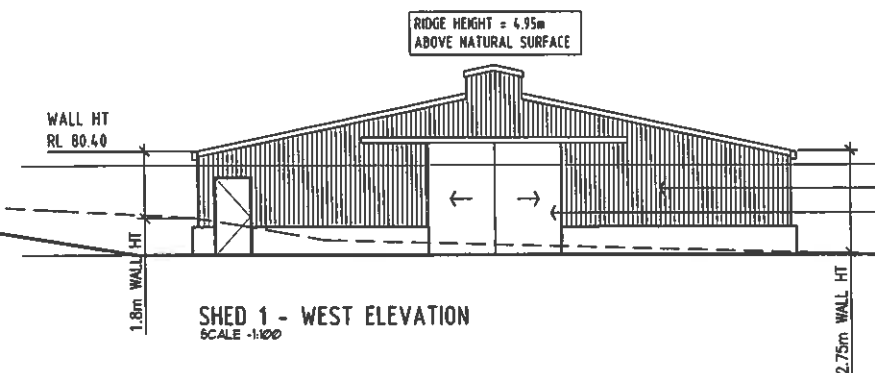
MASONRY DADO WALL -
GALV. MESH INFILL ABOVE

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SHED 1 - EAST ELEVATION
SCALE -1:100

SHED 2 - EAST ELEVATION
SCALE -1:100



SHED 1 - WEST ELEVATION
SCALE -1:100

SHED 2 - WEST ELEVATION
SCALE -1:100

DATE	AMENDMENT DESCRIPTION	ISSUE
06/01/15	PLANNING APP. ISSUE	A

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Proposed Poultry Sheds
for Mr P. Bate
No 297 Hodgins Rd
TUERONG 3915
Drawn: CB Date: 05/15
Issue No: A Sheet No: 3 of 3
Job Reference: 2835-tp

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SCALE - METRES
PRINT ON A1

nepean



Planning Submission

September 2015 – Version 2

297 Hodgins Road, Tuerong

Proposal: Amendment to 8036A
for the replacement of two existing chicken sheds and
return the bird numbers to its originally approved capacity

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Executive Summary

This application has been made in response to GE15/0259 and seeks to amend Planning Permit 8036A to allow upgrades of broiler farm shedding where the farm capacity (birds) is not increasing however seeks approval for larger footprint of shedding given changes in industry standards to improve bird welfare standards (less birds per m2) for free ranging.

The subject site, located at 297 Hodgins Road Tuerong was granted approval for the *“use of the land for the purpose of a poultry farm and the development of two additional broiler shed in accordance with the details submitted”* on 30 September 1992 and has been operating as a chicken farm since the permit was issued.

The proposal requires consideration against the Mornington Peninsula Planning Scheme and a review of the Planning Scheme leads to the following key points of consideration:

1. What planning controls affect the site?
2. Does the proposal comply with the Memorandum of Understanding?
3. Will the proposal result in an unreasonable loss of amenity to surrounding land uses?

This report aims to address these questions and demonstrate that the proposal should receive Council's full support on the basis that the site has been operating as a chicken farm for many years without undue detriment to surrounding land uses and Council recognises the benefits that are derived from the local broiler industry and supports the long term future of the industry on the Mornington Peninsula.

The proposal is submitted to tidy up the previous planning permit conditions and give certainty to the future land use avoiding loss of amenity to surrounding properties or recreational uses in close proximity to the subject site.

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PREPARED FOR:	
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Address	297 Hodgins Road, Tuerong

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VERSION CONTROL:		
Version	Date	Details
1	June 2015	Original Version (Draft)
2	September 2015	Response to Council's request for additional information

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1. The Proposal

Nepean Planning Consultants have been engaged to assist our client's obtain an Amended Planning Permit for the replacement of two existing chicken shed and bring the farm numbers back up to the originally approved capacity. The proposal comprises the following specifics:

	Existing Sheds Dimensions	Proposed Sheds dimensions
Shed 1	1150 m2	2127 m2
Shed 2	1150 m2	2127 m2
Shed 3	1500 m2	Unaltered
Shed 4	1500 m2	Unaltered

Given Planning Permit 8036A did not stipulate a farm capacity, the recognised density value of **21.5 birds per m2** nominated in the MOU, Victorian Code for Broiler farms 2009 and Practice Note 63 (Appendix 1) should be applied to establish bird numbers for the subject site.

Taking this into account, the following information is confirmed:

	Combined Shed Area	Broiler Farm COP 21.5/m2	Free Range 15.71/m2
Existing	5300 m2	113,950	83,263
Proposed	7254 m2	155,961	113,960

Based on the above, it is clear that the area available within the existing shedding allows just under 114,000 birds and the proposed works to upgrade sheds 1 & 2 result in a negligible change in numbers based on a density value of 15.71 birds per m2. Note: it is appropriate to allow a larger footprint of shedding given changes in industry standards and or due to improved bird welfare standards (less birds per m2).

In addition to the above, the following use details are provided:

Operation:

- The site has a current contract with Inghams and seeks to return the farm capacity to 113,960
- Chicken batches turnover every 8 weeks allowing for a 7 week growth rate of birds
- No change in batching intensity is proposed as part of this application with the site continuing to turnover around 6 batches per year
- Delivery of birds usually occurs between 8.30am – 5.30pm and on average unloading takes around 4 hours
- Pick up of birds usually occurs in the evening / night and can take around 8 hours
- Clean-up occurs shortly thereafter pick-up and includes removing all spent litter, dead birds and general farm waste

Vehicle Movements:

- Vehicle movement to and from the site generally consists of the following every 2 months:
 - o 2x trucks for bird delivery
 - o 16x trucks for bird pick up
 - o 14x truck for feed delivery
 - o 8x trucks for litter collection
- Trucks used in the broiler operation range from medium to heavy ridged vehicles

Staff:

- A maximum of 6 employees (truck drivers and farm hands) may attend the site at any one time
- The owner of the property is the farm manager, with all bookkeeping done within the existing dwelling onsite.

2. Planning Controls

The subject site is included within the Mornington Peninsula Planning Scheme and is affected by the following planning provisions:

Green Wedge Zone – Schedule 4

We submit that the subject site is used as a “Broiler Farm” which is a Section 2 use given it meets Clause 52.31. Taking this into account, we submit that the proposal requires a planning permit to bring the farm (bird) numbers back up to the originally approved capacity.

Furthermore, all buildings and works associated with a Section 2 use pursuant to Clause 35.04-5 require a planning permit and therefore the replacement sheds and associated earthworks trigger planning approval. The replacement sheds are deemed to meet the following setback requirements:

- 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1.
- 40 metres from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2.
- 20 metres from any other road.
- 5 metres from any other boundary.
- 100 metres from a dwelling not in the same ownership.
- 100 metres from a waterway, wetlands or designated flood plain.

Environmental Significance Overlay – Schedule 4 (ESO4)

The subject site is located in an area which forms part of the catchment of the Warrengine Creek, and other streams and waterways discharging to Westernport Bay. It is also an area of strategic landscape importance, with an open undulating terrain that defines part of the rural edge to the townships of Somerville, Tyabb, Hastings, Bittern, Crib Point and Balnarring. Importantly, the application triggers a planning permit pursuant to this overlay for the construction of a building or carrying out works, associated with a Section 2 Use.

3. Expectations

Public Notice

We acknowledge that planning permit applications for Buildings and Works or Change of Use or amendments to an existing approval will not be exempt from notification (advertising) and review (3rd party appeal rights). However, should permit applications result in a proceedings at the Victorian Civil and Administrative Tribunal, Council will present its applicability of the Broiler Code and whether or not they support the proposal.

We respectfully request the application progress to advertising without delay.

Referrals

Given the nature of the proposal sought we deem comments from Council's Environmental Health Department should be sought during the application process.

Under Clause 66.05 of the Victoria Planning Provisions and all planning schemes, notice of an application for a Special Class broiler farm must be given to EPA Victoria in accordance with Section 52(1)(c) of the Planning and Environment Act 1987.

4. The Site

The subject site [297 Hodgins Road, Tuerong] is known as Lot 1 on TP321221F, Volume 08551 Folio 892, is located on the southern side of Hodgins Road in close proximity to Devilbend Reservoir. The site is rectangular with a frontage of approximately 431 metres to Hodgins Road and maximum depth of approximately 239 metres, resulting in an overall the site area of 10.54ha. Hodgins Road is affected by Environmental Significance Overlay – Schedule 28 (ESO28) & Vegetation Protection Overlay – Schedule 2 (VPO2), connecting Stumpy Gully Road to Hastings Township.

The topography of the area is relatively flat with the development pattern along this section of Hodgins Road consisting of a mixture of rural / residential properties along including agricultural activities such as agistment, crop raising, stud farms, racing stables and vineyards within close proximity to the subject site.

There is a dwelling on the subject site, and some other ancillary buildings. This dwelling provides a place for those operating the broiler farm to live. In that sense, it can be seen as ancillary to the broiler farm. Devilbend Reservoir is located to the west of the subject site and the property is bound by predominately post and wire fencing. Site access is gained via an existing all weather driveway centrally located along the road frontage with the existing dwelling generally positioned towards Hodgins Road. Established vegetation is predominately located around the existing dwelling with site features shown in the following photographs:



View looking southerly towards the existing dwelling from Hodgins Road



View looking northerly towards Hodgins Road from within the subject site



View looking towards Shed 1 (to be replaced)



View looking towards Shed 2 (to be replaced)



View looking towards Shed 2 (to be replaced)



View looking towards Shed 1 (to be replaced)



View looking towards free range area of Shed 2



View looking towards free range area of Shed 1

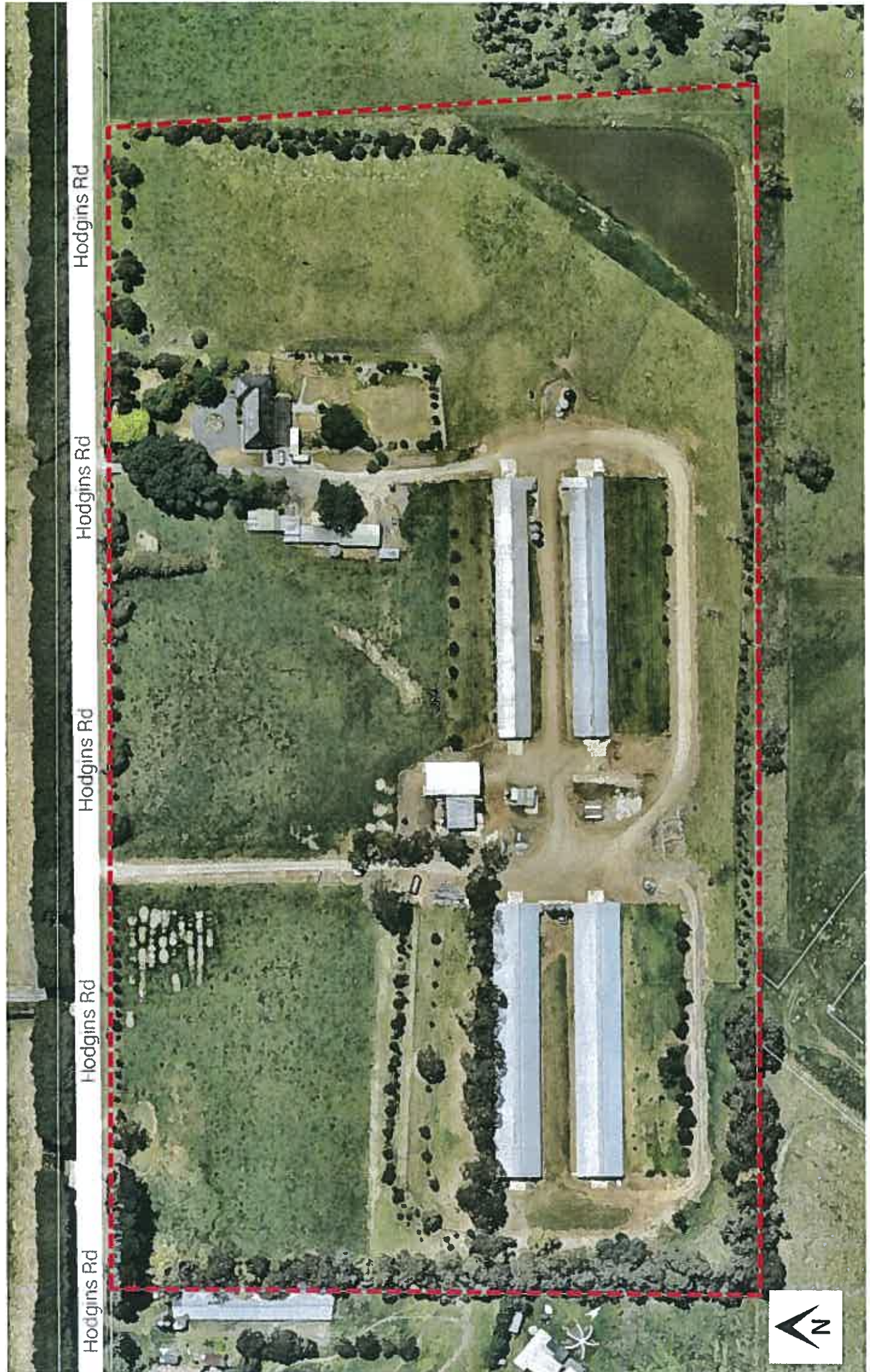


View looking towards Shed 4 (to be retained)



View looking towards Shed 3 (to be retained)

The aerial photograph (*NearMap* November 2014) on the following page depicts the subject site and surrounding environs in greater detail.



Hodgins Rd

Hodgins Rd

Hodgins Rd

Hodgins Rd

Hodgins Rd



5. Title Restrictions

Certificate of title confirms the subject site is not affected by any Restrictive Covenants or Section 173 Agreements.

6. Site Context

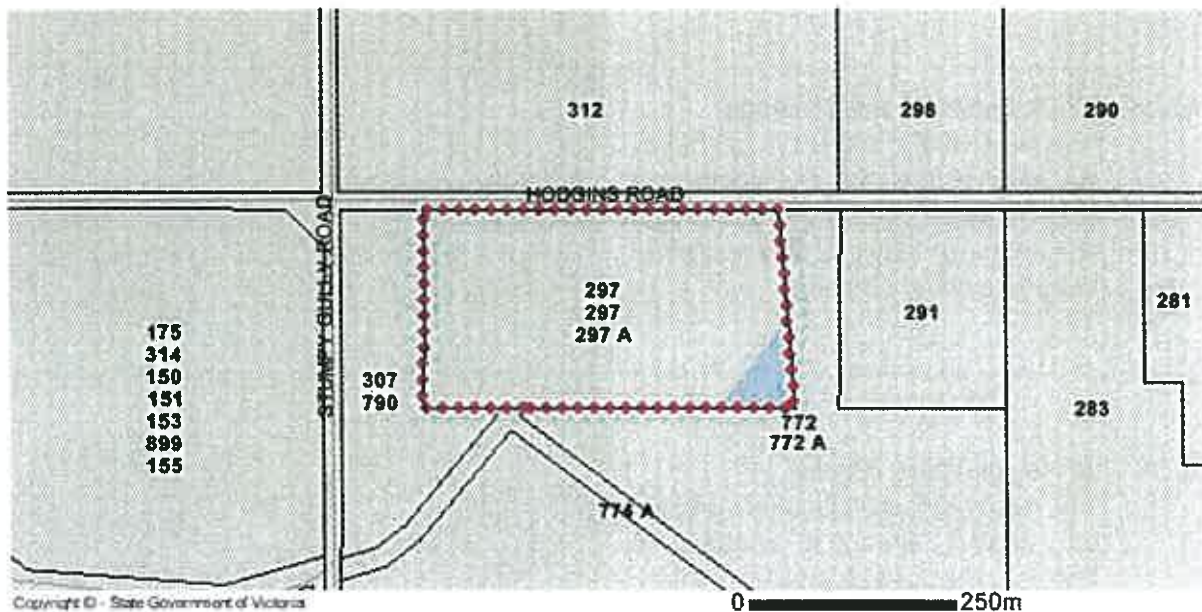


View looking westerly along Hodgins Road

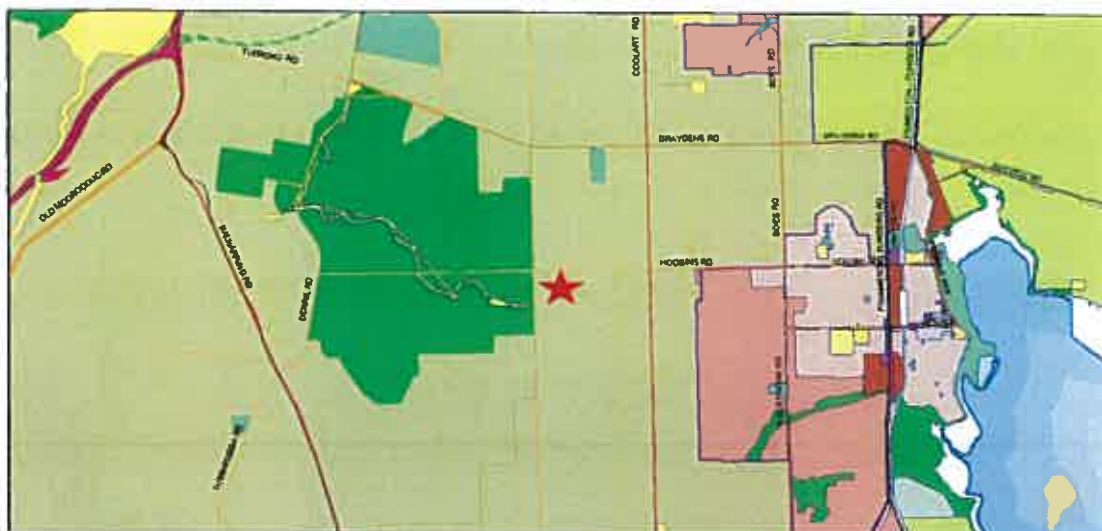


View looking easterly along Hodgins Road

As shown on the following map provided by DPTLI, the subject site is located within a designated bushfire prone area.



Furthermore, the land is located within a rural area located between Hastings to the east and Devilbend Reservoir to the west, as shown in the following Zone Map:



7. Surrounding Environment

North Hodgins Road
312 Hodgins Road Tuerong
 This rural property is located across the road from the subject site and is occupied by a dwelling with a number of large sheds used for rural industry.



South 772 Stumpy Gully Road Tuerong
 This large rural allotment is located to the rear of the site and contains a dwelling well setback from the subject site with surrounding land generally used for animal husbandry.



East 291 Hodgins Road Tuerong
 This rural residential allotment adjoins the subject site and contains a dwelling. The dwelling is surrounded by agistment paddocks.



West 307 Hodgins Road Tuerong
This rural residential allotment adjoins the subject site and contains two dwellings.



8. State Planning Policy Response

The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The fostering of economic growth by providing land and responding to the various needs and expectations for land use and development is a key policy direction in addition to allowing land to achieve its economic potential and provide places of employment is a key policy direction addressing aspects of economic, environmental and social well-being.

Of relevance is Clause 11.04-7 which seeks to “*protect the green wedges of Metropolitan Melbourne from inappropriate development.*” The strategies of this policy are to:

- *Ensure strategic planning and land management of each green wedge area to promote and encourage its key features and related values.*
- *Support development in the green wedge that provides for environmental, economic and social benefits.*
- *Consolidate new residential development within existing settlements and in locations where planned services are available and green wedge area values can be protected.*
- *Plan and protect major transport facilities that serve the wider Victorian community, such as airports and ports with their associated access corridors.*
- *Protecting important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.*
- *Protect areas of environmental, landscape and scenic value.*
- *Protect significant resources of stone, sand and other mineral resources for extraction purposes*

Clause 11.14 Planning for identified distinctive areas also identifies the Mornington Peninsula as a distinctive area worthy of protection and enhancement. A clear direction of the Mornington Peninsula Localised Planning Statement (July 2014) is to appreciate the existing diversity and delicate balance of land-use which has been carefully planned over a long period on the Mornington Peninsula and the economic, social and environmental benefits of maintaining this balance.

Furthermore, Clause 12.04-2 seeks to “protect landscapes and significant open spaces that contribute to character, identity and sustainable environments” through the following strategies:

- *Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.*
- *Improve the landscape qualities, open space linkages and environmental performance in green wedges and conservation areas and non-urban areas.*
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure natural key features are protected and enhanced.*

Having considered these matters, it is submitted that this proposal accords well with relevant state policy as it seeks to continue an established land use which provides economic growth to the area and is set amongst surrounding intensive agricultural activities. As acknowledged by Council, there are more than ninety broiler farms within the municipality of Mornington Peninsula Shire with 222 sheds capable of an output of seven million birds each batch. The Shire’s Environmental Health Team regularly visits each of these farms to assess compliance with the Broiler Farm Code of Practice. It also investigates complaints regarding offensive odours from poultry farms under the Health Act.

We have not been made aware of any recent complaints with respect of odour, noise, dust, light spill, visual amenity. Taking this into account, we submit this proposal, given the increase in technologies through upgrading the shedding, will not cause additional adverse impact to surrounding properties.

9. Local Planning Policy Response

Clause 21.09-2 Supporting Agriculture and Primary Production recognises that broiler chicken farming is a particular issue of concern on the Peninsula. It is an important economic activity however, the scale of the buildings, the practices associated with farm operation (including night time collections) and variations in odour emissions may lead to conflicts with landscape objectives and the expectations of other rural residents. It is an identified strategy to ensure proposals support the use of rural land for farming to the maximum extent that is environmentally sustainable and consistent with maintaining landscape character and to maintain appropriate buffer distances from intensive activities such as broiler farms. Moreover, expansion of broiler chicken farms in areas where this form of use and development is already well established, to the extent this is compatible with achieving compliance with State Environmental Protection Policies and best practice environmental management guidelines should be encouraged.

Elaborating on the themes in Clause 21.09, Clause 22.15 – Landscape Protection and Broiler Farms acknowledges that broiler farming is a significant land use on the Mornington Peninsula with over 90 established broiler farms. There is a continuing demand for farm expansion and new farm development on the Peninsula, due to established patterns of production between farmer/growers and processing companies and the relatively mild climate. The Victorian Code for Broiler Farms provides a framework for new farm proposals and the expansion of existing farms and addresses the major issues associated with the potential offsite impacts – Refer to Section 11 of this report for a thorough assessment.

We recognise that the landscapes of the Peninsula are a valuable recreational and economic resource and the potential impact of broiler farming is such that a precautionary approach is warranted. Notwithstanding this, we submit the subject site is not located on land identified in the following “broiler farm exclusion” areas:

- Northern Mosaic – in the area between Golf Links Road and Baxter Tooradin Road, Baxter, north of the Baxter Tooradin Road, Baxter or west of the Moorooduc Road, Baxter.
- Moorooduc Plain and Balcombe Valley – in the area west of Moorooduc Road, Moorooduc or north of the Baxter Tooradin Road, Baxter.
- South East Peninsula.
- South East Basalt Slopes.
- Southern Basalt Slopes.
- Kangerong Basin.
- Arthurs Seat Escarpment.
- Arthurs Seat Southern Slopes.

In addition to the above, it is submitted that the proposal meets the decision guidelines identified in Clause 22.15-4 as follows:

Guideline: The proximity of other broiler farms or other poultry farms, the intensity of their development and the cumulative impact of these developments on the landscape of the area.

Response: Within a 1km radius of the subject site there is only one other chicken farm located at 746 Stumpy Gully Road, to the south of the subject site, as highlighted on the below image:



Taking this into account, it is submitted that there will be minimal cumulative impact from the proposal and the expansion sought will not detriment the wider landscape.

Guideline: The existing subdivision pattern in the vicinity of the proposed broiler farm site and the potential for additional housing.

Response: We appreciate that a recognised problem surrounding chicken farms is the presence of residences being located within close proximity to legitimate agricultural activities. Amongst the problems this can give rise to, is the demand for and complaints about farming activities and the affects they may have on residential amenity. People choosing to live on land zoned for farming purposes should not assume that they are entitled to amenity similar to the midst of a prime residential zone. Whether people living on neighbouring properties are there in association with agriculture or simply for residential purposes, they have to expect and accept that the subject site has operated as a chicken farm since 1992 and the farming activities carried out on the land will have certain amenity affects that are acceptable, in the green wedge zone.

These may include the appearance of buildings and works associated with the land use and the noise, traffic and dust likely to be associated with such activities. The noise and dust associated with such activities as grazing, rearing livestock, plowing, spreading superphosphate, cutting and baling hay and so on have to be accepted. The same is true in relation to vehicles coming to and from such properties for the purposes of making deliveries or taking away stock or produce from chicken farms. Some such activities are commonly conducted at night. Such transportation can include moving stock and collecting produce such as milk or, for that matter, mature chickens.

Guideline: The effect on the landscape quality of the locality and the need for a landscape impact assessment by a properly qualified person.

Response: The subject site already has four existing large sheds and the proposal, to replace the two older sheds, is deemed reasonable as the landscape will have a negligible visual change. We acknowledge the existing broiler sheds are substantial structures, but not out of place in the rural farming setting which is not excessively prominent in the landscape. Of the four active broiler sheds 3 & 4 are the most recent and most up to date. They display modern “state of the art” broiler farming technology. In this respect, they can be contrasted with sheds 1 & 2 which, although still in operation, are of an earlier and less satisfactory type. They are less satisfactory and less efficient, not only for production purposes, but also in relation to potential amenity affects.

Older sheds like sheds 1 & 2 are known as cross ventilation sheds. They involve ventilation partly by natural means and partly by mechanical means. They involve a good deal of manual management in relation to the side curtains, ventilating equipment, apertures and fogging. Fogging is a device for maintaining coolness by propelling very fine droplets of water into the atmosphere of the shed to cool it. Most older shed arrangements are susceptible to breakdown or “upset” conditions where things go wrong. The opportunities for things to go wrong are much greater for older sheds than for the more modern and sophisticated tunnel sheds. Mishaps, breakdowns and upset conditions are undesirable from the point of view of the broiler farm because it can have an adverse affect on the poultry and their development. It can also create external adverse amenity conditions and may give rise to adverse conditions or complaints from beyond the property.

For this reason, upgrading sheds 1 & 2 will not only achieve better efficiency and control from a management point of view, but also because of the reduced opportunity for upset conditions and adverse amenity impacts.

Guideline: The ability to screen the development by means of landscaping and the proposals contained in the landscape plan.

Response: The existing sheds are reasonably screened by means of existing landscaping within the site. Our application to extend the existing broiler farm does not propose any additional landscaping however should Council deem necessary, we would be pleased to accept a permit condition requiring the submission prior to the replacement sheds being developed.

Guideline: In the case of an existing broiler farm, the ability lessen visual impact by:

- *Upgrading the condition of existing buildings.*
- *The provision of landscape screening.*
- *Whether the buildings are capable of being operated in an efficient manner, which does not generate adverse off site effects.*

Response: The proposal to replace two older sheds with more technologically advanced shedding, as expressed already, will result in reduced emissions from the site. As such, it is deemed reasonable to bring the farm numbers back up to the originally approved (113,960 = 15.7 birds per m²) which is the recognised industry rate for free range broiler farms.

10. Response to Planning Permit Triggers

The purposes of the Green Wedge Zone, found at Clause 35.04 of the planning scheme, include the recognition, protection and conservation of Green Wedge land for its agricultural (amongst other) opportunities and the encouragement of sustainable farming activities. With an area of 10 hectares, the subject site is suitable for the continued use of an intensive agriculture (broiler farm).

It is submitted that the proposal meets the objectives of the zone and decision guidelines identified as follows:

General Issues Guideline:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development.*
- *How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.*
- *Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*
- *Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.*

Response: A thorough State and Local Planning Policy assessment has already been provided earlier in this submission – refer to sections 8 & 9. With respect of the remaining general guidelines, I draw Council's attention to VCAT Decision Davidson v Mornington Peninsula SC (19 October 2009). The merits of this case involve alterations to an existing broiler farm at 81 Graydens Road, Hastings. This case is pertinent to bring to Council's attention given VCAT deemed the replacement of curtain walled shedding with tunnel shedding would result in an improved amenity outcome. Taking this into consideration, it is submitted that this application seeks a similar outcome we submit would not impact unreasonably upon surrounding land uses.

Environmental Issues Guideline:

- *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.*
- *How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.*
- *The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.*

Response: Replacing Sheds 1 & 2 does not require the removal of any vegetation and seek earthworks for their construction including levelling outdoor areas for the use of the birds for free ranging and access driveways. The area required for free ranging is approx. 1.5 times the size of the shed. Given the size of the allotment and site's existing connection to reticulated water and sewerage, it is deemed an integrated land management plan is not warranted. Furthermore, the existing operation has an effective composting system for the disposal of dead birds. No alterations to this process are required as a result of this application as the system is of a size and scale capable to contain the proposal sought.

Design and Siting Issues Guidelines

- *The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.*
- *The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.*

Response: The proposed replacement sheds will maintain a maximum overall height of 6.7 metres. They will be constructed out of colorbond and maintained in colours to match sheds 3 & 4. Increased technologies of the new sheds will result in improved odour control and assist with ventilation of the birds to limit offsite amenity impacts.

In addition to the above, Clause 57 relates to Metropolitan Green Wedge land. The purposes of this clause are expressed as follows:

- *To protect Metropolitan Green Wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource and recreation value.*
- *To protect productive agricultural land from incompatible land uses and development.*
- *To ensure that the scale of use is compatible with the non-urban character of Metropolitan Green Wedge land.*
- *To encourage the location of urban activities in urban areas.*
- *To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.*
- *To provide deeming provisions for Metropolitan Green Wedge land.*

Along with the Green Wedge Zone, Clause 57 contains a list of prohibited uses, of which Broiler Farm is not listed. Therefore, we confirm the proposed buildings and works associated with a Section 2 Use – Broiler Farm – are acceptable in the circumstances of this proposal.

Clause 42.01 Environmental Significance Overlay, Schedule 4 has the following environmental objectives:

- *To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.*
- *To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.*
- *To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.*
- *To promote siting and design of buildings and works that is responsive to the undulating rural landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.*

It is submitted that the proposal meets the objectives of this overlay and decision guidelines identified as follows:

Guideline: The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Response: A thorough State and Local Planning Policy assessment has already been provided earlier in this submission – refer to sections 8 & 9.

Guideline: The statement of environmental significance and the environmental objective contained in a schedule to this overlay.

Response: It is acknowledged that this area forms part of the catchment of the Warrengine Creek, and other streams and waterways discharging to Westernport Bay. It is also an area of strategic landscape importance, with an open undulating terrain that defines part of the rural edge to the townships of Somerville, Tyabb, Hastings, Bittern, Crib Point and Balnarring. The proposed replacement sheds and returning the farm numbers to the originally approved capacity are not submitted to detriment these qualities and will ensure the ongoing viability of the chicken operation.

Guideline: The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.

Response: As already confirmed earlier in this submission, the subject site is located in an area of Bushfire Threat and the proposal does not result in the removal of any vegetation. The risk to property and life will not be further impacted as a result of this application proceeding.

11. Victorian Broiler Code 2009

We understand in circumstances where a planning permit application indicates that farm capacity is not increasing, Council acknowledges that the Broiler Code does not apply, as stipulated in the *Memorandum of Understanding*. This application seeks to bring the farm numbers back up to the originally approved capacity and therefore the Broiler Code, particularly Section 11, Strategic and Land Use Planning Considerations, should be used only by Council to inform and guide the assessment of these upgrade applications.

Taking this into account, the purpose of Clause 52.31 Broiler Farm is to facilitate the establishment and expansion of broiler farms in a manner that is consistent with orderly and proper planning and the protection of the environment. It is a requirement under this provision that applications seeking an increase in farm capacity of an existing broiler farm comply with the Victorian Code for Broiler Farms 2009. The Code provides for the minimisation of odour impact on nearby sensitive uses by way of farm management, shed design and separation distances. The separation distances contained in the Code apply to the development or expansion of broiler farms. Importantly, the Code suggests that separation distances can be used as a guide to identify the locations where a future sensitive use may be adversely impacted by broiler farm emissions.

The Code further states direct application of separation distances between new sensitive uses and existing farms built prior to the Code (prior to 2001) can be problematic and in most circumstances unreasonable. Often older farms were established at a time when there was no expectation that the approval of the farm would limit the use of adjoining land. In cases such as this the historical performance of farms in relation to the management of odour should be well established and the Responsible Authority may be able to consider the need to maintain an adequate separation distance with the site specific knowledge of the broiler farm's likely impact.

For this reason, we submit increasing the shedding footprints resulting in a minor encroachment to adjoining dwellings is reasonable taking into account the Memorandum of Understanding agreements and likely additional risk of exposure to odour as a result of the increase in farm capacity and upgrade in farm technology (shedding). Notwithstanding this, there are a number of considerations that have to be catered for in running a broiler farm and to summarise, conditions need to be maintained in a safe, healthy and efficient state for the birds to live in during their time on the farm.

The following provides an overview of the relevant sections of the Code and provides a response where necessary:

Section 4 - Key Amenity & Environment Issues

Three ways of avoiding odour, dust, noise, light spill and visual amenity emissions from adversely impacting the amenity of nearby sensitive uses are submitted to be:

1. locate the sheds, litter stockpiles and compost piles back from the property boundaries
2. provide appropriate separation distance between the broiler activities and adjoining sensitive uses.
3. employ best practice in the design, siting, operation and management of the farm.

It is submitted that the existing sheds are appropriately located from property boundaries to mitigate visual amenity issues, and the immediate impact of odour, noise and dust emissions from broiler sheds, litter stockpiles or compost piles on the amenity of the surrounding area.

Given the constrained siting of existing the sheds, the separation distance from the nearest external edge of the replacement sheds to the nearest external edge of the sensitive use, will only be marginally reduced as a result of the proposal. The proposed separation distances is submitted to provide sufficient space to minimise the risk of offensive odour and dust emissions under both routine and abnormal (or upset) conditions adversely impacting the amenity of existing sensitive uses.

In addition to separation distances, the farm also employs best practice to manage and control emissions and wastes. This is achieved through a combination of sound shed design, good farm management practices, including regular cleaning and maintenance of facilities, and effective waste management which is essential to minimise the risk of offensive odour and dust emissions. Covering stockpiles is one way which helps avoid potential adverse impacts of dust on nearby sensitive uses. Appropriate management of vehicle movements and utilisation of existing formalised internal road network, between the sheds, further assists in shielding noisy equipment and activities from adjoining land uses. The replacement sheds, although quite large, are not deemed to dominate the landscape given the relatively flat topography and views across the site are not considered to be of high landscape significance.

The farm manager is aware of their obligations under the Environment Protection Act 1970 to protect against odour, dust and environmental noise. The subject site controls runoff into the surrounding environment in all aspects of the broiler farm operation including the broiler sheds and stormwater systems which have been designed to avoid nutrient run-off to ground and surface waters, especially around the litter and compost piles. Management techniques for spent litter are used onsite via composting. Composting is the controlled biological decomposition or treatment of an organic part of a material (in this case, spent litter) to a condition sufficiently stable for nuisance free storage and for safe and beneficial use in land applications. Composting is actively managed with regular turning, aerating and ensuring adequate moisture content and temperature is maintained in accordance with the *Environmental Guidelines for Composting and Other Organic Recycling Facilities*.

The removal of dead birds is a daily operation and the subject site composts dead birds with the spent litter. This system provides a nutrient-rich product to be used as a fertiliser. Best practice techniques are used for composting of dead birds in accordance with the *National Environmental Management System for the Meat Chicken Industry* to minimise biosecurity risks, run-off of nutrients to ground or waterways, vermin issues and / or adverse impacts on local amenity from dust or odour emissions.

Section 5 - Classification of Broiler Farms & Separation Distances

The *separation distance* is the distance from the nearest external edge of the new or existing broiler shed to the nearest external edge of the sensitive use (that is the nearest edge of the house) on land beyond the broiler farm property. Formula for the calculation of separation distances:

$D = 27 \times N^{0.54}$ (D = Separation Distance (metres), N = farm capacity / 1000, 0.54 is an exponential factor that is applied to N). The formula is applicable to farms up to or equal to 400,000 birds.

Based upon the above, the subject site's separation distance based on maximum density rate is:

$$D = 27 \times (133.96)^{0.54} = 380.13 \text{ metres}$$

It is submitted that the Broiler Farm falls under **Special Class** of farm as:

- the farm capacity is less than or equal to 400,000 birds
- the development can *generally* meet the minimum separation distance requirement (as defined by Formula 1) but this distance is not fully contained within the broiler farm boundary.

Note: the Responsible Authority may approve a reduction in the separation distance if odour reduction technology is incorporated into the farm design. Under Clause 66.05 of the Victoria Planning Provisions and all planning schemes, notice of an application for a Special Class broiler farm must be given to EPA Victoria in accordance with Section 52(1)(c) of the Planning and Environment Act 1987.

Section 6 - Odour Environmental Risk Assessment

As the farm is existing and has been operating without impact to surrounding properties for many years, we submit that submission of an Odour ERA report is not warranted and Council agrees to uphold the agreement entered into within the Memorandum of Understanding.

Section 7 - Farm Design & Operation Elements

Six best practice elements of broiler farm siting, design and operation make up the key components of this section which are outlined as follows:

Element 1 (E1): Location, siting and size

Approved measure		Complies?
Amenity protection		
E1 M1.1	The nearest external edge of a new or existing broiler shed(s) or temporary litter stockpile / compost pile is / are set back by at least 1000 m from the boundary of a: <ul style="list-style-type: none"> • residential zone, urban growth zone or other urban zone where housing is a primary purpose of the zone or • future residential area, shown on a plan or strategy incorporated in the planning scheme. 	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E1 M1.2	The nearest external edge of a new or existing broiler shed(s) or litter stockpile / compost pile is / are set back by at least 750 m from the boundary of a: <ul style="list-style-type: none"> • zone that provides for rural living (ie. a Rural Living Zone or Green Wedge A Zone), or • future rural living area shown on a plan or strategy incorporated in the planning scheme. 	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E1 M1.3	Prevailing meteorological conditions and topographical features are	<input checked="" type="checkbox"/> YES

	taken into account in determining the adequacy of separation distances to nearby sensitive uses.	<input type="checkbox"/> NO <input type="checkbox"/> N/A
E1 M1.4	The nearest external edge of any new shed or temporary litter stockpile / compost pile is / are set back at least 100 m from the broiler farm property boundary.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E1 M1.5	The nearest external edge of a temporary litter stockpile / compost pile is / are set back at least 300 m from an existing sensitive use beyond the broiler farm property boundary.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E1 M1.6	The nearest external edge of a litter spreading area is set back at least 20 m from the broiler farm boundary.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E1 M1.7	The nearest edge of a litter spreading area is set back at least 100 m from any existing sensitive use beyond the broiler farm property boundary.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Waterway protection		
E1 M2.1	A natural vegetative buffer zone of at least 30 m (or any greater distance specified in the planning scheme, or by the Catchment Management Authority) is maintained along waterways. No buildings, roads or litter storage or litter re-spreading areas are located in the vegetative buffer zone. The measuring point for a waterway is the point water may reach before flowing over a bank (the bank-full discharge level).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
E1 M2.2	A clearance of a further 20 m from the edge of the natural vegetative buffer zone to the nearest external edge of any broiler shed is provided to ensure adequate shed ventilation, minimise vermin habitat and provide adequate access to the sheds and fire-fighting protection.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
E1 M2.3	No solid or liquid waste (including temporary litter stockpiles, compost piles and litter spreading areas) is stored or disposed of within: <ul style="list-style-type: none"> • 800 m of any potable water supply take-off controlled by a statutory authority • 200 m of any waterway supplying potable water • 100 m of any other type of waterway. 	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Protecting the visual quality of the landscape		
E1 M3.1	Buildings and works are not sited on steep slopes (greater than 20 per cent slope).	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E1 M3.2	Buildings and works are oriented to follow the contours of the land.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E1 M3.3	Existing ridgeline vegetation is maintained to avoid breaking the ridgeline silhouette.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Biosecurity		
E1 M4.1	The nearest external edge of new or existing broiler sheds is / are set back from sheds on other poultry farms by the distance specified in Table 1 of <i>Biosecurity Guidelines for Poultry Producers</i> (Agnote AG1155 at www.dpi.vic.gov.au/notes).	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E1 M4.2	Temporary litter stockpiles or compost piles are separated by at least 100 m from a new or existing broiler shed on the subject land, or are sited and managed as otherwise stipulated by the processor to meet biosecurity requirements.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E1 M4.3	The litter spreading area is separated by at least 20 m from a new or existing broiler shed on the subject land, or is sited and managed as otherwise stipulated by the processor to meet biosecurity requirements.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

Future use and development of neighbouring land		
E1 M5.1	Class B Farms – The required minimum separation distance covers no more than 50 per cent of the area of a property located beyond the broiler farm property boundary.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
E1 M5.2	Special Class and Farm Clusters – There are no approved measures for Special Class and Farm Clusters under Standard E1 S5. These broiler farm applications must be assessed against this standard on a case-by-case basis using the information produced by the Odour ERA (see the 'Odour Environmental Risk Assessment (Odour ERA)' section of this Code).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

Element 2 (E2): Farm design, layout and construction

Approved measure		Complies?
Protecting the visual quality of the landscape		
E2 M1.1	Buildings are constructed in response to the topography of the land as follows: <ul style="list-style-type: none"> • On flat land, buildings directly in the view line of adjacent roads and dwellings on neighbouring properties are screened by vegetation (see Element 4: Landscaping). • On hilly terrain, the construction of terraces or earth platforms avoids unnecessary or excessive earthworks, and suitable erosion control measures are in place (see also Standard E1 S3 and Approved measures E1 M3.1-3.3). 	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M1.2	Broiler shed walls are clad externally in materials that are non-reflective and finished in natural colours and tones of surrounding vegetation, soil, rocks or other natural features, to improve the visual integration of buildings with the natural landscape.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Efficient farm operation		
Shed design and orientation		
E2 M2.1	New broiler sheds are orientated to minimise the risk of odour, dust and noise impacts on the surrounding community with tunnel ventilation fans being located at the furthestmost point away from the nearest sensitive use and taking into account the locality and concentration of other sensitive uses.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M2.2	The design and construction of broiler sheds, associated works and roads facilitates the efficient delivery of feed and birds, collection of birds, and the cleaning and maintenance of sheds and collection areas.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M2.3	Broiler sheds and feed silos are constructed to prevent access by wild birds, vermin and rodents.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Feeding and watering systems		
E2 M2.4	A continuous water supply is available to the proposed development site (from reticulated town water supply, dams or a bore) for drinking, shed cooling and shed wash down (disinfection).	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M2.5	A back-up supply or storage of water is available to hold at least one day's total requirement, in case of a breakdown or loss of normal water supply.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M2.6	When dam or river water is used to supply water, chlorination, ultraviolet light systems or other appropriate disinfection procedures are used to disinfect the water.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

E2 M2.7	Feed and watering systems can be adjusted to meet the requirements of the birds as they grow.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M2.8	Nipple drinkers with trays are used to provide drinking water.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M2.9	Silos and feed systems are designed, sited and constructed to minimise spills of feed.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Avoiding environmental impacts from broiler sheds		
E2 M3.1	A concrete hard stand area is located at the entrance to each broiler shed.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Broiler shed floors		
E2 M3.2	The base of the broiler sheds is constructed from low permeability materials such as concrete, compacted clay or another sealed surface.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M3.3	The finished floor level of the broiler sheds is above the natural surface level to prevent the entry of stormwater run-off. Alternatively, the shed is bunded or a surface drainage system is installed to prevent the entry of stormwater run-off.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Noise management		
Farm equipment		
E2 M4.1	The design, siting and selection of all mechanical equipment, including fans, pneumatic feed systems and other equipment, minimises the generation of mechanical noise and the likelihood of off-site vibration.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Stormwater drainage		
E2 M5.1	Clean stormwater collection areas are separated from areas that broiler farm waste may affect.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M5.2	Stormwater from sheds and hard standing apron areas is collected and managed on site in a dam(s) or tanks within the broiler farm boundary.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M5.3	Stormwater table drains with an appropriate gradient are established along all building lines to collect stormwater run-off from sheds and hard standing apron areas.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M5.4	In areas subject to soil erosion, the system design incorporates mitigation methods such as crushed rock traps and drops.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M5.5	Stormwater management is consistent with any stormwater management plan of the responsible authority.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E2 M5.6	Retaining dams are constructed with the capacity to retain run-off from a one-in-ten-year storm.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

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

Approved measure		Complies?
Site access (Standard 1)		
E3 M1.1	Access points are constructed to a standard that minimises deterioration in the road pavement, avoids sharp turns and provides sufficient road width for truck turning movements.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E3 M1.2	For site access from a public road, the gate to the broiler farm is at least 30 m inside the broiler farm boundary, so articulated vehicles requiring access can park off the public road while the gate is being opened.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Site access (Standard 2)		
E3 M2.1	Vehicle access points are located as far away as possible from a sensitive use not associated with the broiler farm.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E3 M2.2	All lighting is located, directed and baffled to limit light beyond the development site boundaries.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Internal roads and car parking (Standard 1)		
E3 M3.1	Internal roads and parking areas are constructed of a compacted sub-base with table drains, and a compacted gravel layer with a camber to shed rainwater to the drains.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E3 M3.2	An area(s) is provided for parking articulated vehicles involved in loading and unloading stock, feed, litter and waste.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Internal roads and car parking (Standard 2)		
E3 M4.1	Internal roads and parking areas are designed to ensure efficient traffic flow and to reduce the need for vehicles to reverse. The layout allows ease of access to the site, avoids the use of sharp turns, and for vehicles to leave the farm travelling in a forward direction.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E3 M4.2	Internal roads and parking areas are located as far away as possible from a sensitive use not associated with the broiler farm.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E3 M4.3	All lighting is located, directed and baffled to limit light beyond the development site boundaries.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

Element 4 (E4): Landscaping

Approved measure		Complies?
Landscaping		
E4 M1.1	The landscape plan provides for dense vegetation and planting along frontages to public roads and other highly exposed site boundaries to provide screening of the broiler farm buildings, structures and handling areas.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
E4 M1.2	The landscape plan incorporates a mix of trees and large shrubs to ensure effective upper level and lower level screenings of the farm.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
E4 M1.3	As far as possible, the landscape plan retains existing trees, particularly native vegetation, and a mix of native and local indigenous plant species that blend into the landscape ¹¹ .	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

E4 M1.4	Mounds to a height of approximately 2 m are used if the combination of natural topography and tree planting cannot effectively screen a broiler farm. Soil from shed excavation, stormwater drains and farm dams may be suitable for constructing these mounds.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
E4 M1.5	Plantings and vegetation are located no closer than 20 m from the perimeter of the broiler sheds to ensure adequate shed ventilation, minimise vermin habitats, and provide adequate shed access and fire-fighting protection.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E4 M1.6	Unpaved areas around sheds are grassed to prevent soil erosion and minimise the heat load on the buildings through radiation from bare ground.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E4 M1.7	Ground surfaces that are exposed to erosion are stabilised with ground cover planting or other means to minimise erosion.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E4 M1.8	The permit approval requires the establishment of a landscape performance bond, to ensure effective implementation of a landscape plan approved by the responsible authority.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

Element 5 (E5): Waste management

Approved measure		Complies?
Spent litter		
Temporary stockpiling or composting of litter on farm		
E5 M1.1	Temporary litter stockpiles or compost piles are not visible or are well screened from neighbouring sensitive uses. If piles are visible from the broiler farm boundary, then they are screened by shedding or other suitable material.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E5 M1.2	Temporary litter stockpiles or compost piles are located to prevent water run-off into sensitive areas, such as stormwater drains, waterways and catchments. Additional bunding may be required to prevent entry to, and contamination of, stormwater run-off. It may also be required to prevent extraneous stormwater run-off from entering the compost pile.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E5 M1.3	Nutrient-rich run-off from the temporary litter stockpiles or compost piles is collected in a sump or dam and may be re-used to add moisture to the pile.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E5 M1.4	Temporary litter stockpiles or compost piles are on an impermeable base such as concrete, compacted clay or cement-stabilised soils, to prevent nutrient leaching.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Re-use (spreading) of litter on farm		
E5 M1.5	The litter application site is not on land subject to flooding, steep slopes (greater than 10 per cent), rocky, slaking or highly erodible land or highly impermeable soils where there is any risk of nutrient run-off to waterways, surrounding land or groundwater.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Dead birds		
Disposal by removal off farm		
E5 M2.1	Where birds are to be frozen before collection, adequate freezers and space for the freezers are provided.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

E5 M2.2	The collection point (for the collection vehicle) is as far as practical away from the farm site so that dead bird bins are not left in public view, and the collection vehicle does not come in close proximity to the broiler sheds.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E5 M2.3	The collection point is appropriately constructed so the bins are protected from extreme weather conditions (for example, from winds that will cause lids to open or bins to tip over); and the site can be easily cleaned in the event of a spill.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E5 M2.4	Dead bird collection vehicles and all containment systems are leak proof and vermin proof.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Disposal by composting on farm		
E5 M1.1-1.4	All apply to meet the standard for this system of dead bird management.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Additional general measures		
E5 M2.5	Incineration of dead birds is conducted only in incinerators built for purpose.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E5 M2.6	On-site burial of dead birds is undertaken only in an emergency situation and with the approval of the relevant authorities (the Chief Veterinary Officer of the Department of Primary Industries and EPA Victoria).	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Chemical waste		
E5 M3.1	Secure sheds, with an impermeable concrete base and appropriate bunding to avoid contaminated runoff, are provided to store chemicals, fuels, chemical waste and / or waste containers (before disposal).	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

Element 6 (E6): Farm operation and management

Approved measure		Complies?
Environmental Management Plan (EMP)		
E6 M1.1	All measures are in place to ensure best practice management of the farm to avoid or minimise the risk of adverse impacts on the surrounding environment and neighbouring sensitive uses.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
E6 M1.2	The farm grower / operator maintains and updates (as required) a manual farm operation and management plan, which is available for inspection by the Responsible Authority.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

12. Conclusion

The proposal submitted is deemed to meet the requirements of the Mornington Peninsula Planning Scheme and should proceed to referrals and public notification based on the justification provided.

Should Council deem this application is appropriate for support, Planning Permit 8036A should be amended in the following ways:

- Supersede Endorsed Plan dated 21/1/93

- Endorse amended plans prepared by Mt Martha Drafting and Design Ref: 2835-tp
- Amend the permit pre-amble as required to allow two older shed to be replaced
- Tidy up all permit conditions including inclusion of a new permit condition confirming the farms maximum capacity

Appendix 1

Practice Note 63